

JOURNAL OF THE FLORIDA SENATE

Wednesday, February 16, 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 Henderson—

SM 707—A memorial to congress of the United States to provide immediate funds for design, construction and establishment of resource recovery establishments to recover, separate, process and sell back to the economy those recoverable resources now disposed of as solid waste.

—was read the first time and referred to the Committee on Natural Resources and Conservation.

By Senator Haverfield—

SB 708—A bill to be entitled An act relating to workmen's compensation; amends subsection (19) of section 440.02, Florida Statutes, by repealing apportionment in cases of disease or anomaly; repeals chapter 70-312, Laws of Florida, to delete apportionment of successive injuries; repeals paragraph (c) of subsection (1) of section 440.151, Florida Statutes, to delete apportionment of occupational diseases; amends paragraph (c) of subsection (4) of section 440.49, Florida Statutes, to permit reimbursement of compensation due to merger and defines excess permanent compensation; amends paragraph (e) of subsection (4) of section 440.49, Florida Statutes, to require the pre-existing condition to contribute to the need for compensation and medical benefits and provides for reimbursement of the anatomical ratio; amends paragraph (f) of subsection (4) of section 440.49, Florida Statutes, to require minimum reimbursement of \$3000.00; amends paragraph (g) of subsection (4) of section 440.49, Florida Statutes, to permit filing of a claim for reimbursement prior to 60 days from the payment of excess permanent compensation; provides an effective date.

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

By Senators Karl, Barron, Reuter, Bishop, Henderson, Arnold, Gunter, Scarborough, Beaufort, Gong, Weber, Brantley, Knopke, Lane, Johnson (29th), Plante, Sayler and Daniel—

SB 709—A bill to be entitled An act relating to library services; providing for participation in and enactment of the Interstate Library Compact; providing definitions; providing for interstate library districts; providing for governing boards; providing for state library agency cooperation; authorizing library agreements; providing for appropriations and aid; providing for a compact administrator; 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 Beaufort and McClain—

SB 710—A bill to be entitled An act relating to clerks of the circuit court; amending section 28.211, Florida Statutes, as amended by section 1 of chapter 71-4, Laws of Florida, 1971 regular session, to include the keeping of minute or record books by the clerk of the circuit court; amending section 28.29, Florida Statutes, as amended by section 3 of chapter 71-4, Laws of Florida, 1971 regular session, relating to recording of orders and judgments; providing an effective date.

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

By Senators Beaufort and de la Parte—

SB 711—A bill to be entitled An act relating to education; creating regional resource centers for exceptional children; providing for the coordination of services provided to exceptional children; authorizing the department of education to

develop a plan for the operation of the centers; providing for financing the centers; providing an appropriation; providing an effective date.

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

By Senators Beaufort and McClain—

SB 712—A bill to be entitled An act relating to clerks of the circuit courts; repealing sections 28.10, relating to duties of clerk; reports to comptroller, 28.11, relating to issue process on state judgments, 28.26, relating to keeping records of criminals, 28.27, relating to clerks and justices to certify names of convicts to circuit clerk, all Florida Statutes; providing an effective date.

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

By Senators Beaufort and de la Parte—

SB 713—A bill to be entitled An act relating to junior colleges; amending §230.764(2), Florida Statutes, as amended by chapter 70-198, Laws of Florida; amending §230.767(2)(c) and (d), Florida Statutes; amending §230.767(4) and (7), Florida Statutes, as amended by chapter 70-94, Laws of Florida; providing certain procedures for recalculation of funds to junior colleges; repealing §230.765(5), Florida Statutes, relating to the authority of the department of education to allocate additional units; providing an effective date.

—was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

By Senators Beaufort and McClain—

SB 714—A bill to be entitled An act relating to clerks of the circuit courts; amending subsection (1) of section 28.241, Florida Statutes, relating to filing charges for trial and appellate proceedings; providing an effective date.

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

By Senators Beaufort and McClain—

SB 715—A bill to be entitled An act relating to clerks of the circuit courts; amending section 28.24(13), Florida Statutes, relating to transcripts of record in appellate proceedings; providing an effective date.

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

By Senators Myers and de la Parte—

SB 716—A bill to be entitled An act relating to the state career service system; adding paragraph (1) to subsection (2) of Section 110.051, Florida Statutes, as amended by chapter 71-354, Laws of Florida; exempting faculty type positions of the mental health institutes from the career service; providing for the setting of salaries of such positions; providing an effective date.

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

By Senator Brantley—

SB 717—A bill to be entitled An act relating to the Florida electronic repair act; amending §2 of chapter 70-111, Laws of Florida, appearing as §468.151, Florida Statutes, 1970 Supplement, to provide a definition of "technician" and "electronic equipment"; amending §3 and §4 of chapter 70-111, Laws of Florida, appearing as §468.153, Florida Statutes, 1970 Supplement, to include technicians and trainees within the regulatory power of the division of general regulation; amending §6 of chapter 70-111, Laws of Florida, appearing as §468.155, Florida Statutes, 1970 Supplement, to provide registration procedures

for technicians and trainees; creating §468.1551, Florida Statutes, to provide for examinations for technician certificates and procedures therefor; amending §11 of chapter 70-111, Laws of Florida, appearing as §468.156, Florida Statutes, 1970 Supplement, to provide for fees; providing an effective date.

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

By Senator Graham—

SB 718—A bill to be entitled An Act relating to garnishment; amending Section 77.03, Florida Statutes, to require an affidavit stating plaintiff's knowledge and belief that defendant is not the head of a household; providing an effective date.

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

By Senators Bishop and Gunter—

SB 719—A bill to be entitled An act relating to milk and milk products; amending section 502.041, Florida Statutes, by adding a new subsection (10) to said section; providing for legible maximum shelf-life dating of milk and milk products; providing preemption by the state of shelf-life termination date regulation of the sale of milk and milk products; providing an effective date.

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

By Senators Myers and McClain—

SB 720—A bill to be entitled An act relating to probate procedure; creating Section 733.225, Florida Statutes; specifying that court orders are not required for sales made pursuant to a general power to sell contained in a will and that the sales need not be justified by any necessity; validating sales heretofore made under a general power of sale contained in a will; providing an effective date.

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

By Senator Johnson (34th)—

SB 721—A bill to be entitled An act relating to homestead tax exemption; amending §196.031(3), (4)(a), Florida Statutes, as created by chapter 71-309, Laws of Florida; providing for a \$10,000 homestead tax exemption to the aged and totally and permanently disabled; providing new due dates for tax assessors' reports and report to the legislature; providing an effective date.

—was read the first time by title and referred to the Committee on 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—47:

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

Excused: Senator Brannen; Senator Pope for the afternoon session.

Prayer by Senator Weber:

Let us bow our heads and pretend—just for a few moments—that we are back in school—the school we attended as children. And let us pray. Amen.

The Journal of February 15 was corrected and approved.

On motion by Senator Hollahan, the deadline for filing of bills prepared by the Senate bill drafting department was extended until 5:00 p.m., February 18, 1972.

