

JOURNAL OF THE FLORIDA SENATE

Thursday, February 10, 1972

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 Horne—

SB 613—A bill to be entitled An act relating to the teachers' retirement system; amending section 238.181, Florida Statutes; providing that a retired person accepting and receiving retirement compensation under this chapter may become employed, without its affecting the employee's right to receive retirement benefits, so long as total hours of reemployment in a calendar year are not in excess of 500 hours; providing for notice to be given the director of personnel and retirement when employment exceeds 500 hours whereby benefits will be suspended for such period of employment in a calendar year in excess of 500 hours; providing a penalty for violation of these provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Horne—

SB 614—A bill to be entitled An act making the industrial relations commission full time; amending §20.17(8), Florida Statutes; amending §440.44(2), Florida Statutes; providing qualifications; providing salaries; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary—Civil B and Ways and Means.

By Senator Horne—

SB 615—A bill to be entitled An act relating to state and county officers and employees retirement system; amending section 122.16, Florida Statutes; providing that a retired person accepting and receiving retirement compensation under this chapter may become employed, without its affecting the employee's right to receive retirement benefits, so long as total hours of reemployment in a calendar year are not in excess of 500 hours; providing for notice to be given the director of personnel and retirement when employment exceeds 500 hours whereby benefits will be suspended for such period of employment in a calendar year in excess of 500 hours; providing a penalty for violation of these provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Daniel—

SB 616—A bill to be entitled An act relating to labor problems; amending §448.06(1), (2) and (3), Florida Statutes, which creates a voluntary mediation and conciliation service, to provide that the powers and duties of said service may be delegated to a department of the executive branch by the governor; requiring annual reports by the service to the legislature; repealing subsection (5) of §448.06, Florida Statutes, relating to budget requests for said service; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Trask—

SB 617—A bill to be entitled An act relating to social security for public employees; adding subsection (6) to §650.05, Florida Statutes, relating to political subdivisions; authorizing use of grants-in-aid and other revenue shared with political subdivisions for payment of employer social security contributions; providing an effective date.

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

By Senator Graham—

SB 618—A bill to be entitled An Act relating to declaration of trust, amending Section 689.075, Florida Statutes, so as to provide that any one or more of listed reasons, rather than any one shall not cause an otherwise valid trust to be held invalid, to delete any reference to the execution of a trust in accordance with the formalities of the execution of wills, providing instead that such execution shall be in conformity with the requirements for the execution of trusts in the jurisdiction where same is executed, to allow witnesses to acquire beneficial interests, to exclude revocable trusts and accounts at banks and savings and loan associations, and to provide for applicability to certain trusts already executed; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Karl—

SB 619—A bill to be entitled An act relating to tax on sales, use and other transactions; adding subsection (9) to §212.05, Florida Statutes, and amending §212.08(7)(e), Florida Statutes, as amended by chapter 70-373, Laws of Florida, to provide for the imposition of a tax on the sale, use or consumption of the products of computer systems; providing an effective date.

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

By Senators Horne and Thomas—

SB 620—A bill to be entitled An act to appropriate \$1,200,000.00 to the department of general services for the acquisition of real property to be included within capitol center; providing an effective date.

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

By Senator Gunter—

SB 621—A bill to be entitled An act relating to state-owned tangible personal property; amending section 273.02, Florida Statutes; providing an administrative procedure as to missing tangible personal property owned by the state and as to the public records relating thereto; prescribing duties of public officers as to missing tangible personal property owned by the state; and providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Daniel—

SB 622—A bill to be entitled An act relating to unemployment compensation; amending section 443.15(1), Florida Statutes, to increase the interest rate on delinquent contributions and to increase the penalty for delinquent reports; and providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary—Civil B and Ways and Means.

By Senator Knopke—

SB 623—A bill to be entitled An act relating to pollution control; creating §403.275, Florida Statutes; providing that the department of pollution control promulgate rules to require additional safeguards for the control of phosphate wastes; providing for permits; providing for the gradual elimination of phosphate waste dams; requiring financial responsibility; instituting an inspection program; providing for inspection fees; providing for the phosphate dam trust fund; providing penalties; providing for liability; providing an appropriation; providing for interim reports; providing an effective date.

