

# JOURNAL OF THE FLORIDA SENATE

Friday, March 24, 1972

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Deeb—

SB 1290—A bill to be entitled An act relating to the City of Zephyrhills, Pasco County, boundaries; amending Section 11.02 of the City Charter, Chapter 2414, Laws of Florida, 1965, providing a change of boundaries by annexation of certain lands.

Evidence of notice and publication was established by the Senate as to SB 1290.

—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 10:00 a.m. A quorum present—46:

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

Excused: Senators Wilson and McClain.

Prayer by Senator Johnson (34th):

Almighty God, our Heavenly Father, we thank thee for this wonderful day with all its blessings; a day in which we can work and witness for our fellow man, thereby serving thee. Teach us to number our days, that we may apply our hearts unto wisdom. Grant us the humility to compromise when justice demands it, and grant us the courage to stand fast when compromise does not do justice. And, most of all, give us wisdom to understand when we should compromise or stand fast. Amen.

The Journal of March 23 was corrected as follows and approved:

Page 589, column 2, line 21, strike "17-16" and insert: 12-18

Page 589, column 2, line 26, strike the period and insert: being: tracts 240.03, 244.02, 245, 254.02, 268.01, 268.02, 269.01, 270, 271.01, 271.02, 272, 273.01, tract 0275 the following block group(s): 1.

Page 589, column 2, line 31, after "County" insert: , being: Tracts 201.01, 201.02, 202.01, 202.02, 202.03, 202.99, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 213.99, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224.01, 224.02, 225.01, 225.02, 225.03, 226.01, 226.02, 227, 228.01, 228.02, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240.01, 240.02, 241, 242, 243.01, 243.02, 244.01, 246, 247, 248, 249.01, 249.02, 249.03, 250.01, 250.02, 251.01, 251.02, 251.03, 251.04, 251.05, 252.01, 252.02, 253, 254.01, 254.03, 255.01, 255.02, 256, 257, 258, 259, 259.99, 260, 261, 261.99, 262, 263, 264, 265, 266, 267, 269.02, 271.03, 276, 277, 278, 279, 280.01, 280.02, 281, 282, 283, 284, 285.

The President announced that until the journal reflects otherwise, the vote record on the machine for the Senator from the 28th District will be the record vote of Senator N. Curtis Peterson, Jr.

## REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Friday, March 24, 1972:

CS for HB 3165, CS for SB 962, CS for HB 3136, CS for SB 629 shall be a preemptive Special Order immediately following the Order of Business of receiving House Messages.

CS for HB 3165	HB 2628	SB 744
CS for SB 962	HB 2629	SB 364
CS for HB 3136	HB 2742	HB 3132
CS for SB 629	SB 638	SB 601
HB 4269	SB 333	SB 614
SB 930	HB 3278	SB 1163
SB 914	SJR 1246	CS for HB 3134
SB 1208	HB 3775	SB 628
CS for HB 3041	SB 1131	SB 885
SB 828 with	SB 908	SB 749
pending amend-	SB 786	SB 750
ment	HB 3202	SB 752
HB 3772	SB 286	SB 481
SB 679	SB 775	SB 928
SB 1197	HB 1823	CS for SB 932
HB 4104	CS for HB 543	SB 944
SB 532	CS for SB 66	SB 946
SB 1104	SB 67	SB 1066
SB 99	CS for SB 68	SB 1067
SB 686	SB 693	SB 1069
SB 1048	SB 699	SB 1070
HB 1229	SB 1039	SB 1085
HB 1651	SB 787	HB 663
HB 1495	HB 3129	HB 2746
HB 1536	SB 825	HB 3461
HB 1654	HB 3131	

The Committee on Public Schools recommends the following pass: CS for HB 2987 with 1 amendment

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

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: HB 3180

The bill was placed on the calendar.

## ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

CS for SB 366 with 1 amendment  
CS for SB 413 with 2 amendments  
SB 491 with 3 amendments

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

*ELMER O. FRIDAY*  
Secretary of the Senate

The bills were ordered enrolled.

## ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 463 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on March 24, 1972.

*ELMER O. FRIDAY*  
Secretary of the Senate

Your Enrolling Clerk to whom was referred—

SB 345	SB 1134	SB 1192
CS for SB 413	SB 1140	SB 1240
SB 673	SB 1143	SB 1278
SB 753	SB 1156	
SB 857	SB 1187	

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 24, 1972.

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

Your Enrolling Clerk to whom was referred—

SB 307	SB 925	SB 1108
SB 571	SB 974	SB 1219
CS for SB 723		

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 24, 1972.

