

JOURNAL OF THE FLORIDA SENATE

Tuesday, May 11, 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 Reuter—

SB 1546—A bill to be entitled An act relating to the St. Lucie county small claims court; amending sections 2(a), 5, 6, 12, and 24 of Chapter 57-973, as amended by chapter 65-1184, Laws of Florida, by increasing the jurisdictional limit of said court, setting the salary of the judge, authorizing appointment of a clerk, deputy clerks and assistant clerks, increasing the filing fees and increasing the collection fees; repealing chapter 67-890 and chapter 69-699, Laws of Florida; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1546.

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

By Senator Pope—

SB 1547—A bill to be entitled An act supplementing Chapter 61-2750, Laws of Florida, and exempting St. Johns County from the provisions of Chapter 125.35, Florida Statutes, with reference to lease rental spaces in the St. Johns County Courthouse, providing that such spaces are not required for county purposes and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1547.

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

By Senators Karl and Daniel—

SB 1548—A bill to be entitled An act relating to the South Peninsula Zoning District, Volusia County, Florida, empowering the zoning district and zoning commission of said zoning district to enact and implement planned unit development zoning regulations in the geographic area within the boundaries of the South Peninsula Zoning District; providing that the powers, procedures and other provisions of this act shall be permissive, supplemental and in addition to powers conferred by Chapter 26475, Laws of Florida, acts of 1949, extraordinary session, as amended by Chapter 2714, Laws of Florida, acts of 1961 and Chapter 2015, Laws of Florida, acts of 1963, and Chapter 67-2150, Laws of Florida; providing a severability clause; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1548.

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

By Senators Karl and Daniel—

SB 1549—A bill to be entitled An act providing for maximum compensation and salary of each of the justice of peace and constables of the justice of the peace districts of Volusia County; providing for the repeal of laws in conflict with this act; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1549.

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

By Senators Karl and Daniel—

SB 1550—A bill to be entitled An act relating to Volusia County; amending Chapter 57-1092, Laws of Florida as heretofore amended by Chapter 65-882, Laws of Florida; providing the judge of the juvenile court shall be a member of the Florida

Bar and shall not engage in private practice; providing for an annual salary, office expenses, travel expenses and per diem; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1550.

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

By Senators Karl and Daniel—

SB 1551—A bill to be entitled An act relating to the South Peninsula Zoning District, Volusia County, Florida, authorizing said zoning district, by and through its zoning commission, to participate in the Halifax Area Study Commission and local government study project; providing that the said district may appropriate and expend a sum of money not to exceed ten thousand dollars (\$10,000) for its contribution to the funding of the said Halifax Area Study Commission project or any similar local government study commission created by a special act and relating to Volusia County, Florida and specifically including within its jurisdiction the geographic area encompassed within the South Peninsula Zoning District; providing that the said ten thousand dollars (\$10,000) or any part thereof may be appropriated from monies received by said zoning district from fees collected or from other sources; providing that said zoning district may apply for federal grants-in-aid or assistance for funding studies and surveys relating to zoning, land use, water, sewer, and air and water pollution control measures; providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1551.

Was read the first time by title 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 7, 1971

Sir:

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

By Representative Hector—

HB 906—A bill to be entitled An act relating to witnesses; repealing §90.07, Florida Statutes, which prohibits convicted perjurers from testifying in court proceedings; amending section 90.08, Florida Statutes, to permit fact of prior conviction for perjury to be submitted in evidence for purpose of impeaching a witness; providing an effective date.

By Representatives Hector and Birchfield—

HB 48—A bill to be entitled An act relating to final process; amending section 56.29(6)(a), Florida Statutes; providing that the burden of proof to establish a transfer of certain property rests with a defendant who has had title to or paid for any personal property within one (1) year before service of process on said defendant, rather than within one (1) year before issuance of execution; providing an effective date.

By the Committee on Natural Resources—

HB 1210—A bill to be entitled An act relating to forestry; amending section 590.081(1), Florida Statutes, to require written permit from the division of forestry before setting fires to any forest, grass, woods, wild lands or marshes, or building campfires or bonfires or burning trash during drought conditions; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 906, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil A.

