

JOURNAL OF THE FLORIDA SENATE

Wednesday, March 15, 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 Scarborough, Beaufort, Brantley and Pope—

SB 1236—A bill to be entitled An act relating to alcoholic beverage licenses in Jacksonville, Duval County, Florida; providing for an additional beverage license for "The Jury Room, Inc."; providing for the waiver of the term of existence of the license; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1236.

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

By Senator Lewis (43rd)—

SR 1237—A resolution urging the President and the Attorney General of the United States to take action to permit Cuban refugees living in other countries to enter the United States.

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

By Senator Saunders—

SB 1238—A bill to be entitled An act relating to the Yankee-town-Inglis special water and sewerage district in Levy County; amending §§2, 3, 4, 5, 6, 8, 12, and 13 of chapter 69-1251, Laws of Florida; creating §§18 and 19 of chapter 69-1251, Laws of Florida; providing for filling vacancies on the commission; providing that the secretary-treasurer shall not be a member of the commission; providing for power of eminent domain; providing for issuance of bonds, revenue certificates or certificates of indebtedness; providing for mandatory use of district water and sewerage system; providing for a referendum; providing an effective date.

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

SR 1239—introduced and adopted March 13.

SB 1240—introduced and passed March 13.

By Senators Karl and Daniel—

SB 1241—A bill to be entitled An act relating to the City of Daytona Beach, Florida; providing for the annexation to said city of unincorporated land of 160 acres, more or less, situated on both sides of Beville road (also known as state road 400) west of the present corporate limits; providing for the extension and enlargement of the present corporate limits of said city so as to include such annexed lands; providing for water and sewer service to the annexed property; providing for the zoning of property within the annexed territory; providing for change in zoning of the annexed lands; and providing when this act shall take effect.

Evidence of notice and publication was established by the Senate as to SB 1241.

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

By Senator Lane—

SB 1242—A bill to be entitled An act relating to barbers; amending Chapter 476, Florida Statutes; deleting the requirement that the at large member of the Florida barbers sanitary commission be a sanitarian; providing for redistricting of district 5 and district 6; providing that each member representing one of the seven districts shall be a practical barber; providing an effective date.

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

SJR 1243—introduced and referred to the Committee on Judiciary—Civil A, withdrawn and placed on the calendar March 13.

By the Committee on Ways and Means—

SB 1244—A bill to be entitled An act relating to appropriations, amending item 411, section 1, chapter 71-357, Laws of Florida, providing for the construction of community correctional centers for the department of health and rehabilitative services, division of corrections; providing an effective date.

—was read the first time by title and placed on the calendar without reference.

By the Committee on Ways and Means—

SB 1245—A bill to be entitled An act appropriating four million dollars from the internal improvement trust fund to the State of Florida Board of Trustees of the Internal Improvement Trust Fund for the acquisition of natural resource lands during the fiscal year ending June 30, 1973; authorizing the Trustees to determine prices and quantities; and providing an effective date.

—was read the first time by title and placed on the calendar without reference.

SJR 1246—introduced and referred to the Committee on Ways and Means March 13.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 10:00 a.m. A quorum present—41:

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

Excused: Senators Hollahan and Trask; Senator Barron to fulfill his duties as vice chairman of the Committee on Reapportionment and Redistricting.

Prayer by Senator Brantley:

Almighty God, our Heavenly Father, grant to this Senate and to all others in authority the knowledge and strength to know and do thy will this day and forever more. Amen.

The Journal of March 14 was corrected as follows and approved:

Page 428, column 1, between lines 7 and 8 insert:

On motion by Senator Karl, by two-thirds vote CS for SB 547 was read the second time by title.

The Journal of March 13 was further corrected as follows and approved:

Page 404, column 1, line 35, strike "second" and insert: third

Page 410, counting from the bottom of column 1, line 19, strike "3338" and insert: 3337

Page 415, counting from the bottom of column 1, between lines 20 and 21 insert:

Evidence of notice and publication was established by the Senate as to SB 1240.

