

# JOURNAL OF THE FLORIDA SENATE

Thursday, March 9, 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 Senators Brantley, Scarborough, Beaufort and Arnold—

SB 1213—A bill to be entitled An act amending Section 19.05 of Chapter 67-1320, Laws of Florida, as amended, being the Charter of the City of Jacksonville; providing that certain employees shall not be required to be employed from a list approved by the civil service board, and are or are continued to be exempt from the civil service system of said city; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1213.

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

The Senate recessed at 8:31 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—46:

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

Excused: Senator Horne for the morning session.

Prayer by Senator Lewis (43rd):

Heavenly Father, as we approach the last few weeks of our deliberations, help us to understand that thou alone possess absolute truth, and that we must be understanding of the convictions and beliefs of others, while having the courage to adhere to our own convictions and beliefs. Above all, help us with thy guidance to make proper and just decisions, in the interest of all the people we represent. Amen.

The Journal of March 8 was corrected and approved.

## REPORTS OF COMMITTEES

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

|        |         |                           |
|--------|---------|---------------------------|
| SB 825 | SB 996  | HB 2944 with 2 amendments |
| SB 863 | HB 154  |                           |
| SB 927 | HB 2664 |                           |

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

|        |         |          |
|--------|---------|----------|
| SB 983 | HB 3128 | HCR 3511 |
|--------|---------|----------|

The Committee on Universities and Community Colleges recommends the following pass: HB 919, SB 1203 with 2 amendments

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

The Committee on Health, Welfare and Institutions recommends the following pass: SB 882 with 10 amendments

The Committee on Health, Welfare and Institutions recommends the following pass: HB 861

The bills contained in the foregoing reports were referred to the Committee on Governmental Efficiency under the original reference.

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

|                          |                           |
|--------------------------|---------------------------|
| SB 1163 with 1 amendment | HB 2136                   |
| SB 1096                  | SB 1190 with 2 amendments |
| SB 1075                  |                           |

The Committee on Public Schools recommends the following pass:

|                          |                          |
|--------------------------|--------------------------|
| SB 914 with 7 amendments | SB 990 with 7 amendments |
|--------------------------|--------------------------|

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

The Committee on Universities and Community Colleges recommends a Committee Substitute for SB 1035.

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 a Committee Substitute for SB 815.

The bill with Committee Substitute attached was referred to the Committee on Judiciary—Civil A under the original reference.

The Committee on Universities and Community Colleges recommends a Committee Substitute for SB 518.

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

The Committee on Public Schools recommends the following not pass: SB 840

The bill was laid on the table.

## BILLS REFERRED TO SUBCOMMITTEE

PUBLIC SCHOOLS SELECT SUBCOMMITTEE: SB 979.  
(5 days to report back to the Committee on Public Schools.)

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred CS for SB 284 with 16 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

The bill was placed on third reading.

Your Engrossing Clerk to whom was referred CS for SJR 292 with 1 amendment reports that the Senate amendment has been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY*  
*Secretary of the Senate*

The bill was certified to the House.

## ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

|        |         |         |
|--------|---------|---------|
| SB 181 | SB 390  | SB 1165 |
| SB 279 | SB 1164 | SB 1166 |

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 9, 1972.

*ELMER O. FRIDAY*  
Secretary of the Senate

*The Honorable Jerry Thomas*  
President of the Senate

March 8, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended, HB 3206.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, SB 1027 was withdrawn from the Committee on Commerce by two-thirds vote and from further consideration of the Senate.

On motion by Senator Broxson, SB 790 was withdrawn from the Committee on Commerce by two-thirds vote.

On motion by Senator Broxson, SB 1081 was withdrawn from the Committee on Public Schools by two-thirds vote and referred to the Committee on Vocational-Technical Education.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to consider CS for SJR 773 and SB 1071 on March 9 and SB 1163 on March 10.

On motion by Senator de la Parte, Senate Bills 302, 220, 577, 867 and 783 were withdrawn from the Committee on Ways and Means by two-thirds vote.

## MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State CS for SB 41 and Senate Bills 113, 482 and 360 which he had approved on March 8, 1972.

The Governor advised that he had filed in the office of the Secretary of State CS for SB 244 which he had approved on March 9, 1972.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas*  
President of the Senate

March 8, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has returned to the Senate as requested—

By Senator Myers and others—

SB 499—A bill to be entitled An act relating to medical review committees; defining the term "medical review committee"; providing immunity from monetary liability for acts of members of duly appointed medical review committees, when performed within the scope of the functions of the committee; providing limitations to the immunity; providing an effective date.

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

On motion by Senator Myers, the rules were waived and the Senate immediately reconsidered the vote by which SB 499 as amended, contained in the above message, passed on March 3. By permission, Senator Myers withdrew SB 499 from the Senate.

