

# JOURNAL OF THE FLORIDA SENATE

Monday, March 6, 1972

The Senate was called to order by the President at 10:00 a.m.  
A quorum present—43:

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

Excused: Senators Boyd, Horne and Hollahan.

Prayer by Senator Ott:

Impress upon us, O Lord, the full realization that "Thou Art God"; that "There must be no God before Thee;" that "Thou art a Holy and Righteous God" and that our failure to "Seek first Thy Kingdom and Thy Righteousness"; will be visited upon our children and our children's children. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Journal of March 3 was corrected and approved as follows:

Page 323, column 1, line 17, strike "HB" and insert: SB

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

Page 304, column 1, between lines 29 and 30 insert: Evidence of notice and publication was established by the Senate as to SB 1167.

The Journal of February 29 was further corrected and approved as follows:

Page 302, column 2, lines 22 and 23, strike "ordered engrossed" and insert: certified to the House.

## REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Monday, March 6, 1972:

|         |         |         |           |
|---------|---------|---------|-----------|
| HB 2254 | HB 603  | SB 650  | CS/SB 343 |
| SB 335  | SJR 292 | SB 792  | SB 239    |
| SB 719  | SB 698  | HB 2702 |           |

The Committee on Vocational-Technical Education recommends the following pass: SB 478

The Committee on Ways and Means recommends the following pass:

|                          |                          |
|--------------------------|--------------------------|
| SB 186 with 2 amendments | SB 495 with 3 amendments |
| SB 285 with 1 amendment  | SB 848                   |
| SB 286 with 1 amendment  | SB 866 with 1 amendment  |
| SB 350                   | SB 910                   |
| SB 489                   |                          |

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

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Universities and Community Colleges for SB 551.

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

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

|                          |                            |
|--------------------------|----------------------------|
| SB 388 with 3 amendments | SB 960 with 7 amendments   |
| SB 499 with 2 amendments | SB 981 with 5 amendments   |
| SB 890 with 1 amendment  | SB 1154 with 20 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 241 with 5 amendments | CSSB 244 with 3 amendments |
|--------------------------|----------------------------|

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

*ELMER O. FRIDAY*  
Secretary of the Senate

The bills were ordered enrolled.

## ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

|        |        |        |        |        |
|--------|--------|--------|--------|--------|
| SB 191 | SB 248 | SB 269 | SB 314 | SB 372 |
|--------|--------|--------|--------|--------|

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 6, 1972.

*ELMER O. FRIDAY*  
Secretary of the Senate

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Karl, Senate Bills 1157, 1158, 1159, 1169, 1170, 1173, 1174, 1175 and 1194 were withdrawn from the Committee on Governmental Efficiency by two-thirds vote.

On motion by Senator de la Parte, Senate Bills 709 and 974 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Broxson, the Committee on Public Schools was granted an additional 15 days for the consideration of— SB 833 SB 840 SB 841 HB 946

On motion by Senator Gunter, SR 794 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

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

|        |         |         |        |
|--------|---------|---------|--------|
| SB 548 | SB 1026 | SB 1075 | HB 919 |
| SB 980 | SB 1035 | SB 1096 |        |

On motion by Senator Barrow, the Committee on Judiciary—Criminal was granted an additional 15 days for the consideration of—

|        |        |        |         |
|--------|--------|--------|---------|
| SB 299 | SB 844 | SB 903 | SB 1047 |
| SB 826 | SB 889 | SB 905 | SB 461  |

## MESSAGE FROM THE GOVERNOR

The Governor advised that on March 3 he had filed with the Office of the Secretary of State SB 620 which he had approved.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas  
President of the Senate*

March 3, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 1534 CS for HB 3020.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

*The Honorable Jerry Thomas  
President of the Senate*

March 3, 1972

Sir:

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

By the Committee on Criminal Justice—

CS for HB 1611—A bill to be entitled An act relating to forgery and counterfeiting; amending section 831.30, Florida Statutes, as created by chapter 71-331, Laws of Florida; redefining the crime of forging prescriptions for medicinal drugs; providing exceptions; providing penalties; providing an effective date.

By Representative Brown—

HB 2819—A bill to be entitled An act relating to penalties for trespass; amending section 821.38(2), Florida Statutes, providing that the penalty for a subsequent conviction of trespass with malice is a felony of the second degree; providing an effective date.

