

JOURNAL OF THE FLORIDA SENATE

Thursday, March 2, 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 Saunders—

SB 1168—A bill to be entitled An act relating to Dixie County; repealing chapter 71-610, Laws of Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1168.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Karl and Daniel—

SB 1169—A bill to be entitled An act relating to the City of South Daytona, Volusia County, Florida; amending section 7 of chapter 27898, Laws of Florida, 1951, as amended; redefining the corporate limits of the City of South Daytona to realign portions of the common boundaries between the Cities of South Daytona and Daytona Beach and the Cities of South Daytona and Port Orange, and to include all properties which have been annexed into the City of South Daytona by other procedures; repealing laws and parts of laws in conflict with the provisions of this act; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1169.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Karl and Daniel—

SB 1170—A bill to be entitled An act amending Chapter 70-648, Special Acts of the State of Florida 1970, being the charter of the city of DeLand, Florida, which became effective October 1, 1970 and was re-enacted and amended in 1971 by Chapters 71-601, 71-602 and 71-603, by amending Article VIII, finance, general, section 60, when contracts and expenditures prohibited, and section 63, competitive bidding; that section 60 be amended by adding the provision that division totals may not be over-expended; and section 63 be amended by providing specifically for authority to enter into cooperative bidding arrangements and to receive the benefits of other governmental districts and political subdivision agencies by authorizing the purchase with or from such agencies without competitive bidding; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1170.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Karl and Daniel—

SB 1171—A bill to be entitled An act relating to alcoholic beverage licenses in Volusia County; authorizing the issuance of an alcoholic beverage vendor's license for consumption on the premises at any airport terminal owned by the county of Volusia upon proper application made therefor by any lessee or concessionaire authorized by the governing body of Volusia county to operate the lounge facilities at any such airport terminal; providing for the qualifications and procedures for obtaining such license; providing for the license fee and the term of such license; providing for renewal, revocation and suspension of such license; providing that the location of such license shall not be transferable; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1171.

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

By Senators Daniel and Karl—

SB 1172—A bill to be entitled An act amending chapter 15401, Laws of Florida, special acts of 1931, as amended by chapter 67-1842, Laws of Florida, 1967, being the charter of the City of Ormond Beach, by amending section 130 of said chapter 15401 to provide that primary elections shall be held on the second Tuesday in November after the second Monday in November, and general elections shall be held two weeks after such primary; to further provide that the names of all candidates for elective office shall be included in the primary elections, and the general elections shall include only those candidates for offices for which no candidate received a majority of the votes cast for such office in the primary election; providing for the repeal of all laws in conflict and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1172.

—was read the first time by title and referred to the Committees on Judiciary—Civil B and Rules, Calendar, Privileged Business and Ethics.

By Senators Daniel and Karl—

SB 1173—A bill to be entitled An act to amend section 7 of chapter 11272, Laws of Florida, 1925, as amended, so as to empower and authorize the board of commissioners of the Halifax Hospital District to borrow money for periods of time not exceeding one (1) year, at any one time, and to issue the note or notes of said district therefor, establishing the maximum interest rate and limiting the aggregate amount of money so borrowed to one million dollars (\$1,000,000); providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1173.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Karl and Daniel—

SB 1174—A bill to be entitled An act to amend chapter 11272, Laws of Florida, 1925, as amended, to authorize and empower the board of commissioners of the Halifax Hospital District to provide employee benefits under group life insurance; and to pay all or any part of the insurance premiums thereon; and providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1174.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Daniel and Karl—

SB 1175—A bill to be entitled An act amending Chapter 70-648, Special Acts of the State of Florida 1970, being the charter of the city of DeLand, Florida, which became effective October 1, 1970 and was re-enacted and amended in 1971 by Chapters 71-601, 71-602 and 71-603, by repealing sections 39 and 40 of Article IV, administrative officers, of the charter of the city of DeLand, and re-enacting said sections 39 and 40 providing for the position of city finance director, his appointment, compensation and duties; and providing for a city clerk-auditor, his appointment, compensation and duties; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1175.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

By Senators Karl and Daniel—

SB 1176—A bill to be entitled An act relating to Volusia County; prohibiting the taking of blue crabs of less than a certain size; prohibiting the taking of egg-bearing blue crabs; providing for venting blue crab traps; making violation a misdemeanor; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1176.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Rules, Calendar, Privileged Business and Ethics.