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass:

SB 185	SB 1112 with 1 amendment
SB 897	HB 1691
SB 900	HB 3069
SB 901	CSHB 2703 with 2 amendments
SB 1020	HB 2746
SB 1105 with 3 amendments	HB 3611

The Committee on Commerce recommends the following pass: HB 2669 with 3 amendments, HB 3461

The Committee on Governmental Efficiency recommends the following pass:

SB 961	HB 2264
SB 744	HB 1693 with 3 amendments
HB 642	SB 1013

The Committee on Natural Resources and Conservation recommends the following pass: HB 1779 with 1 amendment

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

SB 928	SB 1070	HB 2628
SB 946	SB 1085	HB 2742
SB 1063	HB 2629	HB 2940

The Committee on Judiciary—Civil A recommends the following pass: SB 913, HB 1290

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

The Committee on Commerce recommends a Committee Substitute for SB 416.

The Committee on Commerce recommends a Committee Substitute for SB 987.

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

The Committee on Personnel, Retirement and Claims recommends the following pass: SB 1023

The Committee on Governmental Efficiency recommends the following pass:

SB 676 with 4 amendments	SB 1121 with 1 amendment
SB 920 with 1 amendment	

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

The Committee on Governmental Efficiency recommends a Committee Substitute for SB 1072.

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

The Committee on Commerce recommends the following pass: SB 824

The bill was referred to the Committee on Governmental Efficiency under the original reference.

The Committee on Commerce recommends the following not pass:

SB 966	SB 835	HB 2930	SB 1101
SB 967	SB 1030	HB 2666	SB 921

The Committee on Commerce recommends the following not pass:

SB 196-SF	SB 830	SB 986	SB 1040
SB 717			

The Committee on Governmental Efficiency recommends the following not pass: HB 1906

The Committee on Natural Resources and Conservation recommends the following not pass: HB 3650

The Committee on Judiciary—Civil A recommends the following not pass: SB 948

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

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

CS for SB 366 with 1 amendment
 SB 490 with 7 amendments
 CS for SB 771 with 10 amendments
 SB 916 with 3 amendments
 SB 1092 with 2 amendments

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

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SM 227 reports same has been enrolled, signed by the required Constitutional officers and filed with Secretary of State on March 15, 1972.

ELMER O. FRIDAY
Secretary of the Senate

By unanimous consent Senator Childers was recorded as voting yea on the confirmation by the Senate on March 14 of members of the Santa Rosa County Airport and Industrial Authority, namely: Walter S. Barlow, Tom Suther and Bobby Murphy.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Beaufort, Senate Bills 1222 and 1223 were withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and placed on the calendar.

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

SB 1222—A bill to be entitled An act amending Section 4 of Chapter 18615, Laws of Florida, Special Acts of 1937, as amended, so as to authorize the trustees of the pension fund thereby created to invest up to an additional fifty percent of the pension fund in corporation bonds having an A rating and obligations guaranteed as to principal and interest by the United States and to provide for equal representation on the pension advisory committee by policemen and firemen; providing an effective date.

—which was read the second time by title. On motion by Senator Beaufort, by two-thirds vote SB 1222 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

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

SB 1223—A bill to be entitled An act relating to tenure of teachers in the public schools in the Consolidated City of Jacksonville; amending Chapter 21197, Laws of Florida, Acts of 1941, as amended; deleting the requirement that teachers to acquire tenure must earn educational credits for five consecutive weeks during at least one vacation period during their probationary period of employment; providing that all teachers as defined in said act shall be properly certified by the State Board of Education to teach before acquiring tenure under the terms of said act; providing a two-year period within which teachers who have otherwise acquired tenure may obtain such proper certification before automatically forfeiting all tenure and employment rights; providing that professional incompetency shall be an additional ground for discharge or demotion of a teacher; providing procedural guidelines for the purpose of rehabilitation and discharge or demotion of incompetent teachers; providing for the retroactive application of this act; providing a repealer clause of all laws in conflict herewith; providing for severability; providing an effective date.

—which was read the second time by title. On motion by Senator Beaufort, by two-thirds vote SB 1223 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

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

SB 978—A bill to be entitled An act relating to the Pinellas County Expressway Authority; amending §§348.022(1), 348.032, 348.042, 348.152(1), Florida Statutes; providing changes in the name of the authority and administrative agency; providing planning for and implementation of mass transportation; providing an effective date.

—which was read the second time by title.

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

Amendment 1—On page 1, line 17 strike everything after the enacting clause on pages 1—7 and insert the following:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 348.012 and 348.022, Florida Statutes, are amended to read:

(Substantial rewording of sections. See §§348.012 and 348.022, F.S., for present text.)