*The Honorable Jerry Thomas*  
President of the Senate

March 8, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has receded from Amendment 6 and has refused to recede from Amendments 4 and 5, and has passed as amended—

By the Committee on Judiciary—Criminal—

SB 465—A bill to be entitled An act relating to criminal procedure; amending §921.141, Florida Statutes, to provide for bifurcated trials in capital cases; providing an effective date.

Amendment 4

On page 3, lines 3—4, strike all of lines 3 and 4 and insert the following:

(3) *Aggravating circumstances.—*

(a) *The capital felony was committed by a convict under sentence of imprisonment.*

(b) *The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.*

(c) *At the time the capital felony was committed the defendant also committed another capital felony.*

(d) *The defendant knowingly created a great risk of death to many persons.*

(e) *The capital felony was committed while the defendant was engaged or was an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit any robbery, rape, arson, burglary or kidnapping.*

(f) *The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.*

(g) *The capital felony was committed for pecuniary gain.*

(h) *The capital felony was especially heinous, atrocious or cruel, manifesting exceptional depravity.*

(4) *Mitigating circumstances.—*

(a) *The defendant has no significant history of prior criminal activity.*

(b) *The capital felony was committed while the defendant was under the influence of extreme mental or emotional disturbance.*

(c) *The victim was a participant in the defendant's conduct or consented to the act.*

(d) *The capital felony was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his conduct.*

(e) *The defendant was an accomplice in the capital felony committed by another person and his participation was relatively minor.*

(f) *The defendant acted under duress or under the domination of another person.*

(g) *At the time of the capital felony the capacity of the defendant to appreciate the criminality of his conduct or to*

conform his conduct to the requirements of law was impaired as a result of mental disease or intoxication.

(h) The youth of the defendant at the time of the crime.

Section 2. This act shall take effect October 1, 1972.

Amendment 5

On page 1 in Title lines 5—7, strike all of lines 5 through 7 and insert the following: amending section 921.141, Florida Statutes, providing for recommendation of mercy; creating section 921.141 (2), Florida Statutes, providing for bifurcated trials in capital cases; creating section 921.141 (3), Florida Statutes, providing aggravating circumstances; creating section 921.141 (4), Florida Statutes, providing for mitigating circumstances; providing an effective date.

—and again requests the Senate to concur.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

On motions by Senator Hollahan, the Senate concurred in House amendments 4 and 5 to SB 465.

SB 465 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

|               |                |              |             |
|---------------|----------------|--------------|-------------|
| Mr. President | Childers       | Karl         | Plante      |
| Arnold        | Daniel         | Knopke       | Poston      |
| Beaufort      | Ducker         | Lane         | Saunders    |
| Bell          | Gunter         | Lewis (33rd) | Sayler      |
| Bishop        | Haverfield     | Lewis (43rd) | Scarborough |
| Boyd          | Hollahan       | McClain      | Trask       |
| Brantley      | Johnson (29th) | Myers        | Wilson      |

Nays—None

The Honorable Jerry Thomas  
President of the Senate

March 8, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has refused to grant the request of the Senate for the return of HB 3220.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The Honorable Jerry Thomas  
President of the Senate

March 7, 1972

Sir:

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

By Representative Baumgartner—

HB 1709—A bill to be entitled An act relating to the Florida construction industry licensing board; amending §468.109(4), Florida Statutes; providing for a portion of certification and registration fees to be paid into the general revenue fund; 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 7, 1972

Sir:

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

By the Committee on Natural Resources and Representative Ogden—

CS for HB 3025—A bill to be entitled An act relating to water management districts; adding subsection (6) to §8 of chapter 61-691, Laws of Florida, and creating §5A of chapter 25270, Laws of Florida, 1949, creating section 20A of chapter 61-1590, Laws of Florida, and creating section 12A of chapter 14723, Laws of Florida, 1931; providing for the submission of the annual budgets of the Southwest Florida Water Management District, the Central and Southern Florida Flood Control District, the West Coast Inland Navigation District, and the Florida Inland Navigation District to the Legislature for review and approval; providing for the disposition of ad valorem tax revenues; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

HB 1709 and CS for HB 3025, contained in the above messages, were read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas  
President of the Senate

March 7, 1972

Sir:

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

By Representative Sweeny and others—

HB 3573—A bill to be entitled An act relating to Volusia county, felony court of record; providing for the appointment, election, qualification, term, duties, and compensation of a second judge of the felony court of record; providing that the incumbent judge shall continue to hold office for the remainder of his term; providing for places where terms of said court may be held; amending sections 3, 6(1), 6(2), 12 and 16 of chapter 65-1213, chapter 67-618, and chapter 69-532, Laws of Florida; providing for the repeal of all laws in conflict herewith; and providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 3573.