By Senators Ware and Wilson—

SB 1177—A bill to be entitled An Act repealing in its entirety the Municipal Charter of the City of Clearwater, Pinellas County, Florida, being Chapter 9710, Special Acts of Florida, 1923, together with all amendments thereto, and enacting a new Municipal Charter of the City of Clearwater, Pinellas County, Florida, to provide for re-incorporation of the City of Clearwater and establishing fundamental principles and standards and setting forth powers, responsibilities and duties of said City and its officers; providing for the severability of the provisions hereof; providing for the repeal of all laws in conflict herewith and providing for said Act to become effective only upon its approval by a majority of the electors of the City of Clearwater voting in a referendum election to be held within sixty days from the date the Act is filed with the Secretary of State.

—was read the first time by title and referred to the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics.

The Senate recessed at 8:33 a.m.

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

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

Excused: Senators Boyd and Barron to fulfill their responsibilities as chairman and subcommittee chairman of legislative apportionment.

Prayer by Senator Saunders:

Father, we acknowledge our weaknesses and imperfections before thee. . . we further acknowledge our membership and presence here as extensions of the eyes, ears and voices of your children—our brothers at home.
Cause us to see more clearly,
. . . . to hear more clearly
. . . . to speak more clearly
so we might better represent those at home. . . better represent them in thy work. Amen.

The Journal of March 1 was corrected and approved as follows:

Page 313, counting from the bottom of column 1, between lines 5 and 6 insert: Senator Barrow moved the adoption of the following amendment:

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass:

HB 2254 with 2 amendments CS for HB 316 with
SB 916 with 2 amendments 5 amendments
SB 894

The Committee on Health, Welfare and Institutions recommends the following pass:

SB 849 SB 1056 HB 1610

The Committee on Public Schools recommends the following pass:

SB 960 with 6 amendments HB 1172 with 2 amendments
CS/HB 93

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass:

SB 939 SB 972
SB 698 with 2 amendments SB 753
SB 890 with 1 amendment HB 1137

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: SB 814 with 2 amendments

The Committee on Transportation recommends the following pass:

SB 881 with 3 amendments SB 1164
SB 984 with 1 amendment SB 1165
SB 1039 SB 1166

The Committee on Universities and Community Colleges recommends the following pass: HB 481, SB 1147

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

The Committee on Commerce recommends a Committee Substitute for SB 893.

The Committee on Rules, Calendar, Privileged Business and Ethics recommends a Committee Substitute for SB 650.

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

The Committee on Universities and Community Colleges recommends a Committee Substitute for SB 551.

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

The Committee on Health, Welfare and Institutions recommends the following pass:

SB 596 with 3 amendments SB 1115
SB 803 SB 974 with two amendments
SB 1055 HB 655

The Committee on Public Schools recommends the following pass: SB 854 with 1 amendment, SB 912

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass:

SB 843 with 3 amendments SB 887 with 3 amendments

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

HB 3197 SB 713 SB 688 HCR 3174 SB 910

The Committee on Vocational-Technical Education recommends the following pass: SB 955

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

The Committee on Health, Welfare and Institutions recommends the following pass: SB 798 with 2 amendments

The bill was referred to the Committee on Rules, Calendar, Privileged Business and Ethics under the original reference.

The Committee on Transportation recommends the following pass:

SJR 791	SB 1019 with 1 amendment
SJR 853	SJR 1090

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

On motions by Senator Poston, Senate Joint Resolutions 791, 853 and 1090 were also referred to the Committee on Public Schools.

The Committee on Transportation recommends the following not pass: CS HB 711, 1027 and 1326

The Committee on Universities and Community Colleges recommends the following not pass: SB 600

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

BILLS REFERRED TO SUBCOMMITTEE

House Bills 2629, 2628, 2742 and 2940 referred to the Select Committee on Claims (15 days to report to the Committee on Personnel, Retirement and Claims).