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Wednesday, February 16, 1972:

SB 706	SB 488	SB 468	SB 360
SB 482	SB 145	SB 469	SB 500
SB 269	SB 332	SB 487	SB 432
SB 726	SB 463	SB 609	SB 346
SB 620	SB 464	HB 48	SM 396
SB 289	SB 466	SB 201	
SB 358	SB 467	SB 413	

George L. Hollahan, Jr., Chairman

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

SB 88	SB 104
SB 476	SB 460
SB 578 with 1 amendment	HB 1823

The Committee on Judiciary—Criminal recommends the following pass:

SB 479 with 1 amendment	HB 1361 with 1 amendment
SB 553 with 1 amendment	

The Committee on Judiciary—Civil A recommends the following pass: SB 514, SB 427 with 1 amendment

The Committee on Governmental Efficiency recommends the following pass: SB 542, SB 458 with 5 amendments

The Committee on Judiciary—Civil B recommends the following pass:

HB 3271	SB 618	SB 626 with 2 amendments
SB 558	SB 625	

The Committee on Natural Resources and Conservation recommends the following pass: HB 1163, CS for HB 2606 with 2 amendments

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

The Committee on Judiciary—Civil A recommends the following pass: SJR 292 with 1 amendment

The Committee on Judiciary—Criminal recommends the following pass: HB 718 with 1 amendment

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 588.

The Committee on Governmental Efficiency recommends the following pass:

SB 368 with 2 amendments	SB 370 with 2 amendments
SB 369 with 2 amendments	

The Committee on Judiciary—Civil B recommends the following pass:

SB 595	SB 614 with 2 amendments
SB 602 with 2 amendments	SB 622
SB 601	

The Committee on Natural Resources and Conservation recommends the following pass: HB 1891.

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

The Committee on Governmental Efficiency recommends a Committee Substitute for SB 12.

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Judiciary—Criminal recommends a Committee Substitute for SB 343.

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

The Committee on Judiciary—Civil A recommends the following not pass: SB 18, SB 46

The Committee on Personnel, Retirement and Claims recommends the following not pass: SB 31

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

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—
SB 6 with 3 amendments SB 95 with 1 amendment

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

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

Your Engrossing Clerk to whom was referred—
CS for SB 421 with 1 Senate and 2 House amendments

—reports that the Senate and House amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred CSSB 421 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on February 16, 1972.

ELMER O. FRIDAY
Secretary of the Senate

On motion by Senator Poston, by two-thirds vote, the Committee on Transportation was granted permission to consider at its meeting this day, a Senate Concurrent Resolution requesting the Governor to re-negotiate the agreement between the U. S. Department of Transportation and the State of Florida dated January 27, 1972.

On motion by Senator Myers, by two-thirds vote, the Committee on Health, Welfare and Institutions was granted permission to consider SB 677 at its meeting February 17, 1972.

On motion by Senator Gunter, the following composition distributed by Senator Poston was spread upon the Journal:

"BE GLAD YOU'RE AN AMERICAN"

As a citizen of the United States, you probably take religious freedom as much for granted as you do the air you breathe.

That's understandable: the churches have always been open to you . . . as a child you learned that this nation was founded by men and women seeking religious freedom . . . that the constitution gives every man the right to worship as he chooses . . . that Washington prayed at Valley Forge . . . that Lincoln said, "I ask the prayers of God's People . . . and that even the coins you jingle in your pocket proclaim for this nation "In God We Trust."

Be glad you live in the United States, rather than in some other land whose leaders attempt to lock religion out . . . lands whose people have been persecuted, tortured, even murdered for their religious beliefs.

Napoleon said: . . . "Religion must be under the control of the government."

Mussolini said: . . . "Religion is a species of mental disease."

Hitler said: . . . "The state can only wish to extend its protection to such religious organizations as can in turn be of use to it."

Stalin said: . . . "We guarantee the right of every citizen to combat by argument, propaganda and agitation any and all religion."

These men forgot that this is the creator's world. They ignored the question put to Job: "Where was thou when I laid the foundation of the earth?"

Be glad you're an American. Be glad our leaders are humble and devout in their knowledge that this is God's world and that we are his people. Be glad you live where you are free to worship him as your heart desires.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator de la Parte, SB 650 was withdrawn from the Committee on Ways and Means by two-thirds vote.

On motion by Senator Horne, SB 583 was withdrawn from the Committee on Personnel, Retirement and Claims by two-thirds vote and from further consideration of the Senate.

On motion by Senator Horne, the Committee on Judiciary—Civil B was granted an additional 15 days for the consideration of—

SB 102	SB 287-SF	SB 485	SB 592	SB 642
SB 195	SB 323	SB 565	SB 593	SB 649
SB 229	SB 363	SB 567	SB 637	SB 659
SB 232	SB 389	SB 568	SB 638	SB 661
SB 283	SB 417	SB 577	SB 640	SB 533

On motion by Senator Barron, the Committee on Judiciary—Civil A was granted an additional 15 days for the consideration of Senate Bills 260, 312 and 523.

On motion by Senator Haverfield, the Committee on Universities and Community Colleges was granted an additional 15 days for the consideration of SB 518.

On motion by Senator Lewis (33rd), the Committee on Agriculture was granted an additional 15 days for the consideration of Senate Bills 397 and 538.

Senator Horne presiding.

On motion by Senator Thomas, the rules were waived and SB 770 was introduced out of order.

By Senators Thomas, Henderson, Barron, McClain, Boyd, Horne, Ott, Broxson, Saunders, Weissenborn, Stolzenburg, Plante, Ware, Knopke, Scarborough, Haverfield, Brantley, Bishop, Saylor, Childers, Beaufort, Johnson (34th), Lewis (43rd), Trask, Poston, Lane, de la Parte, Daniel, Barrow and Fincher—

SB 770—A bill to be entitled An act relating to bussing solely to achieve a racial balance in public schools, equal opportunity for education, and prayer in the public schools, placing said questions before the voters in the primary election to be held on March 14, 1972.

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

On motion by Senator Thomas, SB 770 was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and placed on the calendar.

On motion by Senator Thomas, Rule 4.4 requiring 15 minutes notice was waived and SB 770 was taken up out of order by unanimous consent.

On motion by Senator Thomas, by two thirds-vote, SB 770 was read the second time by title.

Senators Graham, Gong and Poston offered the following amendment which was moved by Senator Graham:

Amendment 1—On page 1, line 29, strike the “?” and insert: and opposing a return to a dual system of public schools?”

Senator Deeb offered the following substitute amendment:

Amendment 2—On page 1, line 27, section 2 strike “and equal educational opportunities regardless of race, color, religion or sex?” and insert a period

Senator Plante moved that debate on the foregoing amendment and all additional amendments be limited to two minutes per side and to four minutes on final passage of the bill. The motion failed.

Amendment 2 failed.

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

Amendment 3—On page 2, line 3 add a new Section 3 as follows and renumber subsequent section: Section 3. It is the intent of the legislature that the questions set forth in section 2 hereof be placed on the ballot of March 14, 1972 in lieu of the questions phrased in committee substitute for senate bill 421 previously enacted by the legislature during the 1972 regular session.