HB 48, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

HB 1210, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Jerry Thomas May 7, 1971
President of the Senate

Sir:

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

By Representative Gallen and others—

HCR 1523—A concurrent resolution commending Steve Stephens of Palmetto, Florida.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1523, contained in the above message, was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas May 7, 1971
President of the Senate

Sir:

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

By Representative Johnson and others—

HCR 1871—A concurrent resolution commemorating the fiftieth anniversary of Highlands County.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1871, contained in the above message, was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas May 7, 1971
President of the Senate

Sir:

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

By Representative MacKay—

HB 917—A bill to be entitled An act relating to education; amending section 228.041(26)(c), Florida Statutes; providing a definition of vocational education as applied to industrial arts; providing an effective date.

By Representative John Clark—

HB 1411—A bill to be entitled An act relating to the department of education; amending the introductory paragraph of section 231.28, Florida Statutes, providing for the suspension of

teachers' certificates for a period of time not to exceed three (3) years; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 917, contained in the above message, was read the first time by title and referred to the Committee on Vocational-Technical Education.

HB 1411, contained in the above message, was read the first time by title and referred to the Committee on Public Schools.

The Honorable Jerry Thomas May 10, 1971
President of the Senate

Sir:

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

By Representative Sessums—

HB 779—A bill to be entitled An act relating to higher education; amending §239.014(1)(b), Florida Statutes; providing that the St. Petersburg branch of the University of South Florida shall be operated and maintained as a part of the University of South Florida; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 779, contained in the above message, was read the first time by title and referred to the Committee on Universities and Community Colleges.

The Honorable Jerry Thomas May 7, 1971
President of the Senate

Sir:

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

By Representatives Spicola and Gillespie—

HB 564—A bill to be entitled An act relating to cancellation or nonrenewal of casualty insurance contracts; amending §627.0852(9)(c),(d) and (11), Florida Statutes; providing that insurance contracts reinstated pursuant to an administrative hearing shall take effect from the date of cancellation and continue in effect thereafter; providing a fine for wrongfully canceling or wrongfully refusing to renew an insurance contract; excluding certain persons from exemption from suit when furnishing the department information concerning the cancellation or nonrenewal of an insurance contract; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 564, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas May 7, 1971
President of the Senate

Sir:

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

By Representative Spicola—

HCR 1310—A concurrent resolution requesting the Speaker of the Florida House of Representatives and the President of the Senate to refer to the appropriate committees of each house the matter of the protection of scenic areas in Florida and to provide for public hearings thereon with recommendations made to the next annual session of the Florida Legislature.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1310, contained in the above message, was read the first time in full and referred to the Committee on Natural Resources and Conservation.

The Honorable Jerry Thomas
President of the Senate

May 7, 1971

Sir:

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

By Representative Culbreath and others—

HCR 1378—A concurrent resolution urging the United States Department of Agriculture to take certain steps relative to the exportation and importation of cattle.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1378, contained in the above message, was read the first time in full and referred to the Committee on Agriculture.

The Honorable Jerry Thomas
President of the Senate

May 7, 1971

Sir:

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

By Representative Poorbaugh—

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.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 279, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

The Honorable Jerry Thomas
President of the Senate

May 10, 1971

Sir:

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

By the Committee on Criminal Justice—

CS for HB 935—A bill to be entitled An act relating to reclassification of criminal penalties; amending section 775.08, Florida Statutes, to provide definitions of felonies and misdemeanors; adding section 775.081, Florida Statutes, to provide classifications of felonies and misdemeanors; adding section 775.082, Florida Statutes, to provide penalties by imprisonment for felonies and misdemeanors; adding section 775.083, Florida Statutes, to provide penalties by fine for felonies and misdemeanors; adding section 775.084, Florida Statutes, to provide penalties for second and subsequent offenders; amending existing penalty provisions to coincide with classifications of crimes established herein; repealing sections 775.05, 775.06, 775.07, 775.09, 775.10, and 104.40, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 935, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

The Senate recessed at 8:32 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—43:

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

Excused: Senators Gong, Scarborough, Plante, Trask and Brannen.

Prayer by Robert Ryon:

Almighty God, let us walk with light—
That divine light of thine.
That guiding light that helps us walk
Along your straight and narrow line.

Let us walk with light, that we may this day
Do unto our fellow man those things
Directed us in thy holy word
And gain the peace of mind that happiness brings.

Guide us along the path of achievement, O God
and help us keep your will, that we might
Throughout every day from now till then
As you have taught us, walk with light. Amen.

The Journal of May 10 was corrected and approved.