By the Committee on Criminal Justice—

HB 3303—A bill to be entitled An act relating to release of traffic violator on recognizance or bond; amending §30.56, Florida Statutes, as amended by chapter 71-136, Laws of Florida, providing that the penalty for failure to appear or respond to a traffic summons is a misdemeanor of the second degree; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

*The Honorable Jerry Thomas  
President of the Senate*

March 3, 1972

Sir:

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

By the Committee on Criminal Justice—

HB 3774—A bill to be entitled An act relating to larceny; amending §811.021, Florida Statutes, as amended by chapters 71-30 and 71-136, Laws of Florida; providing that larceny include real and personal property; providing a penalty for a second conviction of petit larceny; providing all petit larceny offenses with subsequent conviction provisions; providing that it is sufficient to charge that the accused stole personal or real property; amending chapter 811, Florida Statutes; repealing §§811.05, 811.06, 811.07, 811.10, 811.11, 811.12, 811.13, 811.14, 811.15, 811.18, 811.19, 811.22, 811.23, 811.24, 811.25, 811.26, and 811.27, Florida Statutes, as amended by chapter 71-136, Laws of Florida, §811.21, Florida Statutes as amended by chapters 71-136 and 71-342, Laws of Florida, and §§811.08 and 811.09, Florida Statutes; relating to various types of larceny; transferring §811.271, Laws of Florida; relating to sales

certificates to accompany certain fruits; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

*The Honorable Jerry Thomas  
President of the Senate*

March 3, 1972

Sir:

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

By the Committee on Criminal Justice—

HB 3776—A bill to be entitled An act relating to homicide; amending chapter 782, Florida Statutes, by repealing §§782.06, 782.12, 782.13, 782.14, 782.15, and 782.16, Florida Statutes, as amended by chapter 71-136, Laws of Florida, and §782.17, Florida Statutes; relating to killing by interfering with railway trains, aircraft, killing by mischievous animal, drowning in overloaded vessel, death from racing steamboat, killing by intoxicated physician, concealing death of bastard child, indictment and verdict; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

CS for HB 1611, House Bills 2819, 3303, 3774 and 3776, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary—Criminal.

*The Honorable Jerry Thomas  
President of the Senate*

March 3, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representative Wilson—

HB 3227—A bill to be entitled An act relating to regulation of shell fish; amending §370.16(31), Florida Statutes, to provide that the total revenue from the sale of dead shell under the provisions of §253.45, Florida Statutes, be deposited in the state general revenue fund; providing an effective date.

Which amendment reads as follows:

On page 2, line 10 (31) after the period (.) insert the following: *These moneys shall be appropriated for use in financing biological, marketing, transportation, processing, and promotional research for fisheries, oyster, clams and shrimp, within the jurisdiction of this state; provided that the department of natural resources is authorized and directed to spend up to twenty per cent of the moneys collected from the sale of dead oyster shell dredged from that county's waters for the sole purpose of oyster and clam rehabilitation.*

—and requests the Senate to recede; and in the event the Senate refuses to recede requests the appointment of a conference committee.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

On motion by Senator Knopke, the Senate refused to recede from the Senate amendment to HB 3227 and requested the President to appoint a conference committee to meet with a like committee appointed by the Speaker of the House of Representatives to adjust the differences on the Senate amendment. The President appointed Senators Knopke, Barron, Bishop and Henderson as the conference committee. The action of the Senate was certified to the House.

*The Honorable Jerry Thomas*  
*President of the Senate*

March 3, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has again refused to concur in Senate amendment 1 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 requests the appointment of a conference committee.

Respectfully,  
**ALLEN MORRIS**  
Clerk, House of Representatives

On motion by Senator Knopke, the Senate again refused to recede from the Senate amendment to HB 2446 and requested the President to appoint a conference committee to meet with a like committee to be appointed by the Speaker of the House of Representatives to adjust the differences on the Senate amendment. The President appointed Senators Knopke, Barron, Bishop and Henderson as the conference committee. The action of the Senate was certified to the House.

On motions by Senator Haverfield, Rule 4.4 was waived and the Committee on Universities and Community Colleges was granted permission to file for introduction and consideration three bills; relating to educational television, relief for a FSU student and pesticides.

#### UNFINISHED BUSINESS

**SB 880**—A bill to be entitled An act relating to drivers' licenses; amending chapter 322, Florida Statutes, by creating §§322.263, 322.27(4), and 322.331, and amending §§322.271(1), 322.28(2) and 322.34; declaring the legislative intent; defining terms; providing for revocation of drivers' licenses under certain circumstances; providing period for revocation; providing for restoration of drivers' licenses; providing for criminal penalties; providing an effective date.