348.012 Short title—Part I of Chapter 348 shall be known and may be cited as the "Pinellas County Transportation Authority Law."

348.022 Definitions—The following terms when used in part I of this chapter shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Authority" means the body politic and corporate, the state agency created by this part.

(2) "Members" means the governing body of the authority and "member" means one of the individuals constituting such governing body.

(3) "Department" means the department of transportation of the state of Florida.

(4) "County" means Pinellas County.

(5) "State board of administration" means the body corporate or any successor thereto existing under the provisions of §9, Art. XII of the state constitution.

(6) "Federal agency" means and includes the United States, the President of the United States and any department, corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States.

(7) "Pinellas County gasoline tax funds" means all or any portion of the second gasoline tax funds allocated in each year for use in Pinellas County under the provisions of §9, Art. XII of the state constitution or all such second gas tax funds as may otherwise be provided now or hereafter by the constitution or by statute for use in Pinellas County after deduction only of any amounts of said gasoline tax funds heretofore pledged by the department of transportation or the county for outstanding obligations.

(8) "Revenues" means all tolls, revenues, rates, fees, charges, receipts, rentals, contributions and other income derived from or in connection with the operation or ownership of any transportation system, including the proceeds of any use and occupancy insurance on any portion of the system but excluding any Pinellas county gasoline tax funds.

(9) "Limited access facility" means a street or highway especially designed for through traffic and over, from, or to which no person shall have the right of easement, use or access except in accordance with the rules and regulations promulgated and established by the department or the county for use of such facility. Such highways or streets may be parkways from which trucks, buses and other commercial vehicles shall be excluded or they may be freeways open to use by all customary forms of street and highway traffic.

(10) "Lease-purchase agreement" means lease-purchase agreements authorized pursuant to this part.

(11) "Agency of the state" means and includes the state and any department of, or corporation, agency or instrumentality heretofore or hereafter created, designated or established by the state.

Section 2. Sections 348.032 and 348.042, Florida Statutes, are amended to read:

(Substantial rewording of section. See §348.032, F.S., for present text.)

348.032 Pinellas County Transportation Authority.—

(1) There is hereby created and established a body politic and corporate, an agency of the state to be known as the Pinellas County Transportation Authority, hereinafter referred to as the "authority."

(2) Members of authority—The governing body of the authority shall consist of seven voting and three advisory members:

(a) Chairman, Pinellas County board of county commissioners, which shall serve as chairman of the "authority."

(b) Mayor, City of St. Petersburg

(c) Mayor, City of Clearwater

(d) Mayor, City of Tarpon Springs

(e) Representative of the council of mayors (not to be the Mayor of St. Petersburg, Clearwater or Tarpon Springs)

(f) District I engineer, department of transportation.

(g) Chairman, Pinellas planning council

(h) Chairman, Pinellas county legislative delegation (advisory) or his designee

(i) Director, division of transportation planning, department of transportation (advisory) or its designee

(j) Division (Florida) engineer, federal highway administration (advisory) or his designee.

(3) In the event of failure or refusal of any such member to serve, the county commission shall appoint a replacement for such member to serve for such term as the chairman shall serve.

(4) The authority shall elect one of its voting members as vice chairman. The authority may also elect a secretary and

treasurer. The secretary may or may not be a member of the authority. The treasurer must be one of the voting or non-voting members of the authority. Four voting members of the authority shall constitute a quorum and the vote of four members shall be necessary for any action taken by the authority. No vacancy in the authority shall impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority. Members of the authority shall be entitled to receive from the authority their traveling and other necessary expenses incurred in connection with the business of the authority, as provided by law, but they shall draw no salaries or other compensation.

(Substantial rewording of section. See §348.042, F.S., for present text.)

348.042 Purposes and Powers.—

(1) The authority created as a statutory advisory body and established hereby is granted all the power necessary, appurtenant and convenient to adopt and implement an urban area transportation plan and system within Pinellas County in cooperation with the board of county commissioners and the department of transportation.

(2) The system shall include a modern transportation system of highways, roads, bridges, causeways and tunnels, in the county, toll or free, with access limited or unlimited as the responsible agencies may determine and shall include related approaches and facilities, mass transit, rail, water, truck, air, parking and terminal and transfer facilities.