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 131 with 3 amendments
SB 595 with 2 amendments
SB 279 with 6 amendments

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

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

Your Engrossing Clerk to whom was referred—SB 367 with 4 amendments reports that the House amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was ordered enrolled.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SCR 657 reports same has been enrolled, signed by the required Constitutional officers and filed with Secretary of State on March 2, 1972.

ELMER O. FRIDAY
Secretary of the Senate

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Sayler, Senate Bills 1132 and 673 were withdrawn from the Committee on Governmental Efficiency by two-thirds vote.

On motion by Senator Broxson, the Committee on Public Schools was granted an additional 15 days for the consideration of—

SB 767-SF SB 784 SB 806 SB 807 SB 711

On motion by Senator Bishop, SB 761 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

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

SB 761—A bill to be entitled An act relating to Franklin County; amending section 7.19, Florida Statutes, regarding the county's boundary.

—which was read the second time by title. On motion by Senator Bishop, by two-thirds vote SB 761 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Sayler
Barrow	Graham	Lane	Scarborough
Beaufort	Haverfield	Lewis (43rd)	Ware
Bell	Henderson	McClain	Williams
Bishop	Hollahan	Ott	Wilson
Childers	Johnson (29th)	Plante	
de la Parte	Johnson (34th)	Poston	

Nays—1

Daniel

By unanimous consent, Senator Daniel changed his vote from nay to yea and Senators Weissenborn, Gunter, Horne and Trask were recorded as voting yea.

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

SB 645—A bill to be entitled An act relating to Pinellas County, club alcoholic beverage licenses; excepting Knights of Columbus, Father Lopez Council, #5737, Pinellas Park, Florida, from the provisions of section 561.20(6), Florida Statutes, as the same relates to the number of such licenses that may be issued in Pinellas County; excepting said club from the provisions of any other laws of general, special, or local nature relating to the number of licenses to be issued in Pinellas County; providing an effective date.

—which was read the second time by title. On motion by Senator Deeb, by two-thirds vote SB 645 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Arnold	de la Parte	Karl	Poston
Barrow	Ducker	Knopke	Reuter
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Stolzenburg
Bishop	Haverfield	Lewis (43rd)	Trask
Brantley	Henderson	McClain	Ware
Daniel	Horne	Ott	Williams
Deeb	Johnson (34th)	Plante	

Nays—3

Childers Sayler Wilson

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

On motion by Senator Haverfield, SB 683 was withdrawn from the Committee on Universities and Community Colleges by two-thirds vote and from further consideration of the Senate.

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

On motion by Senator de la Parte, Rule 4.4 was waived and permission was granted to file for introduction and consideration, nine Ways and Means committee bills relating to circuit court reporters, Bradford and Clay Counties, health and re-

habilitative services, electronic computerized systems, libraries and transfer of monies between state funds and junior colleges.

On motion by Senator de la Parte, HB 718 was withdrawn from the Committee on Ways and Means by two-thirds vote.

On motions by Senator de la Parte, HB 2026 and Senate Bills 359 and 1106 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was authorized to consider SB 343 this day.

On motion by Senator Sayler, SB 981 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote.

On motion by Senator Saunders, SB 554 was withdrawn from the Committee on Universities and Community Colleges by two-thirds vote and from further consideration of the Senate.

On motion by Senator Scarborough, the Committee on Personnel, Retirement and Claims was granted an additional 15 days for the consideration of Senate Bills 266, 295, 453, 486, 516, 532, 686, 729, 740, 802, 804 and 805.

Senator Barron was recorded present.

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

SB 390—A bill to be entitled An act relating to highway secondary trust funds; amending §339.031, Florida Statutes, as amended by chapter 71-377, Laws of Florida, to comply with governmental reorganization, providing for the issuance of fuel tax anticipation certificates without bonds; providing for interest; providing for advances of highway secondary trust funds in the same manner as the first gas tax funds are advanced under §339.10, Florida Statutes; providing that funds shall not be expended contrary to the constitution or in any manner to lose federal aid funds; providing for the division of transportation planning of the department of transportation to report to the secretary of the department; providing for the secretary to approve and issue such fuel tax anticipation certificates for execution by the county; providing for the department to maintain a certain amount of noninvested funds; providing an effective date.