The Journal of May 7 was further corrected and approved as follows:

Page 288, column 2, strike lines 7 through 13 and insert:

HB 1373—A bill to be entitled An act relating to county judges; adding subsection (5) to §44.12, Florida Statutes, as amended by chapters 70-264, 70-349, and 70-454, all Laws of Florida, to fix the salary of the county judge of Flagler County; providing an effective date.

REPORTS OF COMMITTEES

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 1042

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: SB 1211 with 2 amendments, SB 1179

The Committee on Transportation recommends the following pass:

SB 739 with 3 amendments	SB 1218 with 1 amendment
SB 1071	SB 1219
SB 1072	SB 1275 with 1 amendment
SB 1215 with 1 amendment	SB 1279 with 3 amendments
SB 1217 with 1 amendment	HB 241 with 1 amendment

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

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 773

The Committee on Transportation recommends the following pass: SB 1082 with 1 amendment

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

The Committee on Ways and Means recommends a Committee Substitute for: SB 1353

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 1266

The Committee on Judiciary—Civil B recommends a Committee Substitute for: SB 794

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

The Committee on Transportation recommends the following not pass: SB 1046

The bill was laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 625 with 4 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was certified to the House.

BILLS REFERRED TO SUBCOMMITTEES

Privileged Business Subcommittee: SB 1302 (15 days to report to the Committee on Rules, Calendar, Privileged Business and Ethics)

Appropriations "B" Subcommittee: Senate Bills 600, 626, 829, 971, 1036, 1073, 1166, 1210, 1237, 1254, 1255, 1256, 1257, 1258, 1260, 1263 and HB 937 (6 days to report to the Committee on Ways and Means)

Finance and Taxation Subcommittee: CS for SB 921, Senate Bills 1121, 1226, 1227, 1228, 1230, 1233, 1238, 1252, 1253, 1262, 1267, 1268, 1269, 1270, 1271 and 1272 (6 days to report to the Committee on Ways and Means)

Appropriations "A" Subcommittee: Senate Bills 84, 94, 285, 385, 622, 819, 830, 873, 925, 962, 1045, 1126, 1127, 1165, 1175, 1188, 1259, 1261, 1264, 1265, CS for SB 528, CS for SB 826; House Bills 703 and 1360 (6 days to report to the Committee on Ways and Means)

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hollahan, by two-thirds vote, HM 780 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, SCR 1149 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

On motion by Senator Haverfield, the Committee on Universities and Community Colleges was granted an additional 5 days for the consideration of Senate Bills 727, 932 SF, 953 and 966.

On motion by Senator Lewis (43rd), by two-thirds vote, SB 1422 was withdrawn from the Committee on Judiciary—Criminal and from further consideration of the Senate.

On motion by Senator Myers, the Committee on Health, Welfare and Institutions was granted an additional 15 days for the consideration of Senate Bills 959, 989, 1047, 1049, 1050, 1112, 668, 750, 770, 281; and House Bills 914 and 306.

On motion by Senator Karl, the Committee on Commerce was granted an additional 15 days for the consideration of all bills now in the Committee.

On motion by Senator Karl, by two-thirds vote, House Bills 507, 508 and 428 were withdrawn from the Committee on Commerce and placed on the Calendar.

On motion by Senator Bishop, the Committee on Agriculture was granted an additional 14 days for the consideration of SB 641.

On motion by Senator Henderson, by two-thirds vote, SB 246 was withdrawn from the Committee on Ways and Means and placed on the Calendar.

Pursuant to Rule 4.6, a point of order was called by Senator Bishop, and SB 1034 which affects appropriations was also referred to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

May 11, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—SB 1017, SB 1015, SB 1006, SB 374, SB 239.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

RESOLUTIONS

SCR 1149—A concurrent resolution commending the Stetson Model United States Senate to be held November 11, 12, 13, and 14, 1971, at Stetson University, Deland, Florida.

WHEREAS, the Stetson University Model United States Senate is a unique and creative program designed to duplicate the legislative atmosphere of the United States Senate, and

WHEREAS, this program will give young people a real-world experience in the operation of the legislative branch of our national government, NOW, THEREFORE,

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

That the Stetson University Model United States Senate program be commended as a worthwhile and beneficial attempt to educate tomorrow's leaders.

BE IT FURTHER RESOLVED that the Governor be respectfully asked to join in this resolution to commend the Stetson University Model United States Senate.