(3) The authority is hereby granted all powers necessary, appurtenant, convenient or incidental to the carrying out the purposes of this act, including, but not limited to, the following rights and powers:

(a) To sue and be sued, to implead and be impleaded, complain and defend in all courts.

(b) To adopt, use and alter at will a corporate seal.

(c) To borrow money and accept grants from any federal agency, the state, any agency of the state, Pinellas County or with any other public body of the state. Additionally, the department may advance moneys to the authority for authorized purposes.

(d) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(4) The authority shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, including Pinellas County, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

(5) Anything in this part or any other provision of the law to the contrary notwithstanding, the consent of any municipality shall not be necessary for any project of the authority, whether or not said project lies within the boundaries of any municipality either in whole or in part. However, the officials and residents of any municipality in which any project of the authority is to be located, in whole or in part, shall be given ample opportunity to discuss said project and advise the authority as to their position thereon, at a duly advertised public hearing. Advertisement of said public hearing shall be by way of a newspaper published in Pinellas County and circulated in the affected municipalities. Said legal advertisement shall be published once at least two weeks prior to said public hearing, and a short description of the subject to be discussed. The public hearing may be adjourned from time to time and set for a time and place certain without necessity of further advertisement.

Section 3. Section 348.0421, Florida Statutes, is created to read:

348.0421 Advisory boards.—

(1) The Pinellas planning council, created by Chapter 71-859, Laws of Florida, as amended, shall serve as an advisory board and the authority may appoint a technical coordinating committee and such other advisory committees as it may determine necessary and desirable.

(2) The authority shall avail itself of staff personnel and plans prepared by the Pinellas planning council relating to highways, roads and streets, public and private parking areas, public transportation facilities and transportation terminals and to that extent shall be the implementing agency of the Pinellas planning council. The authority may hire such additional personnel or consultants as may be necessary to carry out its purposes.

(3) The authority shall work in cooperation with the Central Pinellas transit authority, as created pursuant to chapter 71-373, Laws of Florida, the Tampa Bay Regional planning council and the regional transportation authority when activated.

Section 4. Section 348.0422, Florida Statutes, is created to read:

348.0422 State bonds for financing road acquisition and construction.—

(1) The issuance of state bonds to finance the acquisition and construction of roads, primarily payable from the revenues provided for by §9(c), Art. XII of the state constitution and pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of said section of the constitution and the state bond act.

(2) The state board of administration is hereby designated as the state fiscal agency to make the determinations required by §9(c), Art. XII of the state constitution, the state bond act and any other applicable general law.

Section 5. Section 348.152, Florida Statutes, is amended to read:

348.152 Part I complete and additional authority.—

(1) The powers conferred by this part I shall be in addition and supplemental to the existing powers of said board and the department, and this part shall not be construed as repealing any of the provisions of any other law, general, special or local. but to supersede such other laws in the exercise of the powers provided in this part, and to provide a complete method for the exercise of the powers granted herein. The extension and improvement of said Pinellas County Expressway System, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part, without regard to or necessity for compliance with the provisions, limitations or restrictions contained in any other general, special or local law, and no approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in said County of Pinellas, or in any other political subdivision of the state, shall be required for the issuance of such bonds pursuant to this part.

(2) This part I shall not be deemed to repeal, rescind or modify any other law or laws relating to said State Board of Administration, said department of transportation or the division of bond finance of the department of general services. but shall be deemed to and shall supersede such other law or laws as are inconsistent with the provisions of this part.

Section 6. Section 348.0423, Florida Statutes, is created to read:

348.0423 (1) The authority shall hold an organizational meeting within thirty days after the enactment of this law and shall establish a procedure consistent with the intent that the authority shall prepare a comprehensive and coordinated long range transportation plan for Pinellas County and also such plans for specific projects related thereto as are necessary to implement said long range plan. Such plans shall be consistent with the transportation goals and objectives of the state, county and municipalities located in Pinellas County and such governmental agencies are directed to cooperate and assist the authority in accomplishing its purposes.

(2) The authority is directed to hold duly advertised public hearings prior to final approval of any such project. Subsequent to said hearing the authority may amend or modify said project and adjust its proposed route so as to best serve the needs of the county and to protect the rights of persons affected by said project.