—was taken up together with pending amendment. The President ruled the amendment out of order.

Senators Poston, McClain and Daniel offered the following amendment which was moved by Senator Poston:

**Amendment 6**—On page 1, strike everything after the enacting clause and insert:

Section 1. Legislative intent.—It is declared to be the legislative intent to:

(1) Provide maximum safety for all persons who travel or otherwise use the public highways of the state.

(2) Deny privilege of operating motor vehicles on public highways to persons who, by their conduct and record, have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state and the orders of the state courts and administrative agencies;

(3) Discourage repetition of criminal action by individuals against the peace and dignity of the state, its political subdivisions, and its municipalities and impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

Section 2. Chapter 322, Florida Statutes, is amended by adding section 322.263, Florida Statutes, to read:

**322.263 Habitual traffic offenders defined.**—A habitual traffic offender is any person whose record as maintained by the de-

partment of highway safety and motor vehicles shows that such person has accumulated the convictions for separate offenses described in subsections (1), (2) and (3), committed within a five (5) year period:

(1) Three (3) or more convictions, singly or in combination, of any of the following offenses arising out of separate acts;

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Driving a motor vehicle or being in actual physical control while under the influence of alcoholic beverages, narcotic drugs, barbiturates or central nervous system stimulants as defined in chapter 404.01, Florida Statutes;

(c) Any felony in the commission of which a motor vehicle is used;

(d) Driving a motor vehicle while operator's license is suspended or revoked;

(e) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

(2) Fifteen (15) convictions for moving traffic offenses for which points may be assessed as set forth in section 322.27, Florida Statutes, including those offenses in subsection (1) of this section.

(3) The offenses included in subsections (1) and (2) shall be deemed to also include offenses under any federal law, any law of another state or any valid municipality or county ordinance of another state substantially conforming to the aforesaid state statutory provisions.

(4) In computing the number of convictions, all convictions during the five (5) years previous to the effective date of this act, will be used providing at least one conviction occurs after said effective date. The fact that previous convictions may have resulted in suspension or revocation under another section shall not exempt them from being used for suspension or revocation under this section as habitual offenders.

Section 3. Section 322.27 is amended by adding a new subsection (5) and (6) to read:

322.27 Authority of department to suspend or revoke license.—

(5) The department shall revoke the license of any person designated a habitual offender as set forth in section 322.263, and such person shall not be eligible to be re-licensed for a minimum of five (5) years from the date of revocation.

(6) Review of an order of suspension or revocation shall be by writ of certiorari as provided in chapter 120, Florida Statutes, the uniform administrative procedure act.

Section 4. Section 322.271(1) is amended to read:

322.271 Authority to modify revocation or suspension.—

(1) Upon the suspension, cancellation or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as habitual traffic offenders under 322.27(5), the department shall immediately notify the licensee, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed thirty days after receipt of such request, in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing a duly authorized agent of the department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, papers, and may require a re-examination of the licensee.

Section 5. Section 322.28(2) is amended as follows:

322.28 Period of suspension or revocation.—

(2) In prosecutions for the offense of driving a motor vehicle while under the influence of intoxicating liquor, the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon the first conviction, the driver's license or privilege shall be revoked for not less than three months nor more than twelve months.

2. Upon a second conviction within a period of five years from the date of a prior conviction for said offense, the driver's license or privilege shall be revoked for not less than six months nor more than twenty-four months.

3. Upon a third or subsequent conviction within a period of ten years from the date of conviction of the first of three or more convictions for said offense, the driver's license or privilege shall be revoked for not less than one year nor more than five years as provided in section 322.72(5).