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

By Senator Horne—

SB 624—A bill to be entitled An act relating to the highway patrol pension trust fund; amending chapter 321, Florida Statutes, by adding section 321.2215; providing that a retired person accepting and receiving retirement compensation under this chapter on or after the effective date of this section, may become employed, without its affecting the employee's right to receive retirement benefits, so long as total hours of reemployment in a calendar year are not in excess of 500 hours; providing for notice to be given the director of personnel and retirement when employment exceeds 500 hours whereby benefits will be suspended for such period of employment in a calendar year in excess of 500 hours; providing a penalty for violation of these provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senator Daniel—

SB 625—A bill to be entitled An act relating to unemployment compensation; amending paragraph (a) of subsection (5) of Section 443.07, Florida Statutes, to provide for payment of benefits after an initial determination regardless of a pending appeal and to provide an effective date.

—was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Daniel—

SB 626—A bill to be entitled An act relating to workmen's compensation; amending Section 440.25(3), Florida Statutes, by adding paragraph (d), providing for orders of dismissal of certain claims; prescribing time limitations; providing reinstatement procedures; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary—Civil B.

SR 627 was introduced out of order and adopted on February 8.

By Senators Daniel and Horne—

SB 628—A bill to be entitled An act relating to the Department of Commerce; amending Section 20.17, Florida Statutes, to reorganize the Department of Commerce by providing for a Division of Tourism; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

By Senators Graham, Henderson, Knopke, Saylor and Haverfield—

SB 629—A bill to be entitled An act relating to environmental land and water management, and landowners' rights to compensation; authorizing the state land planning agency to designate areas of critical state concern and to specify principles for guiding development therein and to temporarily restrict specified types of development therein; authorizing regional planning agencies to recommend areas for such designation; providing procedures for the designation of such areas; authorizing local governments to adopt appropriate land development regulations for such areas subject to approval of the state land planning agency; providing for the adoption of land development regulations by the state land planning agency in the absence of local regulations; providing for the protection of holders of existing permits or rights to develop land; limiting the land area on which development can be restricted; defining the types of development that have regional impact; authorizing regional planning agencies to recommend types of development as having regional impact; prohibiting the undertaking of development of regional impact except in areas regulated through local zoning or in areas of critical state concern except upon ninety (90) days notice; establishing procedures for issuing permits for development of regional impact; providing for the mailing by the state land planning agency of a weekly list of development proposals having regional impact; requiring the consideration of the effect of such development on the state and region in the process of issuing such permits; requiring the assurance of an adequate supply of housing if the development would create more than

one hundred (100) new jobs; authorizing regional planning agencies to provide technical assistance to local governments in evaluating development proposals of regional impact; creating a Florida land and water adjudicatory commission; providing for the powers and duties of the commission; creating a right of appeal to the commission from decisions in areas of critical state concern or regarding development of regional impact; setting forth procedures for such appeals; authorizing the commission to issue decisions on such appeals; providing for the protection of landowners' constitutional rights and requiring specification of reasons for denying development permits; creating an environmental land management study committee, and designating its functions; directing the committee to prepare and submit a report; providing for an executive director and staff for the committee; providing an appropriation of one hundred fifty thousand dollars (\$150,000); creating the landowners rights compensation act; authorizing the purchase of interests in land by state or local agencies as a means of supplementing the exercise of police powers; providing for the purchase of a fee simple or lesser interests; providing a method of valuing the interest purchased; authorizing the purchase of interests in land as a means of settling litigation; providing a method of valuation of interests in land on disposal or modification; providing for severability; providing effective dates.

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

The Senate recessed at 8:40 a.m.

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

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

Excused: Senator Lewis (33rd) until 10:30 a.m., Senators Brannen and Pope.

Prayer by Senator Johnson (29th):

Our heavenly Father, help us to laugh often and much, to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you lived. This is to have succeeded. Amen.

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

Page 114, counting from the bottom of column 1, strike lines 1 and 2 and insert: Amendment 3—On page 1, line 4 after “;” insert: repealing Section 40.08, Florida Statutes, which provides jury duty exemption to practicing attorneys;

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Thursday, February 10, 1972:

SB 191	Brantley	SB 357	Deeb
SB 143	Haverfield	SB 372	Bishop
SB 205	McClain	SB 342	Hollahan
SB 133	Knopke	SB 311	Daniel
SB 318	Daniel		

SB 198	Knopke	SB 95	Horne
SB 480	Daniel	SB 145	Johnson (29th)
SB 271	McClain	SB 461	Judiciary—Criminal
SB 277	Haverfield	SB 465	Judiciary—Criminal
SB 491	Myers	SB 462	Judiciary—Criminal
SB 300	Lewis (43rd)	SB 314	Horne

George L. Hollahan, Jr., Chairman

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

SB 313	SB 322 with 1 amendment
SB 316	SB 415 with 2 amendments
SB 320	SB 448
SB 321 with 1 amendment	

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

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 116.