HB 3573, contained in the above message, was read the first time by title and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Honorable Jerry Thomas  
President of the Senate

March 9, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to CS for SB 413 and the Speaker has appointed Representatives Hodes, Tubbs and Fleece as a Conference Committee on the part of the House.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The President appointed Senators Myers, Lane and Lewis (33rd) as a conference committee to meet with House conferees to adjust differences on CS for SB 413. The action of the Senate was certified to the House,

On motion by Senator Deeb, Rule 4.4 was waived and he was granted permission to file a bill for introduction and consideration. On motion by Senator Deeb, unanimous consent was obtained to introduce out of order—

By Senators Sayler and Deeb—

SB 1225—A bill to be entitled An act relating to housing authorities in counties; amending subsection 2 of section 421.27, Florida Statutes; amending section 421.27 by adding subsection (4) thereto, providing exception to subsection (2) of section 421.27, Florida Statutes; providing an effective date.

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

#### UNFINISHED BUSINESS

Consideration of SB 239 with pending amendment was deferred.

#### SPECIAL AND CONTINUING ORDER

Consideration of CS for SB 284 was deferred.

#### THIRD READING

CS for SB 343—A bill to be entitled An act relating to a salary incentive program for local law enforcement officers; amending part IV of chapter 23, Florida Statutes, by creating a new section to provide for such programs; providing for the establishment of the program and authority for financing of the program; providing restrictions for participation to law enforcement officers earning at least six thousand dollars; providing requirements for eligibility and participation; providing for certain educational training or statutory criteria to be met to qualify for participation; providing that the maximum amount to be received under this act shall not exceed one hundred thirty dollars per month; providing that the police standards council shall establish rules and regulations including rules governing disbursement of all funds distributed hereunder; providing restrictions on local units to prevent circumventing any local unit's present or currently planned normal pay increases; providing for reports by local units; providing a no strike provision; providing for appropriations; repealing part V of chapter 163, Florida Statutes, consisting of §§163.550, 163.551, 163.552, 163.553, 163.554, 163.555, 163.556, 163.557, 163.558, 163.559, 163.560 and 163.561; providing an effective date.

—was taken up pending roll call.

Senator Plante presiding.

Senator Broxson moved that the rules be waived and the Senate reconsider the vote by which CS for SB 343 was read the third time. The motion was adopted by the following vote:

Yeas—25

|               |                |              |             |
|---------------|----------------|--------------|-------------|
| Mr. President | Ducker         | Lewis (43rd) | Scarborough |
| Arnold        | Haverfield     | Plante       | Ware        |
| Barron        | Henderson      | Pope         | Weber       |
| Barrow        | Johnson (29th) | Poston       | Wilson      |
| Bishop        | Johnson (34th) | Reuter       |             |
| Boyd          | Knopke         | Saunders     |             |
| Deeb          | Lewis (33rd)   | Sayler       |             |

Nays—11

|          |             |          |             |
|----------|-------------|----------|-------------|
| Beaufort | Childers    | Hollahan | Ott         |
| Brantley | de la Parte | Karl     | Weissenborn |
| Broxson  | Graham      | McClain  |             |

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

Amendment 1—On page 2, line 12, strike everything after the enacting clause except Section 4 and insert: Section 1.

1 million 300 thousand dollars is hereby appropriated to the counties and cities to supplement local law enforcement officers.

The money hereby appropriated shall be paid to the counties and cities on the population of law enforcement officer basis.

renumber Section 4 as Section 2.

The President presiding.

The President appointed Senators Childers, Broxson, Brantley and de la Parte as a committee to escort Hon. George S. McGovern, United States Senator from South Dakota and a candidate for the Democratic nomination for President of the United States, to the rostrum where he addressed the Senate.

On motion by Senator Pope, Rule 4.4 was waived and he was granted permission to file for introduction and consideration a bill relating to deaf persons.

On motion by Senator Pope, unanimous consent was obtained to introduce out of order—

By Senators Thomas, Pope, Brantley, Williams, Saunders, Hollahan, Knopke, Haverfield, Johnson (29th), Reuter, Beaufort and Arnold—

SB 1227—A bill to be entitled An act relating to deaf persons; creating §90.243, Florida Statutes; providing for the use of qualified interpreters of the deaf sign language when a deaf person is party to or a witness at a proceeding in any trial court in this state; providing for compensation for interpreter's service; providing an effective date.

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

On motion by Senator Pope, SB 1227 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and placed on the calendar.

On motion by Senator Pope, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1227 out of order.

On motions by Senator Pope, by two-thirds vote, SB 1227 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

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

Nays—None

Co-Introducers

By permission Senators Barrow, Bell, Bishop, Boyd, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Gong, Graham, Gunter, Karl, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Poston, Scarborough, Stolzenburg, Trask, Weber, Weissenborn and Wilson were recorded as co-introducers of SB 1227.

On motion by Senator Karl, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order —

SB 736—A bill to be entitled An act relating to beverage licenses; amending section 561.20(3), Florida Statutes, to provide for re-issuance by the beverage director of a previously

revoked license; providing conditions for such issuance; providing an effective date.