Senators Graham, Gong and Poston offered the following amendment which was moved by Senator Graham:

Amendment 4—On page 1, strike all of lines 28 and 29 and insert: , providing an equal opportunity for quality education for all children regardless of race, creed, color, sex or place of residence and oppose a return to a dual system of public schools.

Senator Daniel moved as a substitute motion that SB 770 be read the third time by title. The substitute motion was adopted by two-thirds vote and SB 770 was read the third time by title.

Senators Graham, Gong and Poston offered the following amendment which was moved by Senator Graham and failed:

Amendment 5—On page 1, strike all of lines 28 and 29 and insert: , providing an equal opportunity for quality education for all children regardless of race, creed, color, sex or place of residence and oppose a return to a dual system of public schools.

SB 770, as amended, passed and was ordered immediately certified to the House after engrossing. The vote was:

Yeas—35

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

Nays—5

Bell Graham Johnson (29th) Lewis (33rd)
Deeb

By unanimous consent, Senators Trask, Barrow and Beaufort were recorded as voting yea; Senators Johnson (29th) and Lewis (33rd) changed their vote from nay to yea.

Explanations of vote

I vote yes on Senate Bill 770, even though I oppose the “straw ballot” procedure, because I am convinced that there will be a straw ballot on March 14, 1972 and I prefer this language to that heretofore proposed.

Frederick B. Karl, 14th District

Pursuant to Rule 5.5 the undersigned senators herewith affirm their opposition to “government by straw ballot” because it is an abdication of legislative responsibility.

Inasmuch as Senate Bill 421 providing for a straw ballot has passed the Legislature, we support Senate Bill 770 in order to perfect an adequate statement of fact on the ballot and not to affront the citizens of Florida with inflammatory language.

*Jerry Thomas, 35th District
Phil Lewis, 33rd District*

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas
President of the Senate*

February 14, 1972

Sir:

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

By Representative Harris—

HB 1665—A bill to be entitled An act relating to inter vivos trusts; amending subsection (1) of Section 689.075, Florida Statutes, to provide that inter vivos trusts shall not be ineffective for retention of more than one power by the settlor; amending subsection (2) to remove the requirement of execution with the formalities of the statute of wills, and to require two witnesses only; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 1665, 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 11, 1972

Sir:

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

By Representative Firestone—

HB 2678—A bill to be entitled An act relating to assault; creating §784.07, Florida Statutes; prohibiting the assault of certain law enforcement officers and public officials; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2678, contained in the above message, was read the first time by title and referred to the Committee on Judiciary—Criminal.

The Honorable Jerry Thomas
President of the Senate

February 11, 1972

Sir:

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

By Representative Poole and others—

HB 2026—A bill to be entitled An act relating to the Board of Funeral Directors and Embalmers; amending section 470.06, Florida Statutes, by increasing the amount paid to board members while attending official board meetings from ten dollars (\$10.00) to twenty-five dollars (\$25.00); amending paragraph (e) of subsection (1) of section 470.08, Florida Statutes, by requiring a course in Mortuary Science to be a qualification for a license; amending subsection (1) of section 470.09, Florida Statutes, by increasing the examination fee from twenty-five (\$25.00) to fifty dollars (\$50.00) and clarifying the procedure for the unsuccessful applicant; amending paragraphs (a) and (c) of subsection (1) of section 470.10, Florida Statutes, by increasing the penalty fee for a license renewed after September 1 of any year from five dollars (\$5.00) to twenty-five dollars (\$25.00) and increasing the renewal fee for embalmers from fifteen dollars (\$15.00) to twenty-five dollars (\$25.00) and for funeral directors from twenty dollars (\$20.00) to thirty-five (\$35.00) and providing an increase in the registration fee for an apprentice attending an apprentice training agency from five dollars (\$5.00) to ten dollars (\$10.00); amending subsection (1) of section 470.10, Florida Statutes, by adding paragraph (d) providing a ten dollar (\$10.00) fee for a duplicate certificate and adding paragraph (e) providing a five dollar (\$5.00) fee for a duplicate yearly renewal card; amending section 470.10, Florida Statutes, by adding subsection (9); amending section 470.30, Florida Statutes, by adding section (7) requiring notification to the board of any change in the information required in the application for the establishment license; amending section 470.31, Florida Statutes, by increasing the registration fee paid the owner or owners or proprietor of each funeral home, mortuary, chapel or funeral establishment from thirty-five dollars (\$35.00) to fifty dollars (\$50.00) and further providing that an inspection fee of fifty dollars (\$50.00) be paid by said owner, owners or proprietor for each inspection required; creating section 470.34, Florida Statutes, authorizing the board to impose a penalty against licensees for violations of this Chapter up to one thousand dollars (\$1,000.00) as an alternative method of enforcement of the provisions of this Chapter; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2026, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Ways and Means.

The Honorable Jerry Thomas
President of the Senate

February 11, 1972

Sir:

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

By Representative Hodes—

HB 863—A bill to be entitled An act relating to the department of health and rehabilitative services, division of mental health; repealing Sections 402.01, 402.02 and 402.03, Florida Statutes, abolishing the council on training and research in mental health in Florida created for the division of mental health; amending Section 402.04, Florida Statutes, reflecting the transfer of duties of the council on training and research

in mental health in Florida to the advisory council on mental health created for the division of mental health; amending Section 402.11, Florida Statutes, to increase the size and expand the duties of the advisory council on mental health created for the division of mental health; and providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 863, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

The President presiding.

Senators de la Parte, Williams and Gunter excused.

On motion by Senator Myers, SCR 689 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and placed on the Calendar.

On motions by Senator Myers, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up out of order—

SCR 689—A Senate Concurrent Resolution requesting the President of the United States to urge the Soviet government to end discrimination against religious minorities; to permit Soviet citizens to emigrate to countries of their choice; and to allow free expression of ideas in the exercise of religion by all Soviet citizens.

WHEREAS, the people of the state of Florida strongly believe in freedom of religion and other human rights for all people and are opposed to the denial of these freedoms anywhere in the world; and

WHEREAS, it has come to the attention of American citizens that Jews and other religious minorities living in the Soviet Union are being denied the means to exercise freely their religion and are not accorded the same privileges granted other citizens living in the Soviet Union; and

WHEREAS, the government of the Soviet Union in persecuting Jewish citizens by denying them the same rights and privileges accorded to other recognized religions and discriminating against Jews in cultural activities and in their access to higher education, and by imposing restrictions against Jews and members of other minority groups which deny them the freedom to emigrate and to travel abroad; and

WHEREAS, the right freely to emigrate is a right affirmed by the United Nations declaration of human rights adopted unanimously by the general assembly of the United Nations; and

WHEREAS, such declaration of human rights presents the development of better understanding and better relations between the people of the United States, the people of the state of Florida, and the people of the Soviet Union.

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

Section 1. That the President of the United States urge upon the Soviet government to end discrimination against religious minorities.

Section 2. That the President of the United States urge the Soviet government to permit Soviet citizens to emigrate to the country of their choice.

Section 3. That all Soviet citizens be permitted the free expression of ideas and the exercise of religion.