(3) Upon final approval the authority shall submit the plan or plans to the board of county commissioners and the state department of transportation. The board of county commis-

sioners shall within sixty days after receipt thereof hold a duly advertised public hearing on said proposal. The board of county commissioners may adopt, modify or reject such proposal after said public hearing.

(4) Upon adoption of a plan the board of county commissioners shall by resolution request the department of transportation and the division of bond finance to construct and finance such project or facility pursuant to law.

Section 7. Section 348.102, Florida Statutes, is amended to read:

348.102 Cooperation with other units, boards, agencies and individuals.—Express authority and power is hereby given and granted any county, municipality, drainage district, road and bridge district, school district or any other political subdivision, board, commission or individual in, or of, the state to make and enter into with the authority, contracts, leases, *lease purchase conveyances*, or other agreements within the provisions and purposes of this part. The authority is hereby expressly authorized to make and enter into contract, leases, *lease purchase conveyances* and other agreements with any political subdivision, agency or instrumentality of the state and any and all federal agencies, corporations and individuals, for the purpose of carrying out the provisions of this part.

Section 8. Sections 348.052, 348.062, 348.072, 348.092, 348.142, all Florida Statutes, are hereby repealed.

Section 9. The division of statutory revision is hereby directed to change all references to the Pinellas County Expressway Authority in the Florida Statutes to the "Pinellas County Transportation Authority."

Section 10. The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers provided herein, and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 11. This act shall take effect immediately upon becoming law.

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

Amendment 2—On page 1, after the title and before the enacting clause insert: WHEREAS, on March 9, 1965, Pinellas County and the state road department (now department of transportation) entered into an agreement for a continuing and comprehensive transportation study; and

WHEREAS, the board of county commissioners of Pinellas County and its agent, the Pinellas Planning Council, were empowered by the local municipalities to act in their behalf in such study; and

WHEREAS, the impetus for this study was contained in provisions of the Federal Aid Highway Act of 1962, wherein all urbanized areas with a central city of over 50,000 population were required to have such a study; and

WHEREAS, the report authorized in 1965 has now been completed as "An Operations Plan" prepared by the Florida department of transportation in cooperation with the Federal Highway Administration and Pinellas County authorities, dated, January, 1972; and

WHEREAS, it is imperative that action begin on transportation problems confronting Pinellas County; NOW, THEREFORE,

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

Amendment 3—On page 1, lines 3—12 strike entire text and insert: A bill to be entitled An act relating to the Pinellas County Transportation Authority; amending §§348.012, 348.022, 348.032, 348.042, 348.102 and 348.152, all Florida Statutes; creating §§348.0421, 348.0422 and 348.0423, Florida Statutes; creating the Pinellas County Transportation Authority; providing its purposes and powers; establishing advisory boards; providing for the issuance of state bonds; providing for the preparation of a comprehensive transportation plan by the authority; repealing §§348.052, 348.062, 348.072, 348.092 and 348.142, all Florida Statutes, relating to the Pinellas County Expressway Authority; providing an effective date.

On motion by Senator Sayler, by two-thirds vote SB 978 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

Mr. President	Deeb	Johnson (29th)	Plante
Arnold	de la Parte	Johnson (34th)	Pope
Beaufort	Ducker	Karl	Poston
Bell	Fincher	Knopke	Reuter
Bishop	Graham	Lane	Sayler
Boyd	Gunter	Lewis (43rd)	Scarborough
Brantley	Haverfield	McClain	Ware
Childers	Henderson	Myers	Williams
Daniel	Horne	Ott	

Nays—None

On motion by Senator de la Parte, the Committee on Ways and Means was granted 15 additional days for the consideration of—