—which was read the second time by title. On motion by Senator Karl, by two-thirds vote SB 736 was read the third time by title, passed and immediately certified to the House by waiver of the rule. The vote was:

Yeas—30

|          |                |              |             |
|----------|----------------|--------------|-------------|
| Arnold   | Gong           | Lewis (33rd) | Saylor      |
| Barron   | Graham         | McClain      | Scarborough |
| Beaufort | Henderson      | Myers        | Stolzenburg |
| Bell     | Hollahan       | Plante       | Ware        |
| Bishop   | Johnson (29th) | Pope         | Weissenborn |
| Boyd     | Johnson (34th) | Poston       | Williams    |
| Brantley | Karl           | Reuter       |             |
| Daniel   | Lane           | Saunders     |             |

Nays—2

Broxson Childers

By unanimous consent Senator Ducker was recorded as voting yea.

On motion by Senator Barron, Rule 4.4 was waived and he was permitted to file for introduction and consideration a local bill relating to Bay County.

On motion by Senator Barron, unanimous consent was obtained to introduce out of order—

By Senator Barron—

SB 1226—A bill to be entitled An act relating to Bay County; providing for the creation of a clerk for the county court of Bay County, contingent upon the approval of a new article V of the state constitution; providing for the method of appointment of the clerk and staff, the term of office, and the method of compensation; providing for the powers and duties of the clerk and deputy clerks; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1226.

—which was read the first time by title. On motion by Senator Barron, the rules were waived and the bill was placed on the calendar.

On motion by Senator Barron, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1226 out of order.

On motions by Senator Barron, by two-thirds vote, SB 1226 was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

|               |                |                |             |
|---------------|----------------|----------------|-------------|
| Mr. President | Childers       | Johnson (34th) | Reuter      |
| Arnold        | Daniel         | Karl           | Saunders    |
| Barron        | de la Parte    | Lane           | Scarborough |
| Beaufort      | Ducker         | Lewis (33rd)   | Stolzenburg |
| Bell          | Gong           | Myers          | Trask       |
| Bishop        | Graham         | Ott            | Ware        |
| Boyd          | Henderson      | Plante         | Weissenborn |
| Brantley      | Hollahan       | Pope           |             |
| Broxson       | Johnson (29th) | Poston         |             |

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

Senator Hollahan moved that the rules be waived and committee meetings scheduled for the afternoon be cancelled to allow the Senate to hold an afternoon session from 2:00 until 5:00. The motion was adopted by the following vote:

Yeas—26

|               |                |              |             |
|---------------|----------------|--------------|-------------|
| Mr. President | de la Parte    | Karl         | Saunders    |
| Arnold        | Ducker         | Knopke       | Saylor      |
| Beaufort      | Gong           | Lewis (33rd) | Stolzenburg |
| Bell          | Graham         | McClain      | Williams    |
| Bishop        | Gunter         | Plante       | Wilson      |
| Brantley      | Hollahan       | Poston       |             |
| Broxson       | Johnson (29th) | Reuter       |             |

Nays—7

|        |              |             |       |
|--------|--------------|-------------|-------|
| Boyd   | Lewis (43rd) | Pope        | Trask |
| Daniel | Ott          | Scarborough |       |

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

The Senate resumed consideration of CS for SB 343, and on motion by Senator Broxson further consideration of the bill was deferred.

SPECIAL AND CONTINUING ORDER

CS for SB 284—A bill to be entitled An act relating to abortion; stating findings and legislative intent; providing definitions; prohibiting abortions in this state unless performed under certain requirements and conditions; providing a residency requirement; providing for consent and physician's certification and requirement that abortion be performed in an approved medical facility; providing for the filing of a report; providing penalties for the performance of an unlawful abortion; providing a severability clause; repealing sections 782.10, 797.01, and section 458.12(1) (i), Florida Statutes; providing an effective date.

—was read the third time by title.

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

Amendment 26—On page 2, between lines 8 and 13 insert a new subsection:

(4) "Physician" as used in this act means a doctor of medicine or osteopathic medicine licensed by the state under Chapters 458 or 459 Florida Statutes, or a physician practicing medicine or osteopathy in the employ of the United States or this state.

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

Amendment 27—On page 2, strike lines 15 through 20 and insert: The abortion is performed by a physician

Senator Boyd presiding.

Senators Myers, Wilson and Barrow offered the following amendment which was moved by Senator Myers:

Amendment 28—On page 3, lines 1—4, strike lines 1 thru 4 and insert the following: The written consent of a parent or legal guardian shall also be obtained if the pregnant woman is under 18 years of age and unmarried

Senator Thomas moved the adoption of the following amendment to amendment 28 which failed:

Amendment 28a—(5) following "of" on line one strike "a parent" and insert: both parents except where one parent is not available after reasonable search and inquiry the consenting parent to the satisfaction of the physician

Amendment 28 was adopted by two-thirds vote.