The Committee on Commerce recommends a Committee Substitute for SB 123 with 2 amendments.

The Committee on Agriculture recommends a committee substitute for SCR 125.

The Committee on Ways and Means recommends a Committee Substitute for SB 609.

The Committee on Judiciary—Civil B recommends a Committee Substitute for SB 211.

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

The Committee on Agriculture recommends a Committee Substitute for SB 561.

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

The Committee on Agriculture recommends the following not pass: SB 281

The bill was laid on the table.

BILLS REFERRED TO SUBCOMMITTEE

SB 532 and House Bills 1073, 1229, 1651, 1495, 1536 and 1654 referred to a select committee on Claims of the Committee on Personnel, Retirement and Claims.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 24 with 4 amendments	SB 153 with 1 amendment
SB 34 with 2 amendments	SB 207 with 1 amendment
SB 40 with 2 amendments	SB 248 with 1 amendment
SB 87 with 1 amendment	SB 253 with 1 amendment
SB 90 with 4 amendments	SB 288 with 3 amendments
SB 115 with 2 amendments	SJR 218 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 ordered certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 69 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on February 10, 1972.

ELMER O. FRIDAY
Secretary of the Senate

Your Enrolling Clerk to whom was referred SCR 475 reports same has been enrolled, signed by the required Constitutional officers and filed with Secretary of State on February 10, 1972.

ELMER O. FRIDAY
Secretary of the Senate

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

February 8, 1972

Sir:

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

By the Committee on Environmental Pollution Control and Representatives Zinkil and Grainger—

CS for HB 2606—A bill to be entitled An act relating to motor vehicle exhaust systems amending §316.272(1), Florida Statutes, as created by chapter 71-135, Laws of Florida, to provide for the establishment by the department of highway safety and motor vehicles of a maximum number of decibels of sound which may be emitted from motor vehicle exhaust systems; adding subsection (5) to §325.19, Florida Statutes, as amended by chapter 70-351, Laws of Florida, to provide that motor vehicles exceeding such maximum shall fail to obtain an inspection sticker; amending section 403.061(13), Florida Statutes, to provide for cooperation with the department of pollution control; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 2606, 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
President of the Senate

February 8, 1972

Sir:

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

By Representative Tucker—

HB 1270—A bill to be entitled An act relating to beach and shore preservation; creating §161.115, Florida Statutes; prohibiting the operation of motor vehicles on ocean or gulf beaches, shores, or sand dunes; providing for exceptions; providing penalties; providing an effective date.

By the Committee on Elections—

HB 3205—A bill to be entitled An act relating to elections; amending §98.051(1), Florida Statutes, to provide the minimum and maximum office hours of the supervisor of elections; renumbering subsections (2) and (3) of §98.051, Florida Statutes, as subsections (4) and (5) and adding a new subsection (2) to provide for office hours on Saturdays and at other times at the discretion of the supervisor and after public notice; renumbering subsection (4) of §98.051, Florida Statutes, as sub-

section (3) and amending it to provide the minimum number of hours that certain supervisors shall keep their offices open on at least one (1) day per week; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1270, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

HB 3205, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas February 8, 1972
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 Elections—

HB 3271—A bill to be entitled An act relating to elections; changes in precinct boundaries; amending §98.031(1), Florida Statutes, to authorize the alteration of precincts by boards of county commissioners whenever necessary; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 3271, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas February 8, 1972
President of the Senate

Sir:

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

By Representatives Miers and Earle—

HB 1451—A bill to be entitled An act relating to dentistry, dental hygiene and dental laboratories; amending section 466.02, Florida Statutes, by adding subsection (4), and section 466.24 (3)(e) and section 466.38, Florida Statutes, providing for limited dental services to be performed by dental auxiliaries and dental hygienists; amending chapter 466, Florida Statutes, by adding section 466.59, declaring a violation of the chapter; amending sections 466.03(4) and 466.28(3), Florida Statutes to provide for changing words "state dental society" to "dental association"; amending section 466.08(4) Florida Statutes, to provide for changing word "assisting" to "auxiliary programs"; amending section 466.08, Florida Statutes, by adding subsections (10) and (11), providing that the board establish educational and training requirements and promulgate rules and regulations in regard to dental auxiliaries and dental hygienists; amending section 466.09, Florida Statutes, by adding subsection (7), defining dental auxiliaries, subsection (8), defining supervision, and subsection (9) defining direct supervision; amending section 466.41(3)(a), Florida Statutes to provide for changing word "assistants" to "auxiliaries"; amending section 466.41 (1) and (4) by striking the words "supervision and"; amending section 466.41 (2) by striking the words "and supervision"; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1451, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

The Honorable Jerry Thomas
President of the Senate

February 8, 1972

Sir:

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

By the Committee on Elections—

HB 3206—A bill to be entitled An act relating to elections; amending subsections (1), (2), and (3) of §97.063, Florida Statutes, to provide for absentee registration by certain persons temporarily residing outside the state or the United States and for certain physically disabled persons; amending §97.065, Florida Statutes, to allow certain federal employees to administer oaths concerning absentee registration; amending §101.691(1)(c), Florida Statutes, to provide that citizens temporarily residing outside the United States may vote absentee; amending subsection (3) of §101.692, Florida Statutes, to provide the duty of the supervisors of elections in registering such persons; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 3206, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

February 9, 1972

Sir:

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

By the Committee on Environmental Pollution Control and Representative Sackett—

CS for HB 3020—A bill to be entitled An act relating to pollution control; amending §403.061(26), Florida Statutes, as created by chapter 71-35, Laws of Florida, to provide that regulations governing detergents apply statewide and that the state shall preempt jurisdiction; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 3020, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

RESOLUTIONS

On motion by Senator Sayler, consideration of SR 326 was deferred.

On motion by Senator Karl, the rules were waived and the Senate immediately reconsidered the vote by which SB 87 as amended, passed on February 9.

Pending further consideration of SB 87 as amended, on motion by Senator Karl, by two-thirds vote HB 1453 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Karl—

HB 1453—A bill to be entitled An act relating to consumer deception, regulating the use in advertising of the term "FREE" and words of similar meaning and intent, providing for injunctions by the Commissioner of Agriculture or the Attorney General to prohibit violations, repealing Section 817.415, providing an effective date.

—a similar measure to SB 87 was substituted therefor, by unanimous consent, taken up out of order and read the second time by title.

On motion by Senator Karl the following amendment was adopted:

Amendment 1—On page 3, line 25 strike "July 1, 1972." and insert: October 1, 1972.

On motion by Senator Karl, by two-thirds vote HB 1453 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Daniel	Johnson (29th)	Stolzenburg
Arnold	Deeb	Johnson (34th)	Trask
Barrow	Ducker	Karl	Ware
Beaufort	Fincher	Lane	Weber
Bishop	Graham	Plante	Williams
Boyd	Haverfield	Poston	Wilson
Brantley	Henderson	Saunders	
Broxson	Hollahan	Sayler	
Childers	Horne	Scarborough	

Nays—None

By unanimous consent Senator Myers was recorded as voting yea.

RECONSIDERATION

The motion by Senator Daniel on February 9 that the Senate reconsider the vote by which—

SR 395—A resolution relating to the Rodman Reservoir; requesting that the level of water be lowered to thirteen (13) feet above mean sea level.

—was adopted on February 8 was taken up and the Senate reconsidered.

Senator Williams moved that SR 395 be referred to an appropriate committee.

On motion by Senator Wilson debate was limited to 2 minutes per side.

The motion by Senator Williams was adopted by the following vote:

Yeas—24

Arnold	Brantley	Graham	McClain
Barron	Broxson	Gunter	Ott
Barrow	Daniel	Haverfield	Poston
Beaufort	de la Parte	Hollahan	Saunders
Bishop	Fincher	Karl	Trask
Boyd	Gong	Lane	Williams

Nays—17

Mr. President	Henderson	Plante	Ware
Bell	Johnson (29th)	Reuter	Wilson
Childers	Johnson (34th)	Sayler	
Deeb	Knopke	Scarborough	
Ducker	Lewis (43rd)	Stolzenburg	

By unanimous consent Senator Myers was recorded as voting nay.