SB 9	SB 407	SB 854
SB 10	SB 410-SF	SB 855
SB 45	SB 415	SB 862
SB 51	SB 418	SB 868
SB 53	SB 420	SB 884
SB 59	SB 424	SB 885
SB 62	SB 431	SB 887
SB 70	SB 437	CS for SB 899
SB 72	SB 439	SB 904
SB 80	SB 448	SB 915
SB 85	SB 459	SB 926
SJR 93	SB 470	SB 955
SB 100	SB 471	SB 956
SB 101-SF	SB 508	SB 976
SB 104	SB 520	SB 982
SB 128	SB 528	SB 990
SR 132	SB 539	SB 1003
SB 136	SB 540	CS for SB 1014
SB 138	SB 541	SB 1019
CS for SB 140	SB 545	SB 1025
SB 141	SB 573	CS for SB 1035
SB 142	SB 576	SB 1038
SB 162	SB 586	SB 1041
SB 170	SB 588	SB 1054
CS for SB 188	SB 599	SB 1055
SJR 230	SB 601	SB 1057
SB 240	SB 602	SB 1058
SB 252	SB 612	SB 1059
SB 254	SB 614	SB 1060
SB 256	SB 619	SB 1075
SB 257	SB 622	SB 1076
SB 261	SB 631	SB 1086
SB 263	SB 639	SB 1096
SB 274	SB 644	SB 1098
SB 276	SB 651	SB 1111
SB 301	SB 659	SB 1114
SB 306	SB 669	SB 1122
SB 313	SB 672	SB 1124
SB 316	SB 678	SB 1127
SB 320	SB 693	SB 1146
SB 321	SB 708	SB 1190
SB 322	SB 713	HB 7
SB 324	SB 721	HB 184
SB 325	SB 738	HB 214
SB 338	SB 739	CS for HB 441
SB 348	SB 758	& 1103
SB 349-SF	CS for SB 778	HB 655
CS for SB 351	SB 780	HB 851
SB 353	SB 790	HB 996
SB 365	SB 799	HB 1071
SB 368	SB 802	CS for HB 1709
SB 369	SB 803	HB 1710
SB 370	SB 804	HB 1891
SB 373	SB 805	HB 2020
SB 376	SB 818	HB 2136
SB 387	SB 819	CS for HB 2673
SB 394	SB 832	CS for HB 3025
SB 402	SB 843	HCR 3174
SB 403	SB 845	CS for HB 547
SB 404	SB 847	
SB 405	SJR 853	

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

HB 1141	HB 789	SB 229	SB 782
CS for HB 3134	HB 927	SB 282	SB 793
CS for HB 3136	HB 2597	SB 323	SB 998
HB 3129	HB 3184	SB 485	SB 1000
HB 3364	HB 1665	SB 533	SB 1136
HB 3131	HB 3280	SB 592	
HB 3132	SB 102	SB 593	
HB 3155	SB 195	SB 745	

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

SB 266	SB 451 SF	SB 516	SB 740
SB 295	SB 453	SB 532	SB 831
SB 447 SF	SB 486	SB 729	

On motion by Senator Horne, the Committee on Rules, Calendar, Privileged Business and Ethics was granted an additional 10 days for the consideration of HB 1277.

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State SB 241 which will become law without his signature.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas March 10, 1972
President of the Senate

Sir:

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

By the Committee on Ways and Means—

SB 1154—A BILL TO BE ENTITLED AN ACT MAKING APPROPRIATIONS; PROVIDING MONEYS FOR THE ANNUAL PERIOD BEGINNING JULY 1, 1972, AND ENDING JUNE 30, 1973, TO PAY SALARIES, OTHER EXPENSES, CAPITAL OUTLAY—BUILDINGS AND IMPROVEMENTS, AND FOR OTHER SPECIFIED PURPOSES OF THE VARIOUS AGENCIES OF STATE GOVERNMENT; PROVIDING AN EFFECTIVE DATE.

(Amendments attached to original bill)

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator de la Parte, the Senate refused to concur in House Amendments 1 and 2 to SB 1154 and the President was requested to appoint a conference committee to meet with a like committee to be appointed by the Speaker to adjust the differences on the House amendments.

The President announced the appointment of Senators de la Parte, Gunter, Williams, Haverfield, Plante, Broxson, Beaufort and Trask as conferees, with Senators Saunders and Saylor as alternates. The action of the Senate was certified to the House.

The Honorable Jerry Thomas March 10, 1972
President of the Senate

Sir:

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

By the Committee on Education and Representative Sessums—

CS for HB 2983—A bill to be entitled An act relating to education; providing for the state department of education, in

coordination with the college of education of a state university or universities and with a local school district or districts, to plan for and develop a pilot program for an extended school year; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 2983, contained in the above message, was read the first time by title and referred to the Committee on Public Schools.