—which was read the second time by title.

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

Amendment 1—On page 4, line 6, strike “than five years” and insert: than five years to be amortized equally over that five year period.

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

Amendment 2—On page 3, line 25, strike “Said certificates executed and outstanding on behalf of any one county, with a population of less than 150,000 inhabitants according to the last federal decennial census, shall not exceed one million dollars.”

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

Amendment 3—On page 4, line 2, after “time” insert: seventy-five per cent of

On motion by Senator Barron, by two-thirds vote SB 390 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—41

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

Nays—None

By unanimous consent Senators Weissenborn, Pope and Myers were recorded as voting yea.

Co-Introducers

By permission, Senators Arnold, Barrow, Bishop, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Gong, Graham, Gunter, Haverfield, Henderson, Hollahan, Johnson (29th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Ott, Plante, Pope, Reuter, Saunders, Sayler, Scarborough, Thomas, Trask, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 390.

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

SB 1164—A bill to be entitled An act relating to reports to the Department of Revenue by motor fuel distributors; amending Section 206.43(1), Florida Statutes, relating to the method and deadline for reporting; providing that reports be filed by the twentieth day of the month succeeding the month for which the tax is due; providing that the date stamped on report envelopes by the United States Post Office be considered as date of receipt; amending Section 206.44, Florida Statutes, relating to the penalty for failure to report on time; providing that reports be filed by the twentieth day of the month succeeding the month for which the tax is due; providing an effective date.

—which was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1164 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

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

Nays—None

By unanimous consent Senator Weissenborn was recorded as voting yea.

Co-Introducers

By permission Senators Arnold, Barrow, Beaufort, Bell, Bishop, Brantley, Broxson, Childers, Daniel, Deeb, Ducker, Gong, Gunter, Haverfield, Henderson, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis, (33rd), Lewis (43rd), McClain, Ott, Plante, Pope, Reuter, Sayler, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 1164.

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

SB 1165—A bill to be entitled An Act relating to the Department of Transportation; amending §334.21(8) (b) to include within the available cash balance reimbursements due from the Federal Government; providing an effective date.

—which was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1165 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

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

Nays—None

By unanimous consent Senator Weissenborn was recorded as voting yea.

Co-Introducers

By permission, Senators Arnold, Barrow, Beaufort, Bell, Bishop, Brantley, Broxson, Childers, Daniel, Deeb, Ducker, Gong, Gunter, Haverfield, Henderson, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Ott, Plante, Pope, Reuter, Sayler, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 1165.

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

SB 1166—A bill to be entitled An act relating to the department of transportation; creating a working capital trust fund in such amount as necessary for efficient operation of the department and approved by the department of administration; providing that the use of such funds shall not delay any secondary county project; providing an effective date.

—which was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1166 was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

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

Nays—None

By unanimous consent Senators Weissenborn and Gunter were recorded as voting yea.

On motion by Senator Barron, the rules were waived and Senate Bills 390, 1164, 1165 and 1166 were ordered immediately certified to the House.

Co-Introducers

By permission, Senators Arnold, Barrow, Beaufort, Bell, Bishop, Brantley, Broxson, Childers, Daniel, Deeb, Ducker, Gong,

Gunter, Haverfield, Henderson, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Reuter, Sayler, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 1166.

Senator Barron excused.

On motion by Senator Broxson, the rules were waived and the Public Schools committee meeting scheduled for March 6 at 7:00 p. m. was changed to 5:30 p. m.

On motion by Senator Deeb, SB 1099 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator McClain, SB 954 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

March 1, 1972

Sir:

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

SCR 125 SCR 400 SCR 689

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills contained in the above message were ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

March 1, 1972

Sir:

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

By Senators Karl and Stolzenburg—

SM 1145—A memorial to the Congress of the United States to provide for the establishment in the State of Florida of a four year bachelor degree granting institution to be known as the United States Academy of Law Enforcement.