SR 395 was referred to the Committee on Natural Resources and Conservation.

The motion to reconsider the vote by which SJR 217 passed February 9 was not taken up and therefore was considered abandoned.

UNFINISHED BUSINESS

SB 7—A bill to be entitled An act relating to the auditor general; amending §11.45(6)(d), Florida Statutes, to require an official who has had his office audited to submit to the auditor general within twenty (20) days a written statement of explanation or rebuttal concerning all of the auditor's findings; providing an effective date.

—was taken up with the following pending amendment which was adopted:

Amendment 1—On page 1, line 24, section 1, after Comma (,) insert: clearly designated as such,

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

Amendment 2—On page 1, line 10, title, after the word "auditor's" insert: adverse

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

Amendment 3—On page 2, lines 5 and 6 strike "upon becoming a law." and insert: July 1, 1972.

On motion by Senator Gunter, by two-thirds vote SB 7 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—43

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

Nays—None

By unanimous consent Senator Lewis (33rd) was recorded as voting yea.

SPECIAL ORDER

SB 191—A bill to be entitled An act amending chapter 320-131 (1), Florida Statutes, changing the duration of temporary tags for motor vehicles from five (5) to twenty (20) days; providing an effective date.

—was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

Amendment 1—On page 2, line 23 strike "upon becoming a law" and insert: October 1, 1972

On motion by Senator Plante, by two-thirds vote SB 191 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

By unanimous consent Senators Daniel, Broxson, Barron, Trask and Lewis (33rd) were recorded as voting yea.

SB 143—A bill to be entitled An act relating to judicial retirement; amending sections 123.09 and 123.20, Florida Statutes, to allow a justice or judge of the district court of appeal or of the circuit court to elect, prior to or after retirement, between the privilege of practicing law and the privilege of judicial assignment; providing for withdrawal of the election; and providing an effective date.

—was read the second time by title.

On motion by Senator Haverfield the following amendment was adopted:

Amendment 1—On page 1, line 26 strike Section 3 and insert: Section 2

On motion by Senator Haverfield, by two-thirds vote SB 143 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

By unanimous consent Senators Trask, Daniel, Broxson and Lewis (33rd) were recorded as voting yea.

SB 205—A bill to be entitled An Act relating to supreme Court justices, district courts of appeal judges and circuit judges retirement system; amending section 123.10, Florida Statutes, providing repayment of contributions upon reassignment of office; and providing an effective date.

—was read the second time by title.

On motion by Senator McClain, further consideration of SB 205 was deferred and retained on second reading without dissent.

SB 133—A bill to be entitled An act relating to the acquisition of public beaches; authorizing the department of natural resources to give financial assistance to local governments for the purchase of waterfront beach property; providing conditions; expressing legislative intent with respect to the acquisition of public beaches in urban areas; providing an effective date.

—was read the second time by title. On motion by Senator Ware, by two-thirds vote SB 133 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

By unanimous consent, Senators Lewis (33rd), Trask, Fincher and Broxson were recorded as voting yea; Senator Barron as voting nay.

SB 318—A bill to be entitled An act amending the Florida construction industry licensing law; providing that the state, or any county, or municipality, may require that bids for construction of public buildings be accompanied by evidence that the bidder holds an unrestricted certificate of registration issued pursuant to such law; providing that state, county, and municipality officials shall determine compliance with such law before awarding a contract; providing an effective date.

—was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

Amendment 1—On page 2, line 7 strike “upon becoming a law.” and insert: October 1, 1972.

Senators Barrow, Deeb and Brantley offered the following amendment which was adopted on motion by Senator Brantley:

Amendment 2—On page 2, line 5 strike “an unrestricted” and insert: a

On motion by Senator Daniel the following amendment was adopted:

Amendment 3—On page 1, line 9, title, strike “an unrestricted” and insert: a

On motion by Senator Ducker, by two-thirds vote SB 318 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—40

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

Nays—None

By unanimous consent Senators Barron and Lewis (33rd) were recorded as voting yea.

SB 357—A bill to be entitled An act relating to contracts for public buildings and public work projects; amending §215.19 (1) (a), Florida Statutes; providing an increase in the minimum contractual agreement that is subject to prevailing wage rates; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote, SB 357 was read the third time by title.