The Honorable Jerry Thomas March 10, 1972
President of the Senate

Sir:

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

By the Committee on Appropriations and Representative Mixson—

HB 4305—A bill to be entitled An act relating to state officers and employees; authorizing group health insurance program; authorizing department of administration to initiate and supervise program; providing for promulgation of administrative rules; requiring insurance be awarded on a competitive basis; designating secretary of administration as administrator of program; providing for salary deductions; providing for contribution to cost by the state; providing an appropriation; providing an effective date.

By Representative Harris (by request)—

HB 3699—A bill to be entitled An act relating to education, public schools; providing for a maximum local effort for the minimum foundation program for fiscal year 1972-73; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 4305, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

HB 3699, contained in the above message, was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

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

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following addition to the Senate Rules.

Rule Fourteen—Seal and Insignia

There shall be an official seal of the Senate. The seal shall be the size of a circle of two and one-half inches diameter, having in the center thereof a fan of the five flags which have flown over Florida, above a disc containing the words: "In God We Trust" arched above a gavel, quill and scroll. At the top of the field of flags shall be the word seal; at the bottom the date, 1838. The perimeter of the seal shall contain the words "Senate" and the "State of Florida."

There shall be an official Coat of Arms for the Senate. The Coat of Arms shall contain a fan of the five flags that have flown over Florida, above the Great Seal of Florida. At the base of the Coat of Arms shall be the words, "The Florida Senate."

On motion by Senator Horne, the foregoing report was adopted.

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

SB 1107—A bill to be entitled An act relating to the creating of a new official senate seal; creating §11.49, Florida Statutes, to provide for the creation and description of the seal; providing an effective date.

—which was read the second time by title.

On motion by Senator Horne the following amendment was adopted:

Amendment 1—On page 1, line 16 strike “a new” and insert: an

On motion by Senator Horne the following amendment was adopted:

Amendment 2—On page 1, line 27 strike “Section 2. This act shall take effect upon becoming law.” and insert: There is created an official coat of arms of the senate. The coat of arms shall contain a fan of the five flags that have flown over Florida, above the great seal of Florida. At the base of the coat of arms shall be the words, “The Florida Senate”.

Section 2. This act shall take effect upon becoming law.

On motion by Senator Horne the following amendment was adopted:

Amendment 3—On page 1, line in the title strike the semicolons and insert: and coat of arms;

On motion by Senator Horne the following amendment was adopted:

Amendment 4—On page 1, line 16 strike the period (.) and insert: and senate coat of arms.

On motion by Senator Horne the following amendment was adopted:

Amendment 5—On page 1, line 5 in the title strike “a new” and insert: an

On motion by Senator Horne, by two-thirds vote SB 1107 as amended was read the third time by title, passed and ordered immediately certified to the House after engrossing. The vote was:

Yeas—43

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

Nays—None

Co-Introducers

By permission Senators Arnold, Barron, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Graham, Gunter, Haverfield, Henderson, Horne, Johnson, (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Sayler, Scarborough, Stolzenburg, Ware, Weber, Weissenborn, Williams and Wilson were recorded as co-introducers of SB 1107.

By request of the President, the Secretary of the Senate unveiled the newly adopted Coat of Arms of the Senate.

The President appointed Senators Horne, Henderson, Karl and Pope as a committee to escort artist Earl La Pan to the rostrum, where he unveiled the emblem of the new official seal of the Florida Senate and briefly addressed the Senate.

SPECIAL ORDER

CS for SB 547—A bill to be entitled An act relating to municipal taxes on public services; amending §167.431(1), Florida Statutes; providing the sale of fuel oil shall not be considered a utility service; providing that the purchase of fuel oil shall not be subject to the “utility tax”; providing that the sale or purchase of fuel oil shall not be considered a competitive utility service; providing an effective date.

—was read the third time by title.

Senator Karl moved that the Senate reconsider the vote by which CS for SB 547 was read the third time by title. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—21

Arnold	Broxson	Karl	Sayler
Barrow	Childers	Knopke	Scarborough
Beaufort	Daniel	Lewis (33rd)	Williams
Bishop	Ducker	Lewis (43rd)	
Boyd	Horne	Pope	
Brantley	Johnson (34th)	Saunders	

Nays—13

Bell	Haverfield	Plante	Ware
de la Parte	Lane	Poston	
Fincher	McClain	Reuter	
Graham	Myers	Stolzenburg	

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

Amendment 1—On page 1, line 25, strike “or bottled (natural liquified petroleum gas or manufactured)”

Senator Scarborough presiding.