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

By unanimous consent Senator Lewis (33rd) was recorded as voting yea on SB 1291 which passed on March 23, 1972.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Weber, HB 3806 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motions by Senator Karl, House Bills 3712, 3945 and 3944 were withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motion by Senator Horne, HB 3129 was placed on the calendar following CS for HB 3136.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas* March 23, 1972  
*President of the Senate*

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—

By Representative Ogden and others—

HCR 4432—A Concurrent Resolution requesting the Governor of the State of Florida to return House Bill No. 3344 to the Legislature for the purpose of further consideration.

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

*The Honorable Jerry Thomas* March 24, 1972  
*President of the Senate*

Sir:

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

SB 935	SB 549	SB 135
SB 783	CS for SB 12	CS for SB 60

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

The bills contained in the above message were ordered enrolled.

*The Honorable Jerry Thomas* March 23, 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 Elections—

HB 4319—A bill to be entitled An act relating to elections and to the acquisition of voting equipment; amending §101.28, Florida Statutes, to authorize the division of elections of the department of state to prescribe minimum standards; creating §§101.291, 101.292, 101.293, 101.294, and 101.295, Florida Statutes, providing definitions, requiring purchasing by competitive bids, providing exceptions, providing for prior approval of certain transactions by the division of elections, and providing penalties for violations; creating §101.341, Florida Statutes, prohibiting certain activities by voting machine custodians and providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4319, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

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

March 24, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has amended Senate amendment to House amendment 1, concurred in Senate amendment as amended, and passed as further amended—

By Senator Daniel—

SB 605—A bill to be entitled An Act relating to taxation, amending chapter 196.27, Florida Statutes, to grant to state chartered credit unions the same immunity for state and local taxation that federal credit unions have from time to time under the statutes of the United States and making the exemption granted herein retroactive to June 30, 1971; providing an effective date.

House Amendment 1

On page 1, line 16, strike all after the words "Be It Enacted by the Legislature of the State of Florida." and insert the following:

Section 1. Chapter 213, Florida Statutes, is amended by adding a new section 213.12, Florida Statutes, to read:

*213.12 Certain state chartered financial institutions; immunity from certain state and local taxes.—*

*(1) All banks, trust companies, Morris plan banks, now or hereafter chartered under the laws of the state, shall have the same immunity from state and local taxation that national banking associations have from time to time under the statutes of the United States.*

*(2) All credit unions, now or hereafter chartered under the laws of the state, shall have the same immunity from state and local taxation that federally chartered credit unions have from time to time under the statutes of the United States.*

*(3) All thrift institutions as defined in paragraph 665.021 (23), Florida Statutes, now or hereafter chartered under the laws of the state, shall have the same immunity from state and local taxation that federally chartered thrift institutions have from time to time under the statutes of the United States.*

Section 2. Sections 196.27 and 665.521, Florida Statutes, which provide certain immunities from state and local taxation for certain state chartered financial institutions are hereby repealed.

Section 3. This act shall take effect, retroactively, on December 31, 1971.

Senate Amendment to House Amendment.

Strike subsection (3) of Section 1.

"All thrift institutions as defined in paragraph 665.021(23), Florida Statutes, now or hereafter chartered under the laws

of the state, shall have the same immunity from state and local taxation that federally chartered thrift institutions have from time to time under the statutes of the United States." and insert the following: (3) No tax may be imposed by the state or any of its political subdivisions on any savings and loan association or its franchise, surplus, deposits, assets, reserves, loans or income which is greater than the least onerous imposed by that state on any other financial institution.

House amendment to Senate amendment to House amendment 1

Strike the period after the word "institution" and insert the following: as defined in Chapter 659.

—and requests the concurrence of the Senate therein.

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

On motions by Senator Daniel, the Senate concurred in the House amendment to the Senate amendment to House amendment 1 and in the House amendment as amended.

SB 605 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—25

Mr. President	Childers	Hollahan	Scarborough
Arnold	Daniel	Karl	Stolzenburg
Beaufort	de la Parte	Lane	Ware
Bell	Ducker	Lewis (33rd)	Weber
Bishop	Graham	Lewis (43rd)	
Boyd	Gunter	Plante	
Brantley	Haverfield	Poston	

Nays—None

By unanimous consent Senators Reuter, Trask, Henderson, Barrow, Johnson (34th) and Barron were recorded as voting yea.

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

March 24, 1972

Sir:

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

By Senators Myers and de la Parte—

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

*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 716 contained in the above message, passed on March 20, 1972. By permission, Senator Myers withdrew SB 716 from the Senate.