Section 6. Chapter 322 is amended by adding a new section 322.331 to read:

*322.331 Habitual traffic offenders; restoration of license.—At the expiration of five (5) years from the date of license revocation, a person whose license has been revoked under 322.27(5) may petition the department for restoration of driving privileges. Upon such petition and after investigation of the person's qualification and fitness to drive, the department shall hold an administrative hearing to determine whether driving privileges shall be restored either on an unrestricted basis or restricted basis solely for business or employment purposes.*

Section 7. Section 322.34 is amended to read:

322.34 Driving while license suspended or revoked.—

(1) Any person whose operator's or chauffeur's license, or driving privilege as a nonresident, has been cancelled, suspended or revoked as provided in this chapter, except persons defined in section 322.263, and who drives any motor vehicle upon the highways of this state while such license or privilege is cancelled, suspended, or revoked, and upon conviction of a first offense, shall be guilty of a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, and any person convicted of a second or subsequent charge of driving while his license is cancelled, suspended or revoked shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

(2) Any person whose operator's or chauffeur's license has been revoked pursuant to section 322.263, habitual offenders, and who drives any motor vehicle upon the highways of this state while such license is revoked is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

Section 8. Section 322.25, Florida Statutes, is amended by adding subsection (6) to read:

322.25 When court to forward license to department and report convictions.—

(6) The report of a conviction of an offense committed under this chapter or any other law of this state regulating the operation of motor vehicles on highways shall be made by the court to the department on a standard form prescribed by the department. The form may be printed on the reverse side of the uniform traffic ticket and complaint prescribed by section 316.018 and shall include a place for the court to clearly indicate whether it recommends suspension or revocation of the offender's driver's license. The report shall be signed by the judge or the clerk and not by facsimile or other signature stamp.

Section 9. This act shall take effect July 1, 1972.

Senators Poston, McClain and Daniel offered the following amendment to the amendment which was adopted on motion by Senator McClain:

**Amendment 6a**—At the end of Section 322.27(5) following the (.) insert: Any person whose license is revoked may by petition to the department show cause why his license should not be revoked.

Senator Stolzenburg moved the adoption of the following amendment to the amendment which failed:

**Amendment 6b**—On pages 2 and 3, of Amendment 6 strike (3) and (4) entire paragraphs

Senator Arnold presiding.

The President presiding.

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

**Amendment 6c**—Add Section 9:

Section 9. Section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—The department, upon suspending or revoking a license, shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee after applicant has successfully passed the complete examination. The department is prohibited from requiring the surrender of a license except as authorized by this chapter. and renumber.

The amendment as amended was adopted.

Senators Poston, McClain and Daniel offered the following amendment which was adopted on motion by Senator Poston:

**Amendment 7**—On page 1, lines 6 through 14 strike entire lines and insert: by creating §§322.263, 322.27 (5) and (6), and 322.331, Florida Statutes, and amending §§322.271(1), 322.28(2) and 322.34, Florida Statutes; declaring the legislative intent; defining terms; providing for revocation, suspension and court review; providing for revocation of drivers' licenses under certain circumstances; providing period for revocation; providing for restoration of drivers' licenses; providing for criminal penalties; amending §322.25, Florida Statutes, adding subsection (6) to said section; providing requirements for the form used for reports of convictions for violation of motor vehicle laws; pro-

On motion by Senator Plante debate was limited to 5 minutes per side.

On motion by Senator Poston, by two-thirds vote SB 880 as further amended was read the third time by title, passed and immediately certified to the House, after engrossing, by waiver of the rule. The vote was:

Yeas—33

|          |                |              |             |
|----------|----------------|--------------|-------------|
| Arnold   | Deeb           | Lane         | Reuter      |
| Barrow   | de la Parte    | Lewis (33rd) | Scarborough |
| Beaufort | Ducker         | Lewis (43rd) | Trask       |
| Bell     | Fincher        | McClain      | Weber       |
| Bishop   | Graham         | Myers        | Weissenborn |
| Brantley | Henderson      | Ott          | Wilson      |
| Broxson  | Johnson (34th) | Plante       |             |
| Childers | Karl           | Pope         |             |
| Daniel   | Knopke         | Poston       |             |

Nays—3

|        |            |             |
|--------|------------|-------------|
| Barron | Haverfield | Stolzenburg |
|--------|------------|-------------|

By unanimous consent Senators Williams, Gunter and Thomas were recorded as voting yea.

**SB 635**—A bill to be entitled An act relating to employment of officers in business licensed by the division of beverages; amending Section 561.25, Florida Statutes; providing an effective date.

—as amended, was taken up, together with a pending amendment which was withdrawn by Senator Wilson.

Senators Brantley and Barron offered the following amendment which was adopted on motion by Senator Brantley:

**Amendment 5**—On page 2, line 7, strike “officers” and insert: police officers, excluding officers or employees of the division,

By unanimous consent Senator Williams was recorded as voting yea.