Amendment 1

On page 1, lines 13 & 14, strike "law and order" and insert the following: criminal justice

Amendment 2

On page 1, lines 16 & 17, strike and on page 1, lines 20 & 21, "law enforcement" and insert the following: criminal justice

Amendment 3

On page 1, line 25, strike "law enforcement"

Amendment 4

On page 2, line 25, strike "Law Enforcement" and insert the following: Criminal Justice

Amendment 5

In title, line 8, strike "Law Enforcement" and insert the following: Criminal Justice

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Karl, the Senate concurred in House amendments 1, 2, 3, 4 and 5 to SM 1145.

SM 1145 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—38

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

Nays—None

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

The Honorable Jerry Thomas March 1, 1972
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 2 to—

By the Committee on Natural Resources—

HB 2446—A bill to be entitled An act relating to salt water fisheries; amending §370.16(16)(d) and (f), Florida Statutes; providing that oysters less than the prescribed legal size may be placed on the culling board of a vessel; reducing the allowable percentage of small oysters includable in an oyster cargo or lot from twenty-five percent (25%) to fifteen percent (15%); adding paragraph (g) to §370.16(16), Florida Statutes; prohibiting the sale of oysters less than the prescribed legal size; providing an effective date.

and refused to concur in Senate amendment 1—On page 2, line 2, section 1(d) after "oysters." (end of sentence) and add the following: *Oysters harvested by anyone for the sale thereof, shall only be bagged or placed in containers at the establishment of a wholesale dealer in the county of the oysters' origin, provided, however, that when a county line divides a body of water, the oysters may be transported for bagging to the establishment of a wholesale dealer in any of the counties.*

—and requests the Senate to recede from Senate amendment 1.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Broxson, the Senate refused to recede from Amendment 1 to HB 2446, and the House was again requested to concur therein. The action of the Senate was certified to the House.

The Honorable Jerry Thomas February 29, 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 Business Regulation and Representative Forbes—

CS for HB 2861—A bill to be entitled An act relating to the regulation of consumer collection practices; providing definitions; providing for licensing, fees, and bonding of collection agencies; providing standards governing the issuance of collection agency licenses; providing for prohibited practices applicable to persons generally; providing a civil remedy; providing requirements and prohibitions applicable to collection agencies,

licensees and creditors; providing for the use of injunctions; providing for suspension and revocation of collection agency licenses; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 2861, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas February 29, 1972
President of the Senate

Sir:

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

By the Committee on Transportation—

HCR 3755—A CONCURRENT RESOLUTION requesting Honorable Reubin O'D. Askew, Governor of the State of Florida, to re-negotiate the agreement between the United States Department of Transportation and the State of Florida dated the 27th day of January, 1972.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 3755, contained in the above message, was read the first time and referred to the Committee on Transportation.

The Honorable Jerry Thomas February 29, 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 Business Regulation and Representative Forbes —

CS for HB 2703—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", "electronic equipment" and "technician trainee"; amending §3 and §4 of chapter 70-111, Laws of Florida, appearing as §468.153, Florida Statutes, 1970 Supplement, to include technicians 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.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 2703, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Jerry Thomas February 29, 1972
President of the Senate

Sir:

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

By Representative Featherstone—

HB 851—A bill to be entitled An act relating to recreation and parks; amending section 125.01(1)(f), Florida Statutes, and adding subsection (3) to §592.072, Florida Statutes, to exempt exservicemen who are residents of the State of Florida with fifty percent (50%) service connected disability from the requirement of paying an admission fee for entry into any state or county park; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 851, contained in the above message, was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was authorized to consider SB 713 this day.

UNFINISHED BUSINESS

CS for HB 2008—A bill to be entitled An act implementing section 6, article I of the Florida Constitution, relating to the protection of citizens and their freedom of choice to join or refrain from joining unions and other such private organizations; amending chapter 447, Florida Statutes, by adding section 447.17; prohibiting the requiring of union membership or non-membership as a condition of initial or continued employment; providing a penalty; providing an effective date.