—which was read the second time in full. On motion by Senator Myers, SCR 689 was adopted and certified to the House. The vote was:

Yeas—38

Mr. President	Broxson	Graham	Karl
Arnold	Childers	Haverfield	Knopke
Barron	Deeb	Henderson	Lane
Beaufort	de la Parte	Hollahan	Lewis (43rd)
Bell	Ducker	Horne	McClain
Boyd	Fincher	Johnson (29th)	Myers
Brantley	Gong	Johnson (34th)	Ott

Plante	Saylor	Trask	Wilson
Poston	Scarborough	Ware	
Saunders	Stolzenburg	Weissenborn	

Nays—None

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

UNFINISHED BUSINESS

SB 145 with pending amendment was taken up and consideration thereof temporarily deferred.

SPECIAL ORDER

SB 482—A bill to be entitled An act relating to land surveyors; amending §472.01(2) and (3), Florida Statutes, by redefining "person" and "land surveyor" or "professional land surveyor," and adding subsection (4) to said section to define "practice of land surveying"; 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 2, line 28 after "subdivisions" insert: the measurement of and preparation of plans showing existing improvements after construction;

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

Amendment 2—On page 3, line 4 after "177;" insert: the determination of, but not the design of grades and elevations of roads and land in connection with subdivisions or divisions of land;

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

Amendment 3—On page 3, line 5 strike "grades and"

On motion by Senator Poston, by two-thirds vote SB 482 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—28

Arnold	Daniel	Johnson (34th)	Plante
Barron	Deeb	Karl	Poston
Beaufort	Gong	Lewis (33rd)	Reuter
Bell	Graham	Lewis (43rd)	Saunders
Brantley	Haverfield	McClain	Saylor
Broxson	Henderson	Myers	Scarborough
Childers	Hollahan	Ott	Weissenborn

Nays—7

Boyd	Lane	Ware	Wilson
Ducker	Pope	Weber	

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

On motion by Senator Daniel, the President appointed Senators Daniel, Horne and Johnson (34th) as a committee to escort United States Senator Henry "Scoop" Jackson, candidate for the Democratic nomination for President of the United States, to the rostrum where he addressed the Senate.

SB 269—A bill to be entitled An act relating to discriminatory practices based on sex; amending sections 13.201(2), 13.211(3) and 13.251, Florida Statutes, and section 409.026(5), 509.141(1), and 509.142, Florida Statutes, 1970 Supplement to add discrimination based on sex to discriminatory practices prohibited therein; 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 5, line 29 strike "upon becoming law" and insert: October 1, 1972

On motion by Senator Lewis (43rd), by two-thirds vote SB 269 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Trask, Ducker, Ware, Barron and Reuter were recorded as voting yea.

CO-INTRODUCERS

By permission Senators Poston, McClain and Ducker were recorded as co-introducers of SB 269.

On motion by Senator Deeb, SB 726 was removed from the calendar and withdrawn from further consideration of the Senate.

Senators Gunter, de la Parte and Williams returned to the chamber.

Senator Saunders presiding.

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 second time by title.

The President presiding.

On motion by Senator Scarborough the following amendment was adopted:

Amendment 1—On page 3, strike Section 3. and insert: Section 3. This act shall become effective upon the adoption of a capital center zoning law.

Senators Karl and Barrow offered the following amendment which was adopted on motion by Senator Karl:

Amendment 2—On page 3, line 17, strike the period and insert: by exercise of the power of eminent domain.

Senators Saylor, Beaufort and Scarborough offered the following amendment which was adopted on motion by Senator Saylor:

Amendment 3—On page 3, line 10, add a new sentence: Such acquisition shall also include the property known as the Dorian Building which is located on 3,200 square feet on the corner of Monroe Street and Pensacola Street.

On motion by Senator Horne, by two-thirds vote SB 620 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—43

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

Nays—None

SB 289—A bill to be entitled An act relating to sodomy; amending §800.01, Florida Statutes, as amended by chapter 71-136, Laws of Florida; providing a definition; providing penalties; creating §800.025, Florida Statutes, providing for the crime of bestiality; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 18 strike “(a) He misleads the victim as to the nature of this act being committed” and insert: (a) He fraudulently induces the victim to submit to the act

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Barrow and failed:

Amendment 2—On page 3, lines 12 and 13 strike “misdemeanor of the first” and insert: felony of the third

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

Amendment 3—On page 3, strike all of line 21 and line 22 and insert: Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect upon becoming law.

Senator Myers moved the adoption of the following amendment:

Amendment 4—On page 3, strike subsection (5)

Senator McClain moved the adoption of the following substitute amendment which failed:

Amendment 5—On page 3, line 12 strike “not his spouse” and insert: of the same sex

The vote was:

Yeas—15

Bell	Henderson	Lane	Poston
Daniel	Horne	Lewis (43rd)	Scarborough
Fincher	Johnson (29th)	McClain	Weissenborn
Gong	Johnson (34th)	Myers	

Nays—22

Arnold	Broxson	Haverfield	Trask
Barron	Childers	Hollahan	Ware
Barrow	Deeb	Lewis (33rd)	Williams
Beaufort	de la Parte	Ott	Wilson
Boyd	Ducker	Plante	
Brantley	Gunter	Stolzenburg	

Amendment 4 failed.

On motion by Senator Ott, by two-thirds vote SB 289 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—2

Bell	Weissenborn
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Explanation of Vote

I voted against SB 289 because the bill would legislate as to what sexual activity two consenting non-married adults can or cannot engage in. I think that having such a law on the books is patently ridiculous. If the bill had been restricted to providing criminal penalties for sexual molestation of children, bestiality, sex acts performed by force, etc., I would have voted for it.

Lee Weissenborn, 42nd District

Senator Barrow filed the following report:

**REPORT OF SELECT COMMITTEE
STATUS OF ABORTION LAW
STATE OF FLORIDA**

On February 14, 1972, the Supreme Court of Florida in State of Florida vs Luis Barquet, et al, rendered its opinion declaring Florida Statutes 782.10 and 797.01 relating to abortion unconstitutional.

On request of the President of the Florida Senate your Select Committee met Wednesday, February 15, 1972, for the express purpose of reporting to the Chair and the Senate the significance of the Court's Ruling, the present status of Florida law on the subject of abortion and whether the Senate should address itself to legislation on the subject.

Your Committee reports as follows:

1. The ruling of the Court in the instant case declared the cited statutes in violation of the Florida Constitution on the issue of the vagueness of the language in the statutes and that grounds alone.

2. The Court allowed 60 days from the date of the opinion within which to petition for rehearing and stayed its mandate. Therefore, the present law is in effect.

3. The Court itself recognized the seriousness of the issue as a legislative matter and in fact urged the legislature to act in the field when it said, “The Legislature of Florida is presently in session and this question should be finally determined by that body. The welfare of the State requires that the issuance of the mandate in this case be withheld until the Legislature has an opportunity to solve the problem.”

4. When the mandate is issued, in the event the legislature has not acted, the Court specifically ruled Florida will be governed by the “Common Law.” The majority view of the Common Law as to abortion is: “To operate upon a pregnant woman for the purpose of procuring an abortion if she is actually quick with child is a crime. It is a misdemeanor.” Until quick with child it was not a crime.