Was read the second time in full. On motion by Senator Karl, SCR 1149 was adopted and certified to the House. The vote was: Yeas—31 Nays—None

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Beaufort	Graham	Lane	Stolzenburg
Bell	Haverfield	Lewis (33rd)	Ware
Bishop	Henderson	Lewis (43rd)	Weissenborn
Boyd	Hollahan	Myers	Williams
Childers	Johnson (29th)	Poston	Wilson
Daniel	Johnson (34th)	Reuter	

By unanimous consent Senators Pope and McClain were recorded as voting yea.

SM 797 was taken up and on motion by Senator Johnson (29th)—

HM 780—A Memorial to the Congress of the United States to request that Kennedy Space Center be the site for construction of the space shuttle.

WHEREAS, the space shuttle, a reusable low cost rocket for ferrying men and materials back and forth between earth and space stations, is the single most essential piece of hardware for the United States space exploration program, and

WHEREAS, Kennedy Space Center in Florida is the most modern and complete spaceport in the world, and

WHEREAS, some \$600,000,000 worth of facilities needed for the space shuttle program are already available at Kennedy Space Center, and

WHEREAS, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence at Kennedy Space Center, and

WHEREAS, almost \$1,000,000,000 has already been invested in the space program at Kennedy Space Center, and

WHEREAS, a highly skilled team of 18,000 personnel, specializing in operations, maintenance and assembly, is already at Kennedy Space Center, and

WHEREAS, the launch of space shuttles over water adds immeasurably to the safety of the system, and launches from Kennedy Space Center are made over water, and

WHEREAS, Kennedy Space Center offers a unique aggregate of facilities, not available at any other possible sites, for development and operational flights of the space shuttle system at minimum cost to the United States taxpayers, and

WHEREAS, the House Science and Astronautics Committee in its report on the fiscal 1971 budget stated that "maximum use should be made of existing facilities to support the space shuttle program" and that "The extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration," and

WHEREAS, the Honorable Reubin O'D. Askew, Governor of the State of Florida, has received the approval of governors of many of the Southern states in his efforts to locate the space shuttle at Kennedy Space Center in Florida, NOW, THEREFORE,

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

That the Congress of the United States is hereby requested to provide that the National Aeronautics and Space Administration designate Kennedy Space Center as the operational base for the space shuttle.

BE IT FURTHER RESOLVED that copies of this memorial be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Appropriations and Aeronautical and Space Sciences Committees of the United States Senate and the Constitution of the United States and to punish any infractions thereof that may

appear to be sanctioned by any unlawful use of purported authority by an agency not sanctioned by the Constitution of the United States.

BE IT FURTHER RESOLVED that the committee report its findings to the Legislature not later than six (6) months following the adoption of this resolution.

A companion measure was substituted therefor and read the second time in full. On motion by Senator Johnson (29th), by two-thirds vote, HM 780 was adopted and certified to the House. The vote was: Yeas—33 Nays—None

Mr. President	Daniel	Johnson (34th)	Sayler
Arnold	de la Parte	Karl	Stolzenburg
Barrow	Ducker	Knopke	Ware
Beaufort	Graham	Lane	Weissenborn
Bell	Haverfield	Lewis (33rd)	Williams
Bishop	Henderson	Lewis (43rd)	Wilson
Boyd	Hollahan	Myers	
Broxson	Horne	Poston	
Childers	Johnson (29th)	Reuter	

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

SM 797 was laid on the table.

Senator Williams moved that the Senate reconsider the vote by which SB 625 as amended passed on May 10.

Unanimous consent was granted Senator Thomas to change his vote from yea to nay on the passage of SB 625 on May 10.

SPECIAL AND CONTINUING ORDER

SB 1344—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.

—was taken up with pending amendment by Senator Deeb, which was withdrawn.

Senator Barrow moved the following amendment:

On page 47, lines 17 and 18, Item 524, strike "25, 738, 261" and insert: 19, 525, 517

Senator Johnson (29th) presiding.

The President presiding.

Senator Lane moved that debate on the amendment be limited to 5 minutes per side.

Senator Boyd moved as a substitute motion that debate on the amendment be limited to 15 minutes per side. The substitute motion failed.

The question recurred on the original motion, which failed.

The amendment failed by the following vote:

Yeas—14

Barron	Brantley	Johnson (29th)	Stolzenburg
Barrow	Daniel	Johnson (34th)	Ware
Bell	Deeb	Ott	
Bishop	Ducker	Sayler	

Nays—28

Mr. President	Fincher	Knopke	Poston
Arnold	Graham	Lane	Reuter
Beaufort	Gunter	Lewis (33rd)	Saunders
Boyd	Haverfield	Lewis (43rd)	Weber
Broxson	Hollahan	McClain	Weissenborn
Childers	Horne	Myers	Williams
de la Parte	Karl	Pope	Wilson

On motion by Senator Hollahan, the rules were waived and the Committee on Governmental Efficiency was permitted to hold a meeting May 12 at 7:30 a.m. in room 331, Holland Building, instead of in room 31, Capitol, as had been published in the Calendar.