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

On page 2, line 9 strike “upon becoming a law” and insert: October 1, 1972

On motion by Senator Deeb, SB 357 as amended was read by title, passed and ordered engrossed. The vote was:

Yeas—21

Mr. President	Ducker	Lane	Sayler
Bell	Fincher	McClain	Ware
Bishop	Gunter	Plante	Wilson
Boyd	Haverfield	Poston	
Daniel	Horne	Reuter	
Deeb	Knopke	Saunders	

Nays—12

Arnold	Broxson	Hollahan	Ott
Beaufort	Childers	Lewis (43rd)	Scarborough
Brantley	Graham	Myers	Weissenborn

By unanimous consent, Senators Johnson (29th), Lewis (33rd), Barron and Trask were recorded as voting yea.

SB 372—A bill to be entitled An act relating to the department of transportation; designating a portion of U. S. Highway 129 in Suwannee and Hamilton counties as the "Boys Ranch Road"; providing for the erection of appropriate markers by the department of transportation; providing an effective date.

—was read the second time by title.

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

On page 1, line 7 in the title, line 19 and 22, strike "Boys Ranch Road". and insert: Florida Sheriffs Boys Ranch Road.

On motion by Senator Bishop, by two-thirds vote SB 372 as amended was read the third time by title, passed and ordered engrossed The vote was:

Yeas—40

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

Nays—None

By unanimous consent Senators Lewis (33rd) and Hollahan were recorded as voting yea.

Pursuant to Rule 4.14, Senator Bell gave notice of intention to move to take up SB 116 out of order.

Senator Horne presiding.

SB 342—A bill to be entitled An act relating to qualifications of barbers and apprentices from other states; amending section 476.11(1)(b), Florida Statutes, to require additional required training to be completed in a Florida approved barber college or school; providing an effective date.

—was read the second time by title. On motion by Senator Hollahan, by two-thirds vote SB 342 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Arnold	Childers	Hollahan	Poston
Barrow	Daniel	Horne	Scarborough
Beaufort	Deeb	Karl	Trask
Bell	Fincher	Knopke	Weber
Bishop	Gong	Lewis (43rd)	Williams
Brantley	Graham	McClain	
Broxson	Haverfield	Myers	

Nays—10

Boyd	Lane	Reuter	Ware
Ducker	Ott	Sayler	
Johnson (29th)	Plante	Stolzenburg	

By unanimous consent, Senators Lewis (33rd), Saunders and Weissenborn were recorded as voting yea; Senator Barron as voting nay.

Notice having been given pursuant to Rule 4.14, Senator Bell requested unanimous consent to take up SB 116 out of order. Unanimous consent was not granted.

SB 311—A bill to be entitled An act relating to the department of general services; amending section 272.161, Florida Statutes; providing penalties for wrongfully parked vehicles; providing for authority to tow away wrongfully parked vehicles; providing an effective date.

—was read the second time by title.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

Amendment 1—On page 1, line 15, after the word "Statutes," insert: as created by chapter 70-249, laws of Florida.

The Committee on Governmental Efficiency offered the following amendment which was adopted on motion by Senator Daniel:

Amendment 2—On page 1, line 6, title, after the words "Florida Statutes", strike the (;) and insert: (,) as created by chapter 70-249, laws of Florida;

On motion by Senator Wilson the following amendment was adopted:

Amendment 3—On page 2, line 4 strike "immediately upon becoming a law" and insert: October 1, 1972

On motion by Senator Daniel, by two-thirds vote SB 311 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Arnold	Deeb	Horne	Plante
Barrow	Ducker	Johnson (29th)	Poston
Beaufort	Fincher	Karl	Reuter
Bell	Gong	Knopke	Sayler
Boyd	Graham	Lane	Trask
Brantley	Gunter	Lewis (43rd)	Ware
Broxson	Haverfield	McClain	Williams
Daniel	Hollahan	Myers	Wilson

Nays—3

Bishop	Childers	Scarborough
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By unanimous consent Senators Thomas, Saunders, Lewis (33rd), Weissenborn and Barron were recorded as voting yea.

SB 198—A bill to be entitled An act relating to flood control; creating §378.152, Florida Statutes, to prescribe penalties for violation of chapter 378, Florida Statutes; providing an effective date.