On motion by Senator Brantley, SB 635 as further amended was read the third time by title, passed and ordered engrossed. The vote was:

SB 335—A bill to be entitled An act relating to the department of transportation; amending §20.23 (2)(b), Florida Statutes, to change the name of the division of transportation planning to the division of planning and programming; amending §20.23(4), Florida Statutes, transferring the powers and duties relating to the airport licensing law from the division of transportation planning to the division of mass transit operations; amending §330.261, Florida Statutes, to define the powers and duties of the division of transportation planning and mass transit operations with relation to aviation; repealing §20.23 (3), Florida Statutes, relating to the powers and duties of the division of transportation planning, and repealing all other laws in conflict herewith; providing an effective date.

Yeas—18

|          |                |              |             |
|----------|----------------|--------------|-------------|
| Arnold   | Fincher        | Lane         | Scarborough |
| Barron   | Graham         | Lewis (43rd) | Ware        |
| Beaufort | Haverfield     | McClain      | Weissenborn |
| Bell     | Johnson (34th) | Pope         |             |
| Brantley | Knopke         | Reuter       |             |

—was read the second time by title.

Nays—17

|               |                |             |        |
|---------------|----------------|-------------|--------|
| Mr. President | Ducker         | Plante      | Trask  |
| Bishop        | Johnson (29th) | Poston      | Wilson |
| Broxson       | Karl           | Saunders    |        |
| Childers      | Lewis (33rd)   | Saylor      |        |
| Daniel        | Ott            | Stolzenburg |        |

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

By unanimous consent Senator Barrow was recorded as voting yea.

**Amendment 1**—On page 2, lines 26 and 27 strike “a system of airports” and insert: airport systems

Senator Scarborough moved that the Senate reconsider the vote by which SB 635 passed this day.

On motion by Senator Arnold, by two-thirds vote SB 335 as amended was read the third time by title, passed and ordered engrossed. The vote was:

#### SPECIAL ORDER

**HB 2254**—A bill to be entitled An act relating to insurance; amending chapter 627, Florida Statutes, by adding a new section to be numbered 627.0420, authorizing the issuance of association group life insurance policies, providing for the payment of the premiums on such policies, providing for use of dividends, premium refunds, and service fees, providing maximum policy limits; providing an effective date.

Yeas—40

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

—was read the second time by title.

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

Nays—1

**Amendment 1**—On page 2, lines 25 through 27 strike “excluding any as to whom evidence of individual insurability is not satisfactory to the insurer—,”

Ott

And on page 3, lines 2 through 4, strike:

By unanimous consent Senator Childers was recorded as voting yea.

“, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.”

and insert a period “.” after the word “members”, on line 2, page 3.

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 second time by title.

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

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

**Amendment 2**—On page 4, lines 15 through 19 strike “If the aforesaid dividend, premium refund, rate reduction, commission or service fee is received by a trustee, it shall be applied by the trustees for the sole purposes of the trust.”

**Amendment 1**—On page 2, line 18, strike “becoming law.” and insert: July 1, 1972

On motion by Senator Karl, by two-thirds vote HB 2254 as amended was read the third time by title, passed and certified to the House. The vote was:

On motion by Senator Bishop, by two-thirds vote SB 719 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

|               |             |                |             |
|---------------|-------------|----------------|-------------|
| Mr. President | Daniel      | Johnson (29th) | Reuter      |
| Arnold        | Deeb        | Johnson (34th) | Saunders    |
| Barron        | de la Parte | Karl           | Saylor      |
| Barrow        | Ducker      | Knopke         | Scarborough |
| Beaufort      | Fincher     | Lane           | Trask       |
| Bell          | Graham      | Lewis (33rd)   | Ware        |
| Bishop        | Gunter      | Lewis (43rd)   | Weber       |
| Brantley      | Haverfield  | McClain        | Weissenborn |
| Broxson       | Henderson   | Plante         | Wilson      |

Yeas—36

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

Nays—1

Poston

Nays—None

By unanimous consent Senators Childers and Williams were recorded as voting yea.

**Co-Introducer**

By permission Senator Beaufort was recorded as a co-introducer of SB 719.

**HB 603**—A bill to be entitled An act relating to the board of examiners of landscape architects; amending §§481.011(2), (3) and (4), and 481.081, Florida Statutes, providing definitions; providing for the registration of corporations and partnerships under the landscape architects law; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote HB 603 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Williams was recorded as voting yea.