Senator Bell moved that the Senate reconsider the vote by which SB 1291 passed March 23.

Senator Plante moved as a substitute motion that the rules be waived and the Senate do now reconsider the vote by which SB 1291 passed March 23. The motion failed.

Senator Pope requested and obtained unanimous consent to now take up the question of reconsideration of the vote by which SB 1291 passed on March 23.

Senator Pope further moved that the rules be waived in order that a vote might subsequently be taken this date on the question of reconsidering the vote by which SB 1291 passed. The waiver of the rules was granted by the following two-thirds vote:

Yeas—29

Mr. President	Childers	Johnson (34th)	Poston
Barron	Fincher	Karl	Reuter
Beaufort	Gong	Lane	Saunders
Bell	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Weissenborn
Peterson	Haverfield	Myers	
Brantley	Hollahan	Plante	
Broxson	Horne	Pope	

Nays—14

Arnold	Ducker	Ott	Ware
Bishop	Henderson	Saylor	Williams
Deeb	Johnson (29th)	Scarborough	
de la Parte	Knopke	Stolzenburg	

By unanimous consent Senator Barrow was recorded as voting yea.

Whereupon the question recurred on the motion by Senator Pope that the Senate reconsider the vote by which SB 1291 passed and the Senate refused to reconsider.

Senator de la Parte moved that the Committee on Reapportionment and Redistricting be directed to present a plan containing uniform districts so that each district will be composed of an equal number of people.

Senator Hollahan moved as a substitute motion that the Senate resume the order of Messages from the House of Representatives. The substitute motion was adopted.

By direction of the President, the following report was taken up and read the first time:

CONFERENCE COMMITTEE REPORT ON CS FOR SB 239

The Honorable Jerry Thomas  
President of the Senate  
Tallahassee, Florida  
March 23, 1972

The Honorable Richard A. Pettigrew  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two Houses on Senate Bill 239, same being:

An act relating to education; amending section 236.04, Florida Statutes; providing a method of payment to school districts for the salaries paid to elementary school counselors employed in the district; providing a method of allocating funds; providing an appropriation; providing an effective date.

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the Senate and House of Representatives adopt the Conference Committee Amendments attached hereto, and by reference made a part of this report.

*John R. Broxson*  
*D. Robert Graham*  
*Harold S. Wilson*

*T. Terrell Sessums*  
*John R. Clark*  
*Van B. Poole*

Managers on the part of the Senate

Managers on the part of the House of Representatives

Conference Committee Amendment 1—On page 1, line 12 strike everything after the enacting clause and insert: Section 1. Section 236.04, Florida Statutes, is amended by adding a new subsection (9) to read:

236.04 Procedure for determining number of instruction units.—

## (9) Units for elementary school counselors.—

The department of education is authorized to allocate instructional units for elementary school counselors to the districts in the same ratio as the average daily attendance of the district to the average daily attendance of the state for the prior year in grades 1—6 for the employment of certified elementary school counselors. These units shall not earn special teacher service units.

Section 2. The present subsection (9) of section 236.04, Florida Statutes, is renumbered as subsection (10) and amended to read:

236.04 Procedure for determining number of instruction units.—

~~(9)~~ (10) Total instruction units.—The total number of instruction units for each county for apportionment purposes shall be determined by adding together the number of instruction units for instructional personnel authorized in subsections (1) through ~~(8)~~ (9) for kindergarten through grades twelve.

Section 3. There is hereby appropriated to the department of education from the general revenue fund the sum of two million eight hundred thousand dollars (\$2,800,000) to carry out the purposes of this act.

Section 4. This act shall take effect on July 1, 1972.

Conference Committee Title Amendment 2—On page 1, line 4 strike all of the title and insert: An act relating to education

amending section 236.04, Florida Statutes; providing instruction units for certified elementary school counselors; providing an appropriation; providing an effective date.

A motion by Senator Hollahan was adopted that the Special Order calendar for Monday, March 27 would consist of bills which were on the Special Order Calendar March 24, with the exception of pre-emption of bills by the Committee on Reapportionment and Redistricting.

On motion by Senator Johnson (29th), HB 3599 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

Senator Saunders moved that SB 1034 be withdrawn from the Committee on Judiciary—Civil B and placed on the calendar.

Senator Sayler moved as a substitute motion that the rules be waived and time of adjournment be extended until final reading of Messages from the House.

Senator Plante moved as an amendment to the substitute motion that the Senate do now adjourn to reconvene at 11:00 a.m., March 27.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to reconvene at 8:30 a.m., for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 11:00 a.m., March 27, 1971.