—was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

On page 1, line 20 strike "upon becoming a law" and insert: October 1, 1972

On motion by Senator Knopke, by two-thirds vote SB 198 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

Barrow	Fincher	Karl	Sayler
Bell	Gong	Knopke	Scarborough
Boyd	Graham	Lewis (43rd)	Trask
Brantley	Gunter	McClain	Ware
Broxson	Haverfield	Myers	Weber
Daniel	Henderson	Ott	Williams
Deeb	Hollahan	Plante	Wilson
de la Parte	Johnson (29th)	Poston	
Ducker	Johnson (34th)	Reuter	

Nays—7

Arnold Beaufort	Bishop Childers	Horne Lane	Stolzenburg
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By unanimous consent, Senators Saunders, Lewis (33rd), Thomas and Weissenborn were recorded as voting yea; Senator Barron as voting nay.

The presiding officer introduced to the Senate Karen Mallah of Miami, winner of the Veterans of Foreign Wars "Voice of Democracy" contest in Florida, and her parents, Mr. and Mrs. Joseph Mallah.

On motion by Senator Daniel, HB 1451 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

SB 480 was taken up and on motion by Senator Daniel—

HB 1451—A bill to be entitled An act relating to dentistry, dental hygiene and dental laboratories; amending section 466.02, Florida Statutes, by adding subsection (4), and section 466.24 (3) (e) and section 466.38, Florida Statutes, providing for limited dental services to be performed by dental auxiliaries and dental hygienists; amending chapter 466, Florida Statutes, by adding section 466.59, declaring a violation of the chapter; amending sections 466.03(4) and 466.28(3), Florida Statutes to provide for changing words "state dental society" to "dental association"; amending section 466.08(4) Florida Statutes, to provide for changing word "assisting" to "auxiliary programs"; amending section 466.08, Florida Statutes, by adding subsections (10) and (11), providing that the board establish educational and training requirements and promulgate rules and regulations in regard to dental auxiliaries and dental hygienists; amending section 466.09, Florida Statutes, by adding subsection (7), defining dental auxiliaries, subsection (8), defining supervision, and subsection (9) defining direct supervision; amending section 466.41(3)(a), Florida Statutes to provide for changing word "assistants" to "auxiliaries"; amending section 466.41 (1) and (4) by striking the words "supervision and"; amending section 466.41 (2) by striking the words "and supervision"; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Daniel, by two-thirds vote HB 1451 was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

Amendment 1—On page 9, line 8, strike "September 1, 1972" and insert: October 1, 1972

On motion by Senator Daniel, by two-thirds vote HB 1451 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Arnold	Deeb	Knopke	Stolzenburg
Barrow	Ducker	Lane	Trask
Beaufort	Gong	Lewis (43rd)	Ware
Bell	Graham	McClain	Weber
Bishop	Gunter	Myers	Weissenborn
Boyd	Haverfield	Ott	Williams
Brantley	Hollahan	Plante	Wilson
Broxson	Horne	Poston	
Childers	Johnson (29th)	Saylor	
Daniel	Karl	Scarborough	

Nays—None

By unanimous consent Senators Lewis (33rd), Saunders, Thomas and Barron were recording as voting yea.

SB 480 was laid on the table.

SB 271—A bill to be entitled An act relating to textbook councils; repealing section 233.10, F.S., providing confidential findings of council; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 271 was read the third time by title.

The President presiding.

Senator Broxson moved that the Senate reconsider the vote by which SB 271 was read the third time by title. The motion failed.

SB 271 passed and was certified to the House. The vote was:

Yeas—45

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

Nays—None

By unanimous consent Senator Barron was recorded as voting yea.

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

MATTERS ON RECONSIDERATION

The motion by Senator Bell on February 9 that the Senate reconsider the vote by which SB 44 as amended passed on February 9, was taken up.

On motion by Senator Ware debate on the motion was limited to 5 minutes per side.

The motion to reconsider failed.

The Senate resumed consideration of Special Order.

SB 277 was taken up, together with:

By the Committee on Universities and Community Colleges—

CS for SB 277—A bill to be entitled An act relating to university police officers; amending §239.58, Florida Statutes, providing limitations on jurisdiction; providing for authority to execute legal process; providing authority and arrest procedures; providing minimum standards; providing for surety bonds; providing for rights, immunities and protections; providing that the board of regents shall promulgate rules, regulations, and policies; providing an effective date.