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

On page 47, after line 3 of Item 524, insert: The total number of recipients of aid to families with dependent children shall not be increased by a number in excess of 25% above the previous year's welfare roll without legislative authorization.

Senator Bell moved the adoption of the following amendment:

On page 57, in Item 662 add Subsection (1) to read: (1) In the event of passage by the legislature in the 1971 general session of House Bill 1336 or its equivalent, the appropriations for the office of the public defender for the seventeenth judicial circuit shall be increased \$13,763.

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 the President at 2:00 p.m. A quorum present—43:

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

SPECIAL AND CONTINUING ORDER

The Senate resumed consideration of—

SB 1344—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.

—together with the pending amendment by Senator Bell which failed.

On motion by Senator Weissenborn the following amendment was adopted:

On page 61, Items 718, 719, 720 and 721, strike "Law Revision Commission From General Revenue Fund

- 718 Deleted
- 719 Deleted
- 720 Deleted
- 721 Deleted" and insert:

Law Revision Commission From General Revenue Fund

718 Salaries, Retirement and S.S. Matching of 2 positions	\$26,218
719 Other Personal Services	\$20,620
720 Expenses	\$ 8,000
721 Operating Capital Outlay	\$ 260

Senator Weissenborn moved the adoption of the following amendment:

On page 62, Items 729 and 730, strike

"729 Statutory Committees	\$125,000
730 Auditor General	\$3,694,849"

and insert the following:

729 Statutory Committees	\$97,698
730 Legislative Commission on Migrant Labor	\$27,302
731 Auditor General	\$3,694,849

On motion by Senator de la Parte the following amendment to the amendment was adopted:

Make Item 730 729(a) and renumber 731 as 730

The amendment as amended was adopted.

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

Line 11, page 79, strike: "11. Florida Mental Health Institute—Tampa 5,249,041"

On motion by Senator Poston, the rules were waived and Charles Carlan, staff director for the Committee on Transportation, was granted the privileges of the floor.

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

On page 76, strike entire Item 939 and insert: Salaries, Retirement and S.S. Matching of 1,390 Positions (a) \$10,045,359

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

On page 76, Item 940, strike entire Item and insert: Other Personal Services (b) \$4,512,200

Senators Boyd and Horne offered the following amendment which was moved by Senator Boyd:

On page 90, after section 15, insert:

Section 15A. The Athletic Department at Florida Agricultural and Mechanical University shall receive seventy-five waivers of out of state tuition fees for each of the first three quarters and eighteen waivers for the fourth quarter.

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

After 15A, insert: From those waivers of out of state tuition fees authorized in determining the incidental trust fund in items 221 through 224,

The amendment as amended was adopted.

On motion by Senator Ware the following amendment was adopted:

On page 91, line 5, section 18, after the word "salary" strike the remainder of Section 18 and insert: a period (.)

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

On page 91a, line 18, section 19, strike the period (.) and insert: ; provided, however, no state attorney shall receive a salary in excess of the salary paid to the judges of the circuit court.

On motion by Senator Bell the following amendment was adopted:

On page 92, line 1, section 19, strike "except in the fourth, sixth and eleventh" and insert: except in the fourth, sixth, eleventh and seventeenth

On motion by Senator Daniel, the Senate reconsidered the vote by which the foregoing amendment was adopted. Senator Bell withdrew the amendment.

On motion by Senator Wilson the following amendment was adopted:

In Section 19, line 2, page 92, strike "misdemeanors and/or"

Senators Sayler, Wilson, Deeb and Ware offered the following amendment which was adopted on motion by Senator Sayler:

On page 92, line 1, section 19, strike "sixth"

Senator Fincher presiding.