—was taken up with the following pending amendment:

Amendment 14—On page 1, line 14 insert after "employment;": providing for the right of employees to bargain collectively through a labor organization; providing that public employees shall not strike;

The President read the following report:

The select committee composed of Senators Hollahan, Horne and Wilson appointed by the president reports that the appropriate time to raise the question of germanity of an amendment is prior to adoption of the amendment by the Senate. Once an amendment is adopted it becomes an integral part of the bill under consideration, subject to the amendatory process, and does not retain its separate identity as an amendment. The question of germanity provided in Senate Rule 7.1 may be raised only while the amendment retains its separate and distinct identity and not when it becomes part of the bill under consideration.

To rule otherwise would open the question of germanity beyond its availability, as contemplated under Senate Rule 7.1, during the amendatory process. It would mean that germanity can be questioned after a bill had passed to third reading and all amendments had been engrossed in the bill or even that portions of a whole bill may be extracted and questioned as to germanity. For these reasons the committee finds that the question of germanity of an amendment offered to a proposition is one which must be timely raised.

The President ruled the point not well taken because of the untimeliness of the point being raised as the amendment had been adopted and had become a part of the bill under consideration.

Senator Arnold presiding.

The President presiding.

Amendment 14 was adopted.

On motion by Senator Ducker the following amendment was adopted:

Amendment 15—On page 2, Section C strike "Each day of violation of any provision of this section shall be considered a separate and distinct offense"

Senator Brantley moved that CS for HB 2008 be referred to an appropriate committee.

Senator Plante moved that the rules be waived and CS for HB 2008 be read the third time by title. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—20

Mr. President	Deeb	Lane	Sayler
Arnold	Ducker	Lewis (33rd)	Scarborough
Barrow	Fincher	McClain	Ware
Bishop	Johnson (29th)	Plante	Williams
Childers	Johnson (34th)	Saunders	Wilson

Nays—17

Beaufort	Gunter	Myers	Trask
Bell	Haverfield	Ott	Weissenborn
Brantley	Hollahan	Pope	
Broxson	Karl	Poston	
Graham	Lewis (43rd)	Stolzenburg	

Senator Wilson moved that the Senate reconsider the vote by which Amendment 12 was adopted on March 1. The motion failed by the following vote:

Yeas—16

Mr. President	Ducker	Johnson (34th)	Sayler
Bell	Fincher	Lane	Ware
Bishop	Henderson	Plante	Weber
Deeb	Johnson (29th)	Reuter	Wilson

Nays—27

Arnold	Gong	Lewis (33rd)	Saunders
Barrow	Graham	Lewis (43rd)	Scarborough
Beaufort	Gunter	McClain	Stolzenburg
Brantley	Haverfield	Myers	Trask
Broxson	Hollahan	Ott	Weissenborn
Daniel	Horne	Pope	Williams
de la Parte	Karl	Poston	

The motion by Senator Brantley that CS for HB 2008 be referred to an appropriate committee failed by the following vote:

Yeas—22

Arnold	de la Parte	Karl	Poston
Beaufort	Gong	Knopke	Saunders
Bell	Graham	Lewis (43rd)	Trask
Brantley	Haverfield	Myers	Weissenborn
Broxson	Hollahan	Ott	
Daniel	Horne	Pope	

Nays—22

Mr. President	Gunter	McClain	Ware
Bishop	Henderson	Plante	Weber
Childers	Johnson (29th)	Reuter	Williams
Deeb	Johnson (34th)	Sayler	Wilson
Ducker	Lane	Scarborough	
Fincher	Lewis (33rd)	Stolzenburg	

Senators Graham and Poston offered the following amendment which was adopted on motion by Senator Graham:

Amendment 16—Section 2 (2)(c), insert after the word "kind" ;, who have actual knowledge of the violation and intent to violate the provisions of this act,

The President appointed Senators Scarborough, Fincher and Stolzenburg as a committee to escort United States Senator and former Vice-President of the United States Hubert H. Humphrey to the rostrum where he addressed the Senate.

Senators Karl and Graham offered the following amendment which was moved by Senator Karl:

Amendment 17—Strike Section 3 and insert: Section 3. The criminal penalty provisions of this act shall not be operative until the effective date of an act implementing the right of public employees to bargain collectively, as provided in Article I Section 6 of the 1968 Constitution. If no such act is effective by January 1, 1973, this act shall be null and void.