5. The Committee feels that the Common Law is not adequate to protect the rights and interests of all those affected.

Therefore: it is the Recommendation of the Committee that the Legislature on the subject of abortion enact a Statute in reasonable and definite terms which meets Constitutional requirements.

Respectfully submitted,

*William D. Barrow, Chairman
Frederick B. Karl, Vice Chairman
Louis de la Parte, Jr.
Kenneth M. Myers
Harold S. Wilson*

SB 358—A bill to be entitled An Act relating to the practice of optometry; amending subsection (5) of section 463.11, Florida Statutes, providing for standards and the regulation of branch offices; providing an effective date.

—was read the second time by title.

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

On page 2, line 16 strike “, however, that this provision shall not prohibit the continued operation of any branch office existing on the effective date hereof.” and insert a period

On motion by Senator Haverfield, the rules were waived and the Committee on Universities and Community Colleges was authorized to consider Senate Bills 381 and 455 at the scheduled meeting this day.

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—44:

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

On motion by Senator Hollahan, Rule 4.4 was waived, and the Committee on Rules, Calendar, Privileged Business and Ethics was granted permission to file a bill relating to beverage licenses for charitable organizations for introduction and consideration subsequent to the first twenty days of the session.

SPECIAL ORDER

The hour of 2:00 p.m. having arrived, the Senate took up for consideration—

SB 706—A bill to be entitled An act relating to educational reorganization; providing for legislative intent; providing for the duties and responsibilities of the state board of education; providing for the creation, composition and duties and responsibilities of the state commission for public education; providing for its membership; providing for a commissioner of education; providing for the duties and responsibilities of the commissioner of education; providing for local control of junior colleges; transferring the board of regents to the department of education by a type three transfer; abolishing the board of regents; creating a board of trustees for the state university system; providing for its membership; providing duties and responsibilities; repealing all acts in conflict herewith; providing a savings clause; providing an effective date.

—which was read the second time by title.

Senator Haverfield moved the adoption of the following amendment:

Amendment 1—On page 3, strike all after the enacting clause, and insert: Section 1. Short Title.—This act shall be known and may be cited as the educational reorganization act of 1972.

Section 2. Legislative intent.—It is the intent of the legislature that:

(1) The legislature should direct its educational activities to:

(a) Determining priorities and establishing broad policies and programs;

(b) Reviewing program performance and policy execution; and,

(c) Funding educational programs including direct appropriations and bonding.

(2) The constitutional state board of education shall direct its activities to:

(a) Constitutional bonding matters;

(b) Approving, modifying, or rejecting educational policies, rules and regulations developed by the state board for public education;

(c) Requesting the commissioner of education to recommend to the state board for public education changes in policy, procedure, rules or regulations deemed advisable or appropriate by the constitutional board of education;

(d) Reviewing educational budgets in the manner prescribed in 20.31 Florida Statutes and in chapter 216, Florida Statutes; and,

(e) Approving or rejecting the membership of the state board for public education.

(3) The state board for public education shall:

(a) Within the broad policies established by the legislature initiate, develop, alter, modify, approve or reject policies, procedures, rules and regulations for the governance of public education;

(b) Adopt a positive, affirmative program to evaluate the effectiveness, efficiency, and adequacy of the implementation of its policies, procedures, and rules and regulations;

(c) Require the development and utilization of clearly stated, objective criteria for the evaluation of employee performance and the quality of education provided at all levels of public education.

Section 3. Section 229.012, Florida Statutes, is amended to read:

229.012 Composition of the state boards of education.—*There shall be a constitutional board of education and a state board for public education as prescribed herein: The state board of education shall consist of the governor, the secretary of state, the attorney general, the comptroller, the treasurer, and the commissioner of education.*

(1) *The constitutional board of education.—The state board of education constituted in section 2 of article IX of the constitution of 1885 as amended in 1968 is hereby named, and hereafter shall be cited as the constitutional board of education. The governor shall be chairman of the board, and the commissioner of education shall be its secretary and executive officer.*

(a) The powers and duties of the constitutional board of education are as follows:

1. *Approve, modify, or disapprove all rules and regulations adopted by the state board for public education, hereinafter created, before they are filed with the department of state; provided that if any rule is not disapproved by the constitutional board of education within fifteen (15) days of its receipt from the state board for public education the rule shall immediately be filed with the department of state. All rules adopted by the state board for public education shall be transmitted to the constitutional board of education within ten (10) days after adoption.*

2. *Request the commissioner of education to recommend to the state board for public education changes in policy, procedure, or rules or regulations deemed advisable or appropriate by the constitutional board of education.*

3. *Administer, for the life of the amendment, the school bonds provided by section 18 of article XII of the constitution of 1885 as amended in 1968.*

4. *Review educational budgets in the manner prescribed in 20.31 Florida Statutes, and in chapter 216, Florida Statutes.*

5. *Approve or reject the membership of the state board for public education.*

(2) *State board for public education.—There is hereby created as a body corporate a non-partisan state board for public education.*

(a) *The state board for public education shall consist of nine (9) lay citizens of the state selected from the state at*

large, representative of the total population of the state, who shall have been residents and citizens thereof for a period of at least five (5) years prior to their appointment by the governor, approved by three (3) members of the cabinet, and confirmed by the senate; provided however, that no appointee shall take office until his appointment is approved by three (3) members of the cabinet. The terms of office shall be four (4) years and until their successors are appointed and qualified, except, in the case the appointment is to fill a vacancy, in which case appointment shall be for the unexpired term; provided, however, that no member shall be selected from any county to serve with any other member from the same county. The governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein; provided, however, the terms of the initial membership of the board shall begin on January 1, 1973 and shall be as follows: two (2) members shall be appointed for one (1) year; two (2) members for two (2) years; two (2) members for three (3) years; and three (3) members for four (4) years; provided, further, the governor shall designate one of the members as chairman. The chairman shall serve in that capacity at the pleasure of the governor.

(b) The powers and duties of the state board for public education are as follows:

(1) All powers and duties assigned by law to the state board of education and the board of regents except those powers and duties specifically assigned by law to the constitutional board of education, are assigned to the state board for public education created herein and in addition thereto the state board for public education by five (5) affirmative votes may cancel any action taken by the commissioner of education which is contrary to the officially adopted policies of the state board for public education. The state board for public education shall adopt rules and procedures for its own governance; provided, however, that the commissioner of education as specified in section 4, article IV of the constitution of 1885 as amended in 1968 shall be the secretary and executive officer of the state board for public education.

(2) Consistent with or in addition to its other powers, duties and responsibilities, the state board for public education shall be responsible for:

(a) Initiating, developing and adopting policies, rules and regulations for the governance of all public education;

(b) Recommending to the governor fiscal policy and budgets for public education;

(c) Recommending to the constitutional board of education bonding programs for public education;

(d) Requiring the development and continuous utilization of objective criteria for the evaluation of employee performance and of the quality of educational programs provided at all levels;

(e) Planning for and coordinating all aspects and levels of public education;

(f) Approving the appointment of division directors within the department of education;

(g) Approving the appointment of university presidents;

(h) Establishing effective, cooperative relationships with private education; and

(i) Recommending proposed legislation affecting public education.