Senator Ott moved the adoption of the following amendment:

On page 97, after section 33 insert:

Section 33-a. Notwithstanding the provisions of section 206-46, Florida Statutes, the amount of \$13,923,910 shall be transferred in equal quarterly installments beginning July 1, 1971, by the Department of Transportation from the State Roads Trust Fund, to the Department of Highway Safety and Motor Vehicles, and deposited into the Highway Patrol Operating Trust Fund which is hereby created for the purpose of partially financing the cost of operations of the Division of Florida Highway Patrol. The amounts provided in Item 567 through 571, of section 1 of this act, from the General Revenue Fund for the 1971-72 fiscal year are hereby deleted and are appropriated in lieu thereof from the Highway Patrol Operating Trust Fund.

The amendment failed by the following vote:

Yeas—14

Barrow	Johnson (29th)	McClain	Ware
Bell	Karl	Ott	Wilson
Brantley	Knopke	Reuter	
Deeb	Lewis (33rd)	Sayler	

Nays—21

Arnold	Ducker	Lane	Stolzenburg
Beaufort	Fincher	Lewis (43rd)	Weissenborn
Boyd	Graham	Myers	Williams
Broxson	Gunter	Pope	
Childers	Hollahan	Poston	
de la Parte	Johnson (34th)	Saunders	

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on SB 1344.

The President presiding.

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

On page 23, line 14 of Item 224, after the period (.) insert: Student activity and service fees shall not exceed twenty-five (\$25.00) dollars per quarter.

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

In Item 456, page 42, insert the following: \$4,570,000

The following amendment by Senator Graham was adopted on May 10:

On page 23, line 32, following Item 224, strike the entire footnote and insert: The moneys and positions appropriated in items 221-224 provide for an increased enrollment, as recommended by the Governor, at an average increase of 8% in the productivity at each level of instruction of the classroom teaching faculty. It is the intent of the legislature that such enrollments not be limited except at the lower division and at the beginning and advanced Graduate levels of instruction. A detailed report of the total faculty effort at each university shall be reported to the Board of Regents.

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

Strike "At the Lower Division" and insert the following: for Freshman Students

The amendment as amended was adopted.

Senator Henderson excused.

On motion by Senator de la Parte, by two-thirds vote, SB 1344 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—41 Nays—None

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

By unanimous consent Senator Pope was recorded as voting yea.

It was noted by the President that Senators Henderson, Trask and Gong were excused at the time of the final vote on the bill and had indicated to the President that if they had been present they would have voted yea.

EXPLANATIONS OF VOTE

I vote yea on SB 1344 for the purpose of appropriating the reasonably anticipated revenue from existing sources. This bill does not meet the actual needs of the state, particularly in the field of education, but it is a fair distribution of anticipated revenue. It is my intention to support the Ways and Means Committee in its program of supplemental appropriations supported by new tax measures to pay for it.

Frederick B. Karl, 14th District

Although I voted for SB 1344, I believe in the area of education, particularly with respect to K-12 and community colleges, we have not provided sufficient funding. However, I am in hopes we will have a supplemental appropriations bill funded by revenue derived from the removal of certain sales tax exemptions to meet the needs of education in this state.

David McClain, 24th District

I voted for Senate Bill 1344 only after a lengthy discussion with the Senators from the 26th and 45th Districts. Senator de la Parte, chairman of Ways and Means, has assured me that the Ways and Means Committee will recommend that funds for education will be restored with the enactment of the first new taxes.

Senator Myers, chairman of Health, Welfare and Institutions, has assured me that his committee will continue their study

of welfare reform. This committee will consider a feasibility study for providing training for recipients as well as day care facilities for recipients' children.

W. D. Childers, 2nd District

It should be clearly understood that my vote on SB 1344 should not be construed as feeling that education has been adequately provided for. My favorable vote was predicated on assurance from the Ways and Means Committee that a supplemental appropriation bill would also be passed that would provide for the inadequacies in the funding of education contained in SB 1344.

Bob Saunders, 13th District

It is our feeling and understanding that SB 1344 is inadequate for education, and that there is an understanding of the Ways and Means Committee that a supplementary bill will be passed which will more adequately fund this particular area.

Wilbur H. Boyd, 31st District
Mallory E. Horne, 5th District

Senator Gunter announced the Appropriations A and Appropriations B Subcommittees would meet May 13, 1971, 7:30—9:00 a.m., Room 331, Holland Building.

On motion by Senator Broxson, the rules were waived and the Committee on Public Schools was granted permission to consider SB 916 at the scheduled meeting May 12.

On motion by Senator Daniel, the rules were waived and the Committee on Governmental Efficiency was granted permission to consider SB 612 at the scheduled meeting May 12.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:20 p.m. to reconvene at 8:30 a.m., May 12, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., May 12, 1971.