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

**Amendment 29**—On page 3, line 10, strike "That" and insert: One

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

**Amendment 30**—On page 3, lines 22—24, strike "that a doctor of medicine or osteopathic medicine, licensed by the state of Florida shall certify in writing that an abortion is justified by" and insert: the physician certifies in writing that the abortion is justified by

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

**Amendment 31**—On page 3, line 26, strike the "s" in the word "paragraphs" and "and (9)"

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

**Amendment 32**—On page 4, line 13, strike "be" and insert: is

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

**Amendment 33**—On page 3, lines 27—30, strike lines 27 through 30 and insert: Section 3. Notwithstanding the provisions for consent of the husband required in paragraph (4) section 2 nor the provisions for the consent of a parent, custodian or legal guardian in paragraph (5) section 2, if to

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

**Amendment 34**—On page 4, line 15, strike "(10)" and insert: Section 4

and renumber

On motion by Senator Barrow the following title amendment was adopted:

**Amendment 35**—On page 1, lines 4 and 5, strike "stating findings and legislative intent,"

Senator Barron presiding.

Senators Wilson and Barrow offered the following title amendment which was adopted on motion by Senator Myers:

**Amendment 36**—On page 1, line 9, strike "providing a residency requirement"

Senator McClain moved the adoption of the following amendment:

**Amendment 37**—On page 2, line 30, strike comma after word "wife" and insert: in contemplation of dissolution of marriage or legal separation,

On motion by Senator Hollahan, it was agreed that upon completion of the Pre-emptive Order in the afternoon session the Senate would resume consideration of the Special Order Calendar of March 8.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—47:

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

Unanimous consent was granted Senator Barron to introduce out of order—

By Senators Barron, Barrow and Horne—

SR 1228—A resolution commending the Gulf Coast Community College "Commodores" basketball team.

WHEREAS, the Gulf Coast Community College Commodores under the able coaching of Jack Jackson, have won the 1972 Florida Junior College Conference basketball championship, and

WHEREAS, the team has captured this championship for the second successive year, a feat never before recorded in Florida basketball history, and

WHEREAS, the team is journeying from Panama City to Hutchinson, Kansas, to represent Florida in the National Junior College Basketball tournament to be held there beginning March 14, 1972, and

WHEREAS, the team and coach represent and exemplify the finest in character and sportsmanship in their sport, NOW, THEREFORE,

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

That the Gulf Coast Community College Commodores attend the National tournament with the best wishes and hopes of the Senate for victories, which will be a credit to their college and their state.

BE IT FURTHER RESOLVED that the Commodores are hereby recognized and commended for their past accomplishments and ability and that a copy of this resolution, signed by the president of the Florida Senate, with the seal of the Senate attached, be forwarded to Coach Jackson and his team as a tangible token of the appreciation of the Florida Senate.

—which was read the first time. On motion by Senator Barron the rules were waived and the resolution was placed on the calendar.

On motion by Senator Barron, unanimous consent was obtained to take up SR 1228 out of order. On motion by Senator Barron, SR 1228 was read the second time in full and unanimously adopted. The vote was:

Yeas—33

|               |                |              |             |
|---------------|----------------|--------------|-------------|
| Mr. President | Childers       | Lewis (33rd) | Scarborough |
| Arnold        | Ducker         | Lewis (43rd) | Stolzenburg |
| Barron        | Fincher        | Myers        | Ware        |
| Barrow        | Graham         | Ott          | Weber       |
| Beaufort      | Gunter         | Plante       | Williams    |
| Bell          | Haverfield     | Poston       | Wilson      |
| Boyd          | Johnson (29th) | Reuter       |             |
| Brantley      | Knopke         | Saunders     |             |
| Broxson       | Lane           | Sayler       |             |

Nays—None

On motions by Senator Williams, Rule 4.4 was waived and he was granted permission to file for introduction and consideration a bill relating to ad valorem taxation, and a concurrent resolution relating to students' fees in institutions of higher learning.

On motion by Senator Henderson, the rules were waived and the Senate proceeded to the consideration of—

#### MEMORIALS ON SECOND READING

SM 110—A memorial to the Congress of the United States relative to the federal interstate highway program.