SJR 292 was taken up, together with:

By the Committee on Ways and Means—

**CS for SJR 292**—A joint resolution proposing an amendment to Article XII, Section 9(a), of the State Constitution to delete the prohibition against the issuance of revenue bonds under the authority of Article IX, Section 17, of the Constitution of 1885, as amended; providing that revenue bonds, revenue certificates, or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state authorized to do so by law.

Whereas, Article IX, Section 17, of the Constitution of 1885, as amended, originally authorized the issuance of revenue bonds to acquire lands, water areas and related resources and to construct, improve, enlarge and extend capital improvements and facilities thereon in furtherance of outdoor recreation, natural resources conservation and related purposes; and

Whereas, many worthwhile projects of great natural beauty and public benefit were acquired, preserved and improved with the proceeds of the revenue bonds issued pursuant to such authority; and

Whereas, the State Constitution, as revised in 1968, prohibited the further issuance of revenue bonds pursuant to said Article IX, Section 17, of the Constitution of 1885; and

Whereas, the governmental reorganization act of 1969, chapter 69-106, laws of Florida, acts of 1969, abolished the former outdoor recreational development council and transferred its duties and responsibilities to the department of natural resources, division of recreation and parks; and

Whereas, it is found to be essential and in the public interest to reinstitute such program of capital outlay financing for the above-stated purposes, through the agencies created by law to issue bonds and carry out recreation and conservation programs, now, therefore,

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

That the following amendment to Article XII, Section 9, Subsection (a), of the State Constitution is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1972:

**SECTION 9. Bonds.—**

(a) **ADDITIONAL SECURITIES.** No additional revenue bonds shall be issued pursuant to Article IX, Section 17, of the Constitution of 1885, as amended. Article IX, Section 17, of the Constitution of 1885, as amended, as it existed immediately before this Constitution, as revised in 1968, became effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except revenue bonds, revenue certificates or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state so authorized by law.

Article XII, Section 19, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent (5%) per annum or such higher interest as may be authorized by statute passed by a three-fifths (3/5) vote of each house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

(b) **REFUNDING BONDS.** Revenue bonds to finance the cost of state capital projects issued prior to the date this revision becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors at a lower net average interest cost rate by the issuance of bonds maturing not later than the obligations refunded, secured by the same revenues only.

(c) **MOTOR VEHICLE FUEL TAXES.**

(1) A state tax, designated "second gas tax", of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this revision the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower net average interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of adminis-

tration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty percent to the state agency supervising the state road system and twenty percent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five percent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

(d) SCHOOL BONDS. Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective is adopted by this reference as part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five percent per annum or such higher interest as may be authorized by statute passed by a three-fifths vote of each house of the legislature. Bonds issued pursuant to this sub-section (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d), may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) DEBT LIMITATION. Bonds issued pursuant to this Section 9 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 11, Article VII, of this revision.

—which was read the first time and SJR 292 was laid on the table.

On motions by Senator Weissenborn, by two-thirds vote, CS for SJR 292 was read the second time and by two-thirds vote was read the third time in full, passed with the required constitutional three-fifths vote of all members elected to the Senate and certified to the House. The Secretary called the roll and the vote was:

Yeas—43

|               |             |                |              |
|---------------|-------------|----------------|--------------|
| Mr. President | Broxson     | Gunter         | Lewis (33rd) |
| Arnold        | Childers    | Haverfield     | Lewis (43rd) |
| Barron        | Daniel      | Henderson      | McClain      |
| Barrow        | Deeb        | Johnson (29th) | Myers        |
| Beaufort      | de la Parte | Johnson (34th) | Ott          |
| Bell          | Ducker      | Karl           | Plante       |
| Bishop        | Fincher     | Knopke         | Pope         |
| Brantley      | Graham      | Lane           | Poston       |

|          |             |             |          |
|----------|-------------|-------------|----------|
| Reuter   | Scarborough | Ware        | Williams |
| Saunders | Stolzenburg | Weber       | Wilson   |
| Saylor   | Trask       | Weissenborn |          |

Nays—None

Co-Introducers

By permission Senators Gunter, Stolzenburg, Ware, Haverfield and Ducker were recorded as co-introducers of CS for SJR 292.

SB 698—A bill to be entitled An act relating to the leasing of pari-mutuel facilities; amending Section 550.47, Florida Statutes, as created by chapter 71-180, Laws of Florida; providing for dog racing lessees to operate at leased premises; providing an effective date.

—was read the second time by title.