Senator Lewis (43rd) presiding.

On motion by Senator Arnold, the Senate reconsidered the vote by which CS for SB 547 was read the third time by title.

Senator Scarborough moved that debate be limited to 5 minutes per side on the amendment and the bill and the motion failed.

Senator Graham moved the adoption of the following substitute amendment:

Amendment 2—

On page 3, lines 4—16, strike all after the period (.) on line 4 through the period (.) on line 16

On motion by Senator Daniel, debate on the substitute amendment was limited to 30 seconds per side.

Amendment 2 failed.

Amendment 1 was adopted by the following vote:

Yeas—22

Arnold	Childers	Johnson (29th)	Saunders
Barrow	Daniel	Johnson (34th)	Scarborough
Beaufort	Deeb	Karl	Williams
Bishop	Gunter	Lewis (33rd)	Wilson
Boyd	Henderson	Lewis (43rd)	
Brantley	Horne	Ott	

Nays—15

Bell	Haverfield	Myers	Ware
de la Parte	Knopke	Pope	Weber
Ducker	Lane	Sayler	Weissenborn
Graham	McClain	Stolzenburg	

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

Amendment 3—On page 2, line 5, after the word "oil" insert: , or bottled gas

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

Amendment 4—On page 1, line 9, after "fuel oil" insert: bottled gas

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

Amendment 5—On page 3, lines 14, 15 and 16, strike "not be considered a competitive utility service and shall not be taxed." and insert: only be considered competitive with liquefied petroleum gas.

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

Amendment 6—On page 3, line 14, strike the word "not" and insert after the word "oil": nor bottle gas

On motion by Senator Beaufort, the following amendment was adopted:

Amendment 7—On page 1, line 21, after the number "(1)" insert: (a)

On motion by Senator Beaufort, the following amendment was adopted:

Amendment 8—On page 3, insert at the beginning of line 20:

(b) In the event that prior to the enactment of this law, bottled gas (liquefied petroleum gas or manufactured) had been taxed under the provisions of this section and the proceeds from said tax pledged for the payment of municipal bonds and it is determined by a court action that removal of said tax from the revenue payable on said bonds constitutes a material impairment of said bond indentures, said bottled gas shall continue to be taxed and likewise fuel oil shall be taxable by the municipality. Such tax on bottled gas (liquefied petroleum gas or manufactured) and fuel oil shall continue only so long as such bonds are outstanding. This provision will apply only to those bond issues in existence at the time this act becomes law.

Renumber succeeding sections accordingly.

On motion by Senator Sayler, the following amendment was adopted:

Amendment 9—On page 3, line 27, strike "the municipality" and insert: all such municipalities.

Senators Sayler and Ware offered the following amendment which was moved by Senator Sayler:

Amendment 10—On page 3, after section 2 insert: Section 3. Cities shall certify by Oct. 1, 1972, all tax revenues lost as a result of this act, to the department of administration and the legislature shall appropriate to each municipality replacement revenue.

Senator Boyd moved that debate be limited to 5 minutes per side on amendments and the bill.

Senator Brantley moved as a substitute motion that debate be limited to 2 minutes per side on amendments and 5 minutes on the bill. The substitute motion was adopted.

The President presiding.

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

Amendment 10a—strike "1972" and insert: of each year

On motion by Senator Karl, the following substitute amendment for amendment 10a was adopted:

Amendment 10b—Line 6 of Amendment 10 strike "shall" and insert: may

The vote was:

Yeas—26

Arnold	Graham	Lewis (33rd)	Scarborough
Beaufort	Henderson	Lewis (43rd)	Weber
Bishop	Horne	Ott	Weissenborn
Boyd	Johnson (29th)	Pope	Williams
Brantley	Johnson (34th)	Poston	Wilson
Childers	Karl	Reuter	
Deeb	Knopke	Saunders	

Nays—11

Bell	Haverfield	Myers	Stolzenburg
Ducker	Lane	Plante	Ware
Fincher	McClain	Sayler	

By unanimous consent Senator Pope changed his vote from yea to nay on HB 3344 which passed March 13.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:32 p.m. to reconvene at 8:30 a.m., March 16, 1972, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m., March 16, 1972.