WHEREAS, the additional highway related taxes imposed in 1956 were solely to provide the source of money for the federal interstate and defense highway program through the year 1972, and

WHEREAS, the completion date for the program has been extended to September 30, 1977, and

WHEREAS, federal aid for the interstate system is apportioned in the ratio that the cost of completing the system in each state bears to the cost of completing the entire system, and

WHEREAS, the State of Florida is the eighth state in amount of taxes paid on motor fuel, lubricating oil and motor vehicle use, and

WHEREAS, there are incompleting vital links in the interstate system in the State of Florida, with a total incompleting mileage of 629.1 miles, and

WHEREAS, several states have nearly completed their interstate highway program, and

WHEREAS, pressures are being applied by these states to reduce the federal aid percentage toward completion of the interstate highway program, and

WHEREAS, such reduction would wreck the interstate program in the State of Florida, and

WHEREAS, the Florida legislature wishes to make the Congress of the United States aware of the necessity of a continued 90% - 10% federal percentage contribution toward the completion of the interstate highway program, NOW THEREFORE,

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

That the Congress of the United States is hereby requested to resist all efforts to change the 90% - 10% contribution ratio with regard to the construction and right-of-way costs of the federal interstate and defense highway system.

BE IT FURTHER RESOLVED that the Governor is hereby respectfully asked to join in this request to the Congress of the United States.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Arnold, SM 110 was adopted and certified to the House.

Consideration of SM 163 was deferred.

SM 227—A Memorial to the Congress of the United States making application to Congress to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment relating to the choosing of a presiding officer of the Senate.

WHEREAS, the government of the United States has traditionally been structured upon a system of checks and balances in order to maintain equality between the three branches of government; and

WHEREAS, it is of primary importance that the legislative branch of government be free of any restraint or pressure in order to be more fully representative of the people; and

WHEREAS, the vice president of the United States is the president of the senate pursuant to Article I, Section 3 of the Constitution of the United States, and may vote therein when the membership is equally divided; and

WHEREAS, Article I, Section 3 of the United States Constitution further provides that the senate shall choose their other officers and also a president pro tempore; and

WHEREAS, the continued existence of the representative of the executive branch as the presiding officer of an independent house of Congress is inimical to the preservation of an independent legislature free from leadership supplied by the executive branch of government; NOW THEREFORE,

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

That, pursuant to Article V of the Constitution of the United States, the legislature of the state of Florida does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide:

That the senate shall choose its officers, including a presiding officer selected from its membership, who shall be designated as the president of the senate, and also a president pro tempore who shall preside during the absence of the president of the senate.

BE IT FURTHER RESOLVED that this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this legislature, and

BE IT FURTHER RESOLVED that certified copies of this resolution be presented forthwith to the president of the United States senate and the speaker of the United States house of representatives and to the legislatures of each of the several states attesting the adoption of this resolution by the legislature of the state of Florida.

—was read the second time in full. On motion by Senator Barron, on behalf of Senator Thomas, SM 227 was adopted and certified to the House.

Consideration of Senate Memorials 222, 219, 167, 237 and 385 was deferred.

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

WHEREAS, we, as the representatives of the people, are charged with the responsibility and stewardship of protecting the way of life now enjoyed by our people, with protecting the environment of the state of Florida, and with enacting legislation to assure that future generations shall enjoy to the fullest extent those rights, privileges and protections guaranteed to them by the constitution of the United States and the constitution of the state of Florida, and

WHEREAS, we recognize that our present society has reached a point of crisis, that some of our citizens are faced with the loss of livelihood and that our environment is threatened by pollution and contamination which pollutes our air, fouls our water and despoils our land, and that social unrest brought about principally by these things disturbs the tranquility of our society, and

WHEREAS, the resources of our state and the resources of our nation are not limitless and are not being used in a manner that will insure the future security and happiness of our citizens, and

WHEREAS, these same resources, being temporarily used and cast aside, are creating problems which contaminate our environment, and

WHEREAS, it has now been conclusively established that the misuse and waste of these resources by disposing of them as solid waste threaten to further aggravate the problems of our environment and the economic system of our state and our nation, and

WHEREAS, national leaders in science and technology have now conclusively demonstrated that these resources we now dispose of as waste materials should be recovered and returned to the economic systems of our state and nation at a profit, and

WHEREAS, it has been demonstrated that the return of these resources to the economy will reduce pollution, create new jobs, expand the economy into new fields and help insure the orderly progress and growth of our society, and

WHEREAS, we recognize that there already exist within the United States government certain agencies and funds to do in a limited way some of these things we have set forth, and

WHEREAS, we recognize that to date there has been little progress in the recovery of our resources and that we can delay no longer if we are to protect the integrity of our environment and our economy and to provide worthwhile employment to our citizens and bring relief to our communities, NOW, THEREFORE,

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

That the congress of the United States, and the respective departments and agencies of the federal government which may be authorized to act are hereby requested to make available to the states and particularly to the state of Florida such funds as are required to design, construct and place into operation certain systems to recover, separate, process and sell back to the economy those recoverable resources now disposed of as solid waste.

BE IT FURTHER RESOLVED that these funds be made available either as grants directly to the states for the purpose of constructing these facilities or as loans, the principal and interest of which will be repaid from profits earned in the recovery, processing and sale of recoverable resources; that the congress take this action at once to provide the funds to permit this state and nation to bring immediate operations to plan and to bring into being these heretofore described resource recovery establishments; and that immediate action be taken to establish new programs that will bypass the involved applications now required.