(3) The state board for public education shall meet not less than once every sixty days and at other times upon the request of the governor, the constitutional board of education, or the commissioner of education. Members of the state board for public education shall serve without pay but shall be entitled to be reimbursed for travel and per diem as provided by Section 112.061 Florida Statutes.

Section 3. Commissioner of education, election, duties and responsibilities.—The Commissioner of education shall be elected and shall serve as a member of the cabinet as presently provided by law.

(1) The commissioner is and shall be the chief state school officer.

(2) The Commissioner is and shall serve as the secretary and executive officer of the constitutional board of education.

(3) The commissioner is and shall serve as the secretary and the executive officer of the state board for public education.

(4) The Commissioner is and shall serve as the chief administrative officer of the department of education.

(5) Acting within the policies established by the state board for public education, the commissioner shall have the power to issue and to place into effect administrative orders, rules and regulations. The organization and operating procedures of the divisions shall be set forth in administrative regulations which the commissioner shall develop and place into effect by administrative orders and he shall submit same to the state board for public education. The state board for public education may accept, modify or reject such orders, rules and regulations, providing, however, that no such orders, rules or regulations shall become effective until approved by a majority of the members of the state board for public education and submitted to the constitutional board of education as provided herein.

(6) The commissioner shall approve the appointment and removal of community junior college presidents.

(7) Subject to approval by a majority of the state board for public education, the commissioner shall appoint university presidents who shall serve at the pleasure of the commissioner.

(8) The commissioner shall be responsible for recommending as well as implementing and administering policies, budgets, procedures, and rules and regulations.

Section 4. Paragraphs (1), (2), (3) and (4) of Section 20.15, Florida Statutes, are amended to read:

20.15 Department of education.—There is created a department of education.

(1) The head of the department of education is the state board for public education ~~composed of the governor and cabinet as specified in section 229.012, Florida Statutes, section 2, article IX of the state constitution.~~ The governor is chairman of the board, and the commissioner of education is the secretary and executive officer. ~~and in the absence of the governor shall serve as chairman.~~

(2) ~~Four~~ Five members of the state board of education for public education shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

(3) The following divisions of the department of education are established:

(a) Division of elementary and secondary education;

(b) Division of vocational education;

(c) Division of community colleges;

(d) Division of universities

(4) The directors of the four divisions are provided for as follows:

(a) ~~The board of education, upon the recommendation of~~ the commissioner of education shall employ a director of the division of elementary and secondary, subject to approval by a majority of the members of the state board for public education.

(b) ~~The board of education, upon the recommendation of~~ The commissioner of education shall employ a director of the division of vocational education, subject to approval by a majority of the members of the state board for public education.

(c) ~~The board of education, upon the recommendation of~~ The commissioner of education shall employ a director of the division of community colleges, subject to approval by a majority of the members of the state board for public education.

(d) ~~The board of regents is the director of the division of universities.~~ The commissioner of education shall employ a director of the division of universities, subject to approval by a majority of the members of the state board for public education.

Section 5. Junior colleges, local control.—The administration of community junior colleges shall continue to repose in local boards of trustees appointed by the governor and confirmed by the senate as provided by law in existence on the effective date of this act; provided however, that the commissioner of education shall approve the appointment of the presidents of the community junior colleges.

Section 6. State university system; board of regents abolished; board of trustees created, terms of office, responsibilities —

(1) The board of regents created by Chapter 240 Florida Statutes is transferred by a type three transfer to the department of education and the board of regents is hereby abolished.

(2) There is hereby created a board of trustees for the state university system composed of five (5) members to be appointed by the governor, approved by three members of the cabinet, and confirmed by the senate.

(3) Initial members of the board of trustees for the state university system shall be appointed to serve until the first Monday in January, 1975. The successors to the initial appointees shall be appointed to four (4) year terms. The governor shall designate one of the members as chairman. The chairman shall serve at the pleasure of the governor.

Senator McClain moved the adoption of the following amendment to the amendment:

Amendment 1a—On page 3, line 3 strike the word: "modify"

Senators Broxson, Gunter, Poston and Ducker offered the following substitute amendment which was moved by Senator Broxson:

Amendment 2—strike Section 1 and everything thereafter and insert:

Section 1. Subsection (4) of section 20.06, Florida Statutes, is amended to read:

20.06 Method of reorganization.—The executive branch of state government shall be reorganized by transferring the specified agencies, programs, and functions to the departments, commissions or offices created or referred to herein. Types of transfers used herein are defined as follows:

(4) TYPE FOUR TRANSFER.—A type four transfer is the merging of an identifiable program, activity, or function of an existing agency into a department. Any program or activity transferred by a type four transfer shall have all its statutory powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds transferred to the department to which it is transferred. The transfer of segregated funds shall be made in such manner that the relation between program and revenue source as provided by law is retained.

Section 2. Subsections (1), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of education.—There is created a department of education.

(1) The head of the department of education is the *commissioner of education. Notwithstanding anything contained in the law to the contrary, the state board of education composed of the governor and cabinet as specified in section 2, Article IX of the state constitution shall administer the bond duties and responsibilities imposed upon the state board of education in section 9. Article XII of the state constitution and shall have no other duties or responsibilities in the supervision of the public school system except as provided in this subsection; the state board of education is transferred to the department of education by a type four transfer.* The governor is chairman of the board, and the commissioner of education is the secretary and executive officer and in the absence of the governor shall serve as chairman.

(2) Four members of the state board of education shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

(3) The following divisions of the department of education are established:

- (a) Division of elementary and secondary education;
- (b) Division of vocational education;
- (c) Division of community colleges; and
- (d) Division of universities.

(4) The directors of the four divisions are provided for as follows:

(a) ~~The board of education, upon the recommendation of the commissioner of education, shall employ a director of the division of elementary and secondary education;~~

(b) ~~The board of education upon the recommendation of the commissioner of education, shall employ a director of the division of vocational education;~~

(c) ~~The board of education, upon the recommendation of the commissioner of education, shall employ a director of the division of community colleges; and~~

(d) The board of regents is the director of the division of universities.

(5) ~~All powers, duties, responsibilities, and functions of the commissioner of education and the existing department of education that pertain to kindergarten through twelfth grade education are transferred by type four transfers to the department of education. The state board of education and the commissioner of education shall assign to the division of elementary and secondary education such powers, duties, responsibilities, and functions as shall be necessary to insure the greatest possible coordination, efficiency, and effectiveness of kindergarten through twelfth grade education.~~

(6) ~~All powers, duties, responsibilities, and functions of the commissioner of education and the existing state department of education that pertain to vocational education are transferred by type four transfer to the department of education. The state board of education and the commissioner of education shall assign to the division of vocational education such powers, duties, responsibilities, and functions as shall be necessary to insure the greatest possible coordination, efficiency, and effectiveness of vocational education.~~

(7) ~~All powers, duties, responsibilities, and functions of the commissioner of education and the existing state department of education that pertain to junior colleges are transferred by type four transfer to the department of education. The state board of education and the commissioner of education shall assign to the division of community colleges such powers, duties, responsibilities, and functions as shall be necessary to insure the greatest possible coordination, efficiency and effectiveness of community colleges.~~

(8) ~~All powers, duties, and functions of the commissioner of education and the existing department of education not otherwise transferred or provided for herein are transferred by type three transfer to the department of education.~~

(8) (9) Except as otherwise provided herein, all powers, duties, and functions of the state board of education are transferred to the department of education for reassignment by the state board of education to the commissioner of education to the appropriate division or divisions of the department of education.