—which was read the first time by title and SB 277 was laid on the table.

On motion by Senator Haverfield, by two-thirds vote CS for SB 277 was read the second time by title.

On motion by Senator Wilson the following amendment was adopted:

Amendment 1—On page 4, line 9 strike "September 1, 1972" and insert: July 1, 1972

On motion by Senator Haverfield, by two-thirds vote CS for SB 277 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—40

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

Nays—None

SB 491—A bill to be entitled An act relating to professional and occupational regulation; amending chapter 455, Florida Statutes, to provide that no person shall be disqualified from applying for examination to practice any occupation or profession regulated by an administrative board defined under chapter 455, solely because he is not a United States citizen; providing that said administrative boards may require proof of intention to become a citizen; providing for adjudication of complaints of violation of this act; repealing all statutes or parts of statutes inconsistent with this act; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 491 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gong	Knopke	Saunders
Barron	Graham	Lewis (33rd)	Saylor
Barrow	Haverfield	Lewis (43rd)	Scarborough
Brantley	Hollahan	McClain	Trask
Broxson	Horne	Myers	Weissenborn
Daniel	Johnson (29th)	Ott	
de la Parte	Johnson (34th)	Poston	
Fincher	Karl	Reuter	

Nays—11

Arnold	Bishop	Henderson	Williams
Beaufort	Childers	Lane	Wilson
Bell	Ducker	Plante	

By unanimous consent Senator Gunter was recorded as voting yea.

SB 300—A bill to be entitled An Act relating to certification of speech pathologists and audiologists; amending section 468.145, Florida Statutes, by adding subsection 468.145(4); providing for the department of education to waive examination and educational requirements for applicants who are certified to teach speech pathology and audiology and were so certified on July 9, 1969; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was adopted on motion by Senator Karl:

Amendment 1—On page 1, line 22 strike "shall" and insert: may

On motion by Senator Wilson the following amendment was adopted:

Amendment 2—On page 1, line 27 strike "upon becoming a law" and insert: July 1, 1972

On motion by Senator Hollahan, the rules were waived and further consideration of SB 300 as amended was deferred and retained on second reading without dissent.

On motion by Senator Trask, the rules were waived and Ways and Means Subcommittee Appropriations C was granted permission to change the hour of the scheduled meeting from 7:00 p.m. to 5:30 p.m. this day.

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

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following communications and certificate:

Honorable Elmer O. Friday, Jr. February 8, 1972
Secretary of the Senate
Capitol

Dear Senator Friday:

Attached hereto is a certificate listing the commission prepared today which is subject to Senate Confirmation.

With kind regards, I remain.

Cordially,
RICHARD (DICK) STONE
Secretary of State

By Dorothy W. Glisson
Director
Division of Elections

Pursuant to the Provisions of Section 112.071 (1), (b), Florida Statutes, we do hereby certify that the commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Howard E. Young Clermont	Member, Board, Oklawaha Basin Recreation and Water Conserva- tion and Control Authority	July 13, 1975



GIVEN under my hand and Great Seal of the State of Florida at Tallahassee, the Capital this Eighth day of February, A. D., 1972

RICHARD (DICK) STONE
Secretary of State

[Referred to Committee on Natural Resources and Conservation]

Honorable Jerry Thomas February 9, 1972
President, The Florida Senate
The Capitol

Dear Mr. President:

This is to advise that I have made the following appointments as Trustees of the Florida Keys Community College:

Dr. Carl Taylor
3729 Cindy Avenue
Key West, Florida
succeeding Mr. Robert
Dion, term ending May 31, 1974

Mr. Alfred Saunders, Sr.
208 Oliva Street
Key West, Florida
succeeding Reverend
Herman Glienke, term ending May 31, 1973

It would be appreciated if the Senate would take up the confirmation of these appointments during the current session of the Florida Legislature.

Sincerely,
REUBIN ASKEW
Governor

[Referred to Committee on Universities and Community Colleges]

The President, on advice of the Committee on Rules, Calendar, Privileged Business and Ethics, referred each appointment to the committee shown.

Senator Myers as a co-introducer of Senate Bills 320, 321 and 322.

CO-INTRODUCERS

By permission, Senator Graham was recorded as a co-introducer of Senate Bills 133, 320, 321, 322 and 491; and

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:02 p.m. to convene at 8:30 a.m. February 11, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.