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Lane:

**Amendment 1**—On page 2, line 2 strike the period (.) and insert: ; *provided that such race meet shall not operate during the same hours any thoroughbred permittee operates its race meet within the county in which the leased premises is located.*

The Committee on Rules, Calendar, Privileged Business and Ethics offered the following amendment which was adopted on motion by Senator Lane:

**Amendment 2**—On page 1, line 9 after the word "premises;" insert: providing restrictions;

Senator Brantley moved the adoption of the following amendment:

**Amendment 3**—On page 1, line 31 after the word "other" insert: and within the same county

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

EXECUTIVE BUSINESS

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

March 3, 1972

REGISTERED—RETURN RECEIPT REQUESTED

Honorable James A. Peacock, Jr.  
Clerk of the Circuit Court  
Calhoun County Courthouse  
Blountstown, Florida

Dear Mr. Peacock:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Executive Order Reinstating County Officer dated March 2, 1972.

With kind regards, I remain

Cordially,  
RICHARD (DICK) STONE  
Secretary of State

By (Mrs.) Dorothy W. Glisson  
Director  
Division of Elections

EXECUTIVE ORDER NUMBER 72-14  
Executive Order Reinstating County Officer

WHEREAS, by Executive Order Number 71-52, dated November 1, 1971, James A. Peacock, Jr., was suspended from

the public office which he then held, to-wit: Clerk of the Circuit Court, Calhoun County, Florida, and

WHEREAS, the said James A. Peacock, Jr., has been tried in the Circuit Court of Calhoun County and found "not guilty" on certain charges contained in an Indictment returned in said county on October 12, 1971, and

WHEREAS, based upon the sworn testimony adduced during the trial of James A. Peacock, Jr., and a re-evaluation of the facts and circumstances upon which the aforesaid suspension was based, it appears that it is now in the best interest of the citizens of the State of Florida and the residents of Calhoun County that the said James A. Peacock, Jr., be reinstated to his former office;

NOW, THEREFORE, I, Reubin O'D. Askew, as Governor of the State of Florida by virtue of the authority vested in me by the Constitution and laws of this State do hereby promulgate the following executive order, effective at 8 o'clock a.m., Monday, March 6, 1972:

1. That the said James A. Peacock, Jr., be and he is hereby reinstated as Clerk of the Circuit Court, Calhoun County, Florida.

2. That within sixty (60) days after the effective date of this order, the said James A. Peacock, Jr., shall certify by sworn affidavit to the Office of the Governor, the corrective action taken by him as Clerk of the Circuit Court to comply with the laws of the State of Florida regarding the maintenance of a proper accounting system and procedure for the reporting and handling of public funds entrusted to him as Clerk of the

Circuit Court; the certification of corrective action shall include the detailed comments of the said James A. Peacock, Jr., concerning actions taken to correct the discrepancies noted in the official audit of his office, prepared by the Auditor General of Florida, dated March 15, 1971, covering the period from June 1, 1968, to and including March 31, 1970.

3. That Executive Order of the Governor Number 71-52 is superseded by this order.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at the Capitol, this 2nd day of March, A. D. 1972.

REUBIN O'D. ASKEW  
Governor

ATTEST:

RICHARD (DICK) STONE  
Secretary of State

—which was referred to the Select Committee on Executive Suspensions.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:04 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., March 7, 1972.

**LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE  
FEBRUARY 25 THROUGH MARCH 3, 1972**

| <i>Name and Address</i>   | <i>Entity Represented and Address</i>  | <i>Particular Legislation Involved</i>  | <i>Direct Business Association or Partnership with Legislator</i> |
|---|--|---|---|
| Coleman, Phillip Lloyd<br>27100 Old Dixie Hwy.<br>Naranja 33030                                 | Cemetery Industry<br>Same Address  | Cemetery  | None  |
| Collier, George W.<br>3019 Warrington St.<br>Jacksonville 32205                                 | United Transportation Union<br>Cleveland, Ohio   | Railroad Transportation   | None  |
| Davis, John F.<br>702 South Duval St.<br>Tallahassee 32304                                      | Governor's Task Force on Resources Management<br>Governor's Office<br>The Capitol<br>Tallahassee 32304 | Legislation on State and Regional Planning, Land use planning other Natural resources and environmental legislation | None  |
| Dean, Edwin B.<br>One Lincoln Rd. Bldg.<br>Miami Beach 33139                                    | So. Fla. Hotel & Motel Assn.<br>Same Address   | Hotel laws  | None  |
| Ferguson, Howell L.<br>Tallahassee Bank Bldg.<br>Suite 350<br>Tallahassee 32304                 | Dept. of Pollution Control<br>Same Address   | Environmental Protection  | None  |
| Forman, Hamilton C.<br>301 United Federal Bldg.<br>3600 N. Federal Hwy.<br>Ft. Lauderdale 33304 | Self<br>Same Address   | Business regulation, water control Conservation and general legislation   | None  |
| Goodmark, Harry<br>601 N. Flagler Ct.<br>West Palm Beach 33401                                  | Academy of Fla. Trial Lawyers<br>219 S. Calhoun St.<br>Tallahassee                                     | Workmen Compensation  | None  |
| Green, Robert<br>3399 Ponce de Leon Blvd.<br>Coral Gables 33134                                 | Dept. of State<br>The Capitol Bldg.<br>Tallahassee   | Charitable solicitations—private employment and private investment agency   | None  |
| Johnson, Robert Norris<br>P. O. Box 936<br>North Miami 33161                                    | Cemetery Industry<br>Same Address  | Cemetery  | None  |
| Levinson, Courtney D.<br>Box 44-607<br>Miami 33144  | Cemetery Industry<br>Same Address  | Cemetery revocation   | None  |
| Levinson, Thomas Bernard<br>P. O. Box 44-607<br>Miami 33144                                     | Cemetery Profession<br>Same Address  | Cemetery profession   | None  |
| McDowell, Thomas E.<br>538 Lawton Ave.<br>Jacksonville 32208                                    | Dept. of State<br>Capitol Bldg.<br>Tallahassee   | Private employment, charitable solicitation, private investigative agencies   | None  |
| Miller, John S. Jr.<br>640 T. B. & T.<br>Tallahassee  | Podiatrists<br>Same Address  | Medical & Professional  | None  |

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE  
 FEBRUARY 25 THROUGH MARCH 3, 1972 (Continued)

| Name and Address   | Entity Represented and Address  | Particular Legislation Involved   | Direct Business Association or Partnership with Legislator  |
|--|---|---|---|
| Neel, Robert George<br>P. O. Box 15641<br>Orlando 32808                    | Florida Cemetery Assoc.<br>Fort Myers<br>Memorial Park<br>Fort Myers                                | All Legislation   | William Gunter, Board of Directors Orlando Bank & Trust Co. |
| Rollins, Levin H. Jr.<br>3399 Ponce de Leon Blvd<br>Coral Gables 33134     | Dept. of State<br>The Capitol<br>Tallahassee  | Charitable solicitations, private employment & private investigative agencies                             | None  |
| Sever, Nancy R.<br>433 Biltmore Ave.<br>Temple Terrace 33617               | League of Women Voters<br>West Colonial Blvd.<br>Orlando  | General   | None  |
| Sharron, Nathan N.<br>Suite 820<br>315 S. Calhoun St.<br>Tallahassee 32302 | State Board of Cosmetology<br>Same Address  | Legislation affecting the field of cosmetology  | None  |
| Steadman, Randolph Herbert<br>Box U-0451<br>FSU<br>Tallahassee 32306       | Self<br>Same Address  | General   | None  |
| Tsacrios, Michael John<br>1311 N. Westshore<br>Tampa 33609                 | Dept. of State<br>The Capitol Bldg.<br>Tallahassee  | Charitable solicitation<br>Private employment, private detective investigations                           | None  |
| Valavanis, Steven William<br>Brevard Community College<br>Cocoa 32955      | Fla. American Federation of Teachers<br>718 West Smith St.<br>Orlando                               | Education   | None  |
| Ward, Sidney C.<br>14th Floor<br>The Hartford Bldg.<br>Orlando 32801       | Trust Company of Florida<br>The Hartford Bldg.<br>Orlando 32801                                     | Trust companies   | None  |
| Whitsett, Thomas George<br>814 N. Gadsden<br>Tallahassee 32304             | Seventh-Day Adventist Churches of Florida<br>Fla. Conference of S.D.A.<br>Box 1313<br>Orlando 32802 | Issues that come before the Fla. Senate that may relate to religious or Seventh-day Adventist's interests | None  |
| Wilson, Paul Frederick<br>400 W. Beacon Road<br>Lakeland 33803             | United Farm Workers Organizing Committee<br>217 S. Howard Ave.<br>Tampa 33607                       | Farm workers—migrant & seasonal   | None  |