(9) (10) Notwithstanding anything contained in law to the contrary, all members of all councils and committees of the department of education except the board of regents and junior college boards of trustees shall hereafter be appointed by the commissioner state board of education, from a list of two or more names nominated for each position by the commissioner of education. However, each member of a board, council, or committee transferred herein to the department of education by a type five transfer shall continue in office for the remainder of his current term.

(10) (11) Notwithstanding anything contained in law to the contrary, all members of the board of regents shall be appointed by the governor, approved by three members of the commissioner of education cabinet, and confirmed by the senate. No appointee shall take office until after his appointment has been approved by the commissioner of education. three members

of the cabinet. The commissioner of education state board of education shall develop rules and procedures for review and approval of the appointees.

(11) ~~(12)~~ Notwithstanding anything contained in law to the contrary, all members of each junior college board of trustees shall be appointed by the governor, approved by ~~three members of the commissioner of education cabinet~~, and confirmed by the senate. No appointee shall take office until after his appointment has been approved by ~~the commissioner of education. three members of the cabinet.~~ The commissioner of education state board of education shall develop rules and procedures for review and approval of the appointees. Prior to the time the governor appoints any member of any junior college board of trustees, the school board or boards in the junior college district may submit to the governor for his consideration the names of two or more persons for each office.

Section 3. Subsection (1) of section 240.011, Florida Statutes, is amended to read:

240.011 Board of regents; appointment of members; qualifications and terms of office of members, etc.—

(1) The board of regents shall consist of nine citizens of this state selected from the state at large, representative of the geographical areas of the state who shall have been residents and citizens thereof for a period of at least ten years prior to their appointment, and who shall be appointed by the governor, approved by the commissioner of education ~~three members of the cabinet~~ and confirmed by the senate; provided, however, that no appointee shall take office until after his appointment has been approved by ~~the commissioner of education three members of the cabinet~~; provided further that the state board of education shall develop rules and procedures for review and approval of the appointees. Their terms of office shall be nine years and until their successors are appointed and qualified, except, in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided; provided, however, that no member shall be selected from any county to serve with any other member from the same county. The governor shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur therein, provided, however, the terms of the initial membership of the board of regents shall be as follows: One member shall be appointed for one year beginning January 1, 1965; one member shall be appointed for two years beginning January 1, 1965; one member shall be appointed for three years beginning January 1, 1965; one member shall be appointed for four years beginning January 1, 1965; one member shall be appointed for five years beginning January 1, 1965; one member shall be appointed for six years beginning January 1, 1965; one member shall be appointed for seven years beginning January 1, 1965; one member shall be appointed for eight years beginning January 1, 1965; one member shall be appointed for nine years beginning January 1, 1965; provided, however, if the proposed constitutional amendment permitting nine year terms for members of the board of regents shall have been ratified by the people prior to December 31, 1963, the terms of the initial membership of the board shall begin January 1, 1964.

Section 4. Subsection (3) of section 240.011, Florida Statutes, is created to read:

(3) After the effective date of this act, the new appointments to the board of regents shall be for six year terms.

Section 5. Sections 229.012, 229.021, and 229.031, Florida Statutes, are hereby repealed.

Section 6. The division of statutory revision is directed to make such changes as are necessary to conform the Florida Statutes with the intent and provisions of this act.

Section 7. If any of the provisions of this act are found to be unconstitutional, all other remaining provisions shall be valid and enforceable as if the defective provision had not been a part of this act.

Section 8. This act shall take effect upon becoming a law.

Senators Plante and Stolzenburg offered the following amendment to the substitute amendment which was moved by Senator Plante:

Amendment 2a—On page 1, line 27, after "date." insert: A JOINT RESOLUTION proposing an amendment to Section

2, Article IX of the State Constitution relating to the state board of education.

Senator Plante moved that the Senate do now resolve itself into a Committee of the Whole for the purpose of taking up all matters relative to education and the motion failed.

Senator Horne moved that SB 706, with pending amendments and all proposed amendments filed with the Secretary, be re-committed to the Committee on Governmental Efficiency; and SJR 193 be referred to the Committee on Governmental Efficiency.

Senator McClain moved as a substitute motion that SB 706 with all pending amendments be referred to the Committees on Governmental Efficiency and Universities and Community Colleges. The substitute motion failed.

The motion by Senator Horne was adopted by two-thirds vote.

The Senate resumed consideration of—

SB 358—A bill to be entitled An Act relating to the practice of optometry; amending subsection (5) of section 463.11, Florida Statutes, providing for standards and the regulation of branch offices; providing an effective date.

—with the following pending amendment which was adopted on motion by Senator Myers:

Amendment 1—On page 2, line 16 strike " , however, that this provision shall not prohibit the continued operation of any branch office existing on the effective date hereof." and insert a period

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

Amendment 2—On page 2, line 25 ending on page 3, line 3 strike: "It is the intent of this section to allow the board to issue permits for branch offices as herein defined only in those locations which are necessary to provide adequate optometric services for the public and not primarily for the economic gain of the permittee and only a single branch office to any registered optometrist and optometrists practicing as a single entity."

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

Amendment 3—On page 1, line 22 strike subsection (5) in its entirety, line 22 of page 1 through line 11 of page 2, and insert: (5) No optometrist shall practice optometry in any temporary office apart from a regularly established office under penalty of revocation of certificate or registration; provided, however, that a registered optometrist practicing individually, in association, in partnership or through a professional corporation, may establish a branch office in accordance with the provisions of this chapter. Any practicing entity shall be entitled to establish one or more branch offices, provided that any such branch office be duly equipped with instruments necessary to make complete optometric examinations as may be determined by the board; provided further, that any such branch office is open for such service only under personal and direct charge of a duly registered or licensed optometrist, and when such registered or licensed optometrist is personally in attendance.

The vote was:

Yeas—13

Bell	Graham	Saunders	Wilson
Deeb	McClain	Stolzenburg	
Ducker	Plante	Ware	
Gong	Reuter	Williams	

Nays—21

Arnold	Broxson	Karl	Scarborough
Barron	Childers	Lewis (33rd)	Trask
Barrow	Gunter	Lewis (43rd)	Weissenborn
Beaufort	Hollahan	Myers	
Boyd	Horne	Ott	
Brantley	Johnson (29th)	Poston	

By unanimous consent, Senator Fincher was recorded as voting yea, and Senator Johnson (29th) changed her vote from nay to yea.