BE IT FURTHER RESOLVED in the belief that the states are better qualified to determine what systems of resource recovery are best for them and the best systems for operations, that the states be permitted to make their own arrangements in the operation of these resource recovery establishments.

BE IT FURTHER RESOLVED, in recognition that the need is urgent, that the president of the United States and the congress act with dispatch and assign the highest priority to this new program and thereby demonstrate the concern of the government of the United States for the future of our nation and its people by supporting this movement to stop forever the reckless wasting of our precious resources, the spoiling of our air, land and water, and the exploitation of our people.

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the United States, to the president of the United States senate, to the speaker of the United States house of representatives, and to each member of the Florida delegation to the United States congress.

—was read the second time in full. On motion by Senator Henderson, SM 707 was adopted and certified to the House.

Senator Wilson moved that the Senate proceed to consideration of CS for SB 284. The motion was adopted by the following vote:

Yeas—23

|          |             |              |             |
|----------|-------------|--------------|-------------|
| Arnold   | Childers    | Knopke       | Sayler      |
| Barron   | de la Parte | Lewis (43rd) | Stolzenburg |
| Barrow   | Ducker      | McClain      | Ware        |
| Beaufort | Gong        | Myers        | Weissenborn |
| Boyd     | Graham      | Ott          | Wilson      |
| Brantley | Gunter      | Plante       |             |

Nays—11

|           |                |              |          |
|-----------|----------------|--------------|----------|
| Bell      | Johnson (29th) | Lewis (33rd) | Weber    |
| Deeb      | Johnson (34th) | Poston       | Williams |
| Henderson | Lane           | Saunders     |          |

The Senate resumed—

#### SPECIAL AND CONTINUING ORDER

CS for SB 284—A bill to be entitled An act relating to abortion; stating findings and legislative intent; providing definitions; prohibiting abortions in this state unless performed under certain requirements and conditions; providing a residency requirement; providing for consent and physician's cer-

tification and requirement that abortion be performed in an approved medical facility; providing for the filing of a report; providing penalties for the performance of an unlawful abortion; providing a severability clause; repealing sections 782.10, 797.01, and section 458.12(1) (i), Florida Statutes; providing an effective date.

—was taken up together with pending amendment which was withdrawn.

The President Pro Tempore presiding.

Senators Thomas, Barron and Henderson offered the following amendment which was moved by Senator Thomas:

**Amendment 38**—On page 3, line 15, insert after "woman": , and such abortion occurs within the first 20 weeks of gestation;

Senator Wilson moved the adoption of the following substitute amendment:

**Amendment 39**—On page 3, line 10 strike "one of the following conditions exists" and insert: In addition to the foregoing requirements, if the abortion occurs after the twelfth week of gestation, one of the following conditions exists

Senator Plante moved that debate on all amendments be limited to two minutes per side. The motion failed.

Amendment 39 failed.

Amendment 38 failed to receive the required two-thirds vote for adoption. The vote was:

Yeas—26

|               |             |                |             |
|---------------|-------------|----------------|-------------|
| Mr. President | Deeb        | Johnson (34th) | Saunders    |
| Arnold        | de la Parte | Knopke         | Scarborough |
| Barron        | Ducker      | Lewis (33rd)   | Stolzenburg |
| Barrow        | Fincher     | Lewis (43rd)   | Ware        |
| Beaufort      | Gunter      | McClain        | Weber       |
| Brantley      | Henderson   | Plante         |             |
| Childers      | Hollahan    | Reuter         |             |

Nays—15

|        |                |        |             |
|--------|----------------|--------|-------------|
| Bell   | Haverfield     | Myers  | Weissenborn |
| Boyd   | Horne          | Pope   | Williams    |
| Gong   | Johnson (29th) | Sayler | Wilson      |
| Graham | Lane           | Trask  |             |

Senator Thomas moved that CS for SB 284 be placed back on second reading.

On substitute motion by Senator Pope, the rules were waived and the Senate immediately reconsidered the vote by which Amendment 38 failed and the amendment was adopted by two-thirds vote.

Senators Thomas, Barron and Henderson offered the following amendment which was adopted by two-thirds vote on motion by Senator Thomas:

**Amendment 40**—On page 3, line 21 insert after "incest": , and such abortion occurs within the first 20 weeks of gestation

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

**Amendment 41**—On page 3, line 30 after "above" insert: nor the time limitations in (7) (a) and (c) after "(5) above,"

Senator Saunders presiding.

The President Pro Tempore presiding.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on CS for SB 284 or 5:00 p.m., whichever occurred later.

On motion by Senator Pope debate on CS for SB 284 was limited to 30 seconds.