The amendment failed by the following vote:

Yeas—18

Arnold	Gong	Myers	Trask
Beaufort	Graham	Ott	Weissenborn
Brantley	Hollahan	Pope	Williams
Broxson	Karl	Poston	
Fincher	Lewis (43rd)	Saunders	

Nays—23

Mr. President	Ducker	Knopke	Scarborough
Barrow	Gunter	Lane	Stolzenburg
Bell	Henderson	Lewis (33rd)	Ware
Bishop	Horne	McClain	Weber
Childers	Johnson (29th)	Plante	Wilson
Deeb	Johnson (34th)	Saylor	

On motion by Senator Plante, by two-thirds vote CS for HB 2008 as amended was read the third time by title, passed and immediately certified to the House by waiver of the rule. The vote was:

Yeas—34

Arnold	de la Parte	Karl	Scarborough
Barrow	Ducker	Lane	Stolzenburg
Beaufort	Fincher	Lewis (33rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Henderson	Plante	Weber
Broxson	Hollahan	Pope	Williams
Childers	Horne	Poston	Wilson
Daniel	Johnson (29th)	Saunders	
Deeb	Johnson (34th)	Saylor	

Nays—7

Brantley	Knopke	Myers	Weissenborn
Graham	Lewis (43rd)	Ott	

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

On motion by Senator Daniel, by two-thirds vote the Committee on Governmental Efficiency was granted permission to consider SB 769 on March 3.

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

RECONSIDERATION

The motion by Senator Daniel that the Senate reconsider the vote by which SB 1150 passed on February 29 was taken up. On motion by Senator Daniel, consideration thereof was deferred.

THIRD READING

SB 176—A bill to be entitled An act relating to bulkhead lines in certain counties, repealing subsection 253.135 (3), Florida Statutes to delete exception provided therein.

—was read the third time by title.

Senator Lane moved that the Senate reconsider the vote by which SB 176 was read the third time by title and the motion failed.

Senator Lane moved the adoption of the following amendment:

Amendment 1—On page 1, following the title on line 8 insert:

WHEREAS, Monroe County is unique among the counties of the state and nation in that its meandered shoreline is longer than eight hundred fifty (850) statute miles and its meandered islands number in excess of two hundred (200), and

WHEREAS, Monroe County is world famous for its abundant natural resources, bird and marine life; wildlife sanctuaries; unpolluted crystal clear waters and unparalleled commercial fisheries, and

WHEREAS, it is necessary that development be properly regulated and controlled during this period of growth and expansion so as to insure compatibility with and protection of the nature resources of Monroe County, and

WHEREAS, it is desirable to limit dredging and filling in Monroe County only to those keys and islands which are connected to United States Highway 1, and

WHEREAS, to insure the orderly development and adequate regulation and control of all water, watercourses, waterways, inlets, bays and bayous and their alteration by dredging, filling or pumping; to protect public rights, public welfare, and the preservation of the natural beauty and attractiveness of the watercourses of Monroe County, and to aid and assist boating activities and navigation, it is essential that a governing authority be established, NOW, THEREFORE,

Senator Barrow presiding.

On motion by Senator Daniel, by two-thirds vote the Committee on Governmental Efficiency was granted permission to consider SB 778 on March 3.

The President presiding.

Senator Henderson moved that the rules be waived and time of adjournment be extended until final action on SB 176 and the motion failed.

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

EXECUTIVE BUSINESS

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

Honorable Elmer O. Friday, Jr. February 29, 1972
 Secretary of the Senate
 Capitol
 Tallahassee, Florida

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

I, Richard (Dick) Stone, Secretary of State of the State of Florida, Do Hereby Certify that pursuant to the Provisions of

Section 112.071 (1), (b), Florida Statutes, the commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Dudley Sargent Crescent City	Member, Board of Trustees, St. Johns River Junior College	May 31, 1975

[Referred to the Committee on Universities and Community Colleges]



Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the 29th day of February, A.D. 1972.

RICHARD (DICK) STONE
Secretary of State

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

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon 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., March 3, 1972.