On motion by Senator Myers, by two-thirds vote SB 358 as amended was read the third time by title.

Senators Wilson, Myers and Graham offered the following amendment which was adopted by two-thirds vote on motion by Senator Myers:

Amendment 4—On page 2, line 5 after the semi-colon insert: Provided that two or more registered optometrists, practicing in association, in partnership or through a professional corporation, may establish an additional branch office for each such practicing optometrist in excess of two;

SB 358 as amended passed and was ordered engrossed. The vote was:

Yeas—37

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

Nays—1

Boyd

By unanimous consent, Senators Fincher and Gunter were recorded as voting yea; Senator Boyd changed his vote from nay to yea.

SB 488—A bill to be entitled An act relating to insurance policies; amending section 627.0118 of part II of chapter 627, Florida Statutes, requiring insurance contracts dealing with vision care and requiring inclusion of optometrists within the term of coverage with respect to the services which may be provided by optometrists by law; 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 Barron:

Amendment 1—On page 1, line 15 Insert: Section 1. Declaration of legislative intent.—

(1) It is not intended that this act shall be construed to enlarge or diminish the practice of optometry as now defined by law in Chapter 463, Florida Statutes.

(2) This act has been presented and considered by the legislature as a means to eliminate specific problems concerning practitioners in the eye care field. The question as to need as a means to improve the health care system is not a consideration of this act.

and renumber subsequent sections.

On motion by Senator Barron, by two-thirds vote SB 488 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Arnold	Ducker	Knopke	Poston
Barrow	Gong	Lane	Reuter
Beaufort	Graham	Lewis (33rd)	Saunders
Bell	Gunter	Lewis (43rd)	Scarborough
Boyd	Haverfield	McClain	Trask
Brantley	Hollahan	Myers	Ware
Childers	Horne	Ott	Weissenborn
Deeb	Johnson (29th)	Plante	Williams

Nays—1

Saylor

By unanimous consent, Senators Daniel, Weber, Wilson, Thomas, Broxson and Fincher were recorded as voting yea; Senator Saylor changed his vote from nay to yea.

SB 332—A bill to be entitled An act relating to the department of transportation; amending subsection (7) of §253.124, Florida Statutes, as created by chapter 70-333, Laws of Florida, and appearing as subsection (8) of §253.124, Florida Statutes, 1970 Supplement, relating to the granting of fill permits by the board of trustees of the internal improvement trust fund, establishing an immediate procedure for the temporary repair of structures or roadways on the state highway system when life or public property is in danger; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote SB 332 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

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

Nays—None

By unanimous consent Senators Reuter, Daniel, Gunter and Fincher were recorded as voting yea.

SB 463—A bill to be entitled An act relating to loitering and prowling; creating §856.021, Florida Statutes, defining the crime of loitering or prowling; creating §856.031, Florida Statutes, providing for arrest without warrant for the crime of loitering or prowling; providing a penalty; repealing §§856.02 and 856.03, Florida Statutes, relating to arrest of vagrants; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote SB 463 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

By unanimous consent Senators Fincher, Gunter and Reuter were recorded as voting yea.

SB 464—A bill to be entitled An act relating to breaking and entering; amending §810.07, Florida Statutes, as amended by chapter 70-29, Laws of Florida, to extend prima facie evidence of entering with intent to commit a misdemeanor to apply to the entering of a building, ship or vessel; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote SB 464 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Johnson (34th)	McClain	Saunders	Weissenborn
Karl	Myers	Sayler	Williams
Knopke	Ott	Scarborough	Wilson
Lane	Plante	Stolzenburg	
Lewis (33rd)	Poston	Trask	
Lewis (43rd)	Reuter	Weber	

Nays—1
Ware

Nays—1

Wilson

By unanimous consent, Senators Myers, Scarborough, Gunter and Fincher were recorded as voting yea; Senator Reuter as voting nay.

SB 466—A bill to be entitled An act relating to larceny in mercantile establishments; amending §811.022, Florida Statutes, as amended by chapters 70-280 and 71-30, Laws of Florida; providing for detention of a suspect upon reasonable grounds, and for further detention pending arrival of a peace officer; providing for search, and seizure of goods unlawfully taken; providing for the placing of defendant's fingerprints on judgments of conviction; providing that a judgment of conviction shall be admissible as evidence in a subsequent prosecution to establish a prior conviction; providing for transmission of a copy of the judgment to the sheriff of the county in which rendered; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 18 strike Subsection (2) in its entirety and renumber.

On motion by Senator Ott, by two-thirds vote SB 466 was read the third time by title, and failed to pass. The vote was:

Yeas—18

Arnold	Daniel	Hollahan	Poston
Barrow	Deeb	Karl	Sayler
Beaufort	Ducker	Knopke	Williams
Boyd	Fincher	Myers	
Brantley	Haverfield	Ott	

Nays—24

Mr. President	Gong	Lewis (33rd)	Scarborough
Barron	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Trask
Broxson	Henderson	Plante	Ware
Childers	Johnson (29th)	Reuter	Weissenborn
de la Parte	Johnson (34th)	Saunders	Wilson

On motion by Senator Daniel, the rules were waived and the Committee on Governmental Efficiency was authorized to consider the educational reorganization question at 2:30 p.m., February 21.

SB 467—A bill to be entitled An act relating to obstructing justice; providing that tampering with jurors is a felony; prohibiting tampering with or fabricating physical evidence prior to or during the pendency of a proceeding or investigation; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Johnson (34th), by two-thirds vote SB 467 was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Mr. President	Bell	Daniel	Haverfield
Arnold	Boyd	Ducker	Henderson
Barron	Brantley	Fincher	Hollahan
Barrow	Broxson	Gong	Horne
Beaufort	Childers	Graham	Johnson (29th)

SB 468—A bill to be entitled An act relating to arrest without warrant; amending §901.15, Florida Statutes, as amended by chapter 70-339, Laws of Florida, to provide for arrest by a peace officer without warrant upon the reasonable belief that a crime is being or has been committed; providing an effective date.

—was read the second time by title. On motion by Senator Barrow, by two-thirds vote SB 468 was read the third time by title, and failed to pass. The vote was:

Yeas—4

Barrow	Deeb	Ott	Sayler
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Nays—40

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

Senator Lewis (43rd) moved that the Senate reconsider the vote by which SB 467 passed this day.

On motion by Senator Barrow, consideration of SB 469 was deferred.

SB 487—A bill to be entitled An act relating to arrests; amending §901.06 and §901.23, Florida Statutes, as amended by chapter 70-339, Laws of Florida, to provide for reports of arrests with or without warrants; providing an effective date.

—was read the second time by title.

The Committee on Judiciary—Criminal offered the following amendment which was moved by Senator Barrow:

Amendment 1—On page 1, strike all of line 27 and insert: (2) *within forty-eight (48) hours after an arrest for commission of a felony*

CO-INTRODUCERS

By permission Senator Johnson (34th) was recorded as a co-introducer of Senate Bills 430, 434, 437, 438, 375 and SCR 154.

By permission Senator Pope was recorded as co-introducer of SB 692.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m. for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., February 17, 1972.