CS for SB 284 as further amended passed and was ordered engrossed. The vote was:

Yeas—35

|               |             |                |             |
|---------------|-------------|----------------|-------------|
| Mr. President | Childers    | Hollahan       | Plante      |
| Arnold        | Deeb        | Johnson (34th) | Pope        |
| Barron        | de la Parte | Karl           | Poston      |
| Barrow        | Ducker      | Knopke         | Scarborough |
| Beaufort      | Gong        | Lane           | Trask       |
| Bell          | Graham      | Lewis (33rd)   | Ware        |
| Boyd          | Gunter      | McClain        | Weissenborn |
| Brantley      | Haverfield  | Myers          | Wilson      |
| Broxson       | Henderson   | Ott            |             |

Nays—11

|         |                |             |          |
|---------|----------------|-------------|----------|
| Daniel  | Johnson (29th) | Saunders    | Weber    |
| Fincher | Lewis (43rd)   | Sayler      | Williams |
| Horne   | Reuter         | Stolzenburg |          |

**EXPLANATIONS OF VOTE**

The choice between CS for SB 284 and the common law on abortion is really no choice at all—there is a third alternative—reject this bill and require the Judiciary Committee to come forth with a bill adequately meeting the standards set out by the Supreme Court of Florida.

*Welborn Daniel, 15th District*

We vote yes on the final passage of CS for SB 284 because the decision had to be made as to whether the state should be governed by CS for SB 284 or the common law. The common law represents a situation in which there are practically no controls or restraints. We do not believe in abortion on demand at any stage and we cannot, therefore, accept the common law. CS for SB 284 offers the only alternative today and although it is not exactly what we desire, it is so much better that we must choose it.

*Frederick B. Karl, 14th District  
Louis de la Parte, 26th District  
Philip D. Lewis, 33rd District  
Richard Deeb, 22nd District  
Jerry Thomas, 35th District  
Ken Plante, 16th District*

For at least the past 7 years of my nearly 16 years of legislative service I have sincerely and conscientiously considered measures involving the repeal, liberalization, or basic changes in the matter of abortion.

On some occasions it fell my unfortunate lot to be the one vote in the Senate Committee that prevented any abortion bill to pass to the full Senate for debate. Over the past year I have been committed to not obstructing an issue so vital to so many. Proof of these facts is contained in the recent record of the action of the Senate Judiciary—Criminal Committee which adopted my proposed Committee Substitute for Senate Bill 284 by a vote of 5 to 4.

I am not satisfied with the final action of the Senate because it is not the type of therapeutic abortion bill I had first submitted. In my opinion, it is far too liberally constructed.

However, overriding every other consideration has been my personal concern that the Senate of Florida take some responsible action in the face of the Supreme Court's mandate in its decision of recent date. To do otherwise would be to again bow down to existing distasteful intrusions of the judiciary into the legislative process. My first interest is in preserving this great republic and its three independent branches of government and at the same time abide by the wishes of a majority in dealing fairly and responsibly with matters of great public concern.

With all these things in mind, I cast a favorable vote for Committee Substitute for Senate Bill 284.

*George L. Hollahan, Jr., 44th District*

I have always opposed liberalization of the therapeutic abortion law. However, since the court ruled to abolish our law, I have no alternative, I feel, but to provide as restrictive a statute as we can honorably devise. Therefore, I have voted for CS for SB 284 in order to place restraints in the law.

*John Broxson, 1st District*

On motion by Senator Knopke, the Committee on Natural Resources and Conservation was granted an additional 10 days for the consideration of—

|        |        |         |         |
|--------|--------|---------|---------|
| SB 243 | SB 534 | SB 891  | SB 1002 |
| SB 375 | SB 633 | SB 1001 | SB 1049 |
| SB 401 |        |         |         |

On motion by Senator Scarborough, the Committee on Personnel, Retirement and Claims was granted an additional 15 days for the consideration of—

|        |         |         |         |
|--------|---------|---------|---------|
| SB 829 | SB 946  | SB 1045 | HB 2628 |
| SB 864 | SB 985  | SB 1070 | HB 2629 |
| SB 883 | SB 991  | HB 1073 |         |
| SB 928 | SB 999  | SB 1085 |         |
| SB 941 | SB 1023 | SB 1087 |         |

On motion by Senator Scarborough, SB 49 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and from further consideration of the Senate.

On motion by Senator Pope, SB 733 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and from further consideration of the Senate.

On motions by Senator Pope, Senate Bills 940, 942, 1062 and 1064 were withdrawn from the Committee on Personnel, Retirement and Claims by two-thirds vote and from further consideration of the Senate.

On motions by Senator Karl, Senate Bills 344, 753, 857, 859 and 929 by two-thirds vote were removed from the calendar and recommitted to the Committee on Rules, Calendar, Privileged Business and Ethics.

On motion by Senator Daniel, the rules were waived and the Committee on Governmental Efficiency was granted permission to consider HB 3279 at the meeting on March 10.

The Senate adjourned at 5:05 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 10, 1972.