

# JOURNAL OF THE FLORIDA SENATE

Thursday, March 30, 1972

The Senate was called to order by the President at 9:00 a.m.  
A quorum present—47:

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	McClain	Weber
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Poston	

Excused: Senator Pope until 4:50 p.m.; Senator Gunter at 2:15 p.m. to work on the conference committee report on the general appropriations bill; Senators Trask, Horne and Saunders at 4:00 p.m.; Senators Plante and Beaufort for portions of the afternoon session to work on the conference committee report on the general appropriations bill.

Prayer by Senator Peterson:

Our most gracious Heavenly Father, we thank you for giving us another day, bless us and keep us during it. Forgive us for doing that which we should not have done, and forgive us for not doing those things we should have. Bless the leadership of this state and nation, and help us to do always what is within your will. In Christ's name. Amen.

The Journal of March 29 was corrected and approved.

The Journal of March 28 was further corrected as follows and approved:

Page 638, column 2, strike lines 21 through 48 and insert:

**HB 4346**—A bill to be entitled An Act relating to the City of Orlando, Orange County, Florida, and the pension fund for the police department of said city; amending §1 of chp. 22414, Special Acts of 1943, the act creating said pension fund, by increasing the required contributions of members from 5% to 6% of monthly salary and by clarifying said city's authority to make contributions; amending §12 of chp. 22414, Special Acts of 1943, as amended by §2 of chp. 61-2604, Laws of Florida, and §6 of chp. 65-2025, Laws of Florida, to provide under certain circumstances pension rights and other benefits after ten years service and before service of twenty-five years and to provide additional pension rights and other benefits after service of twenty-five years and over; amending §18 of chp. 22414, Special Acts of 1943, to provide in certain instances for return of specified portions of the amounts deducted from salaries of policemen who are discharged or who separate or retire from the service, all said returns, past and future, to be without interest; providing for an irrevocable election between return of said salary deductions and stated pension rights in certain instances; providing the consequences of said election and said return; providing for use of remaining salary deductions; amending §16 of chp. 22414, Special Acts of 1943, as amended by §2 of chp. 57-1649, Laws of Florida, to provide for the effect on stated pension rights and rights to withdraw salary deductions of conviction of a felony and discharge or separation or retirement because of willful neglect of duty, disobedience of order, habitual drunkenness or conviction of a felony and for specified conclusive determinations and findings by the civil service board of said city in relation thereto; amending further chp. 22414, Special Acts of 1943, by altering certain benefits and recipients thereof and the timing, qualifications and conditions of receipt of said benefits under certain pensions, and specifically amending §7 of chp. 22414, Special Acts of 1943, relating to disability not in line of duty, §8 of chp. 22414, Special Acts of 1943, as amended by §3 of chp. 65-2025, Laws of Florida, relating to death in line of duty, §9 of chp. 22414, Special Acts of 1943, as amended by §4 of chp. 65-2025, Laws of Florida, relating to disability in line of duty, and §10 of chp. 22414, Special Acts of 1943, as amended by §1 of chp.

67-1835, Laws of Florida, relating to death not in line of duty, to accomplish said alterations; providing for repeal of conflicting laws including inconsistent pension rights and for repeal of §24 of chp. 22414, Special Acts of 1943, relating to review and appeal of pension awards; providing for an actuarial estimate of the costs involved; providing a severability clause; and providing an effective date.

Page 638, counting from the bottom of column 2, strike lines 1 through 12 and on page 639, column 1, strike lines 1 through 15 and insert:

**HB 4348**—A bill to be entitled An Act relating to the City of Orlando, Orange County, Florida, and the pension fund for the fire department of said city; amending §1 of chp. 23444, Special Acts of 1945, the act creating said pension fund, by increasing the required contributions of members from 5% to 6% of monthly salary and by clarifying said city's authority to make contributions; amending §12 of chp. 23444, Special Acts of 1945, as amended by §6 of chp. 61-2605, Laws of Florida, to provide under certain circumstances pension rights and other benefits after ten years service and before service of twenty-five years and to provide additional pension rights and other benefits after service of twenty-five years and over; amending §18 of chp. 23444, Special Acts of 1945, as amended by §7 of chp. 61-2605, Laws of Florida, to provide in certain instances for return of specified portions of the amounts deducted from salaries of firemen who are discharged or who separate or retire from the service, all said returns, past and future, to be without interest; providing for an irrevocable election between return of said salary deductions and stated pension rights in certain instances; providing the consequences of said election and said return; providing for use of remaining salary deductions; amending §16 of chp. 23444, Special Acts of 1945, to provide for the effect on stated pension rights and rights to withdraw salary deductions of conviction of a felony and discharge or separation or retirement because of willful neglect of duty, disobedience of order, habitual drunkenness or conviction of a felony and for specified conclusive determinations and findings by the civil service board of said city in relation thereto; amending further chp. 23444, Special Acts of 1945, by altering certain benefits and recipients thereof and the timing, qualifications and conditions of receipt of said benefits under certain pensions, and specifically amending §7 of chp. 23444, Special Acts of 1945, relating to disability not in line of duty, §8 of chp. 23444, Special Acts of 1945, as amended by §4 of chp. 61-2605, Laws of Florida, relating to death in line of duty, §9 of chp. 23444, Special Acts of 1945, as amended by §5 of chp. 61-2605, Laws of Florida, relating to disability in line of duty, and §10 of chp. 23444, Special Acts of 1945, as amended by §1 of chp. 67-1837, Laws of Florida, relating to death not in line of duty, to accomplish said alterations; providing for repeal of conflicting laws including inconsistent pension rights and for repeal of §24 of chp. 23444, Special Acts of 1945, relating to review and appeal of pension awards; providing for an actuarial estimate of the costs involved; providing a severability clause; and providing an effective date.

## REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics respectfully submits the following Special Order Calendar for Thursday, March 30, 1972:

SB 532	HB 3330	SB 333	CS for SB 66
SB 686	CS for HB 3801	SB 693	SB 67
SB 1048	SB 982	SB 885	CS for SB 68
HB 1229	HB 3461	SB 882	SB 82
HB 1651	HB 3482	SB 628	SB 174
HB 1495	HB 3485	SB 601	HB 2664
HB 1536	HB 3937	SB 285	SB 908
HB 1654	HB 3993	SB 286	SB 364
HB 2628	HJR 4324	SB 20	SB 656
HB 2629	HB 3267	SB 623	SB 351
HB 2742	HB 2819	SB 201	SB 354
SB 132	HB 3718	SB 796	SB 603
HB 4087	CS for HB 3117	SB 215	SB 924
CS for HB 2987	SB 828	SB 993	SB 905

Special order as determined by Committee on Rules, Calendar, Privileged Business and Ethics commencing at 2:00 P.M.

CS for HB 3165	HB 1823	HB 355
SB 368	HB 3131	HB 774
SB 692	HB 3132	CS for HB 7
SB 365	CS for HB 3134	HB 1693
HB 3180	HB 663	CS for HB 2976
CS for HB 2703	HB 2746	CS for HB 93
HB 3599	HB 3197	CS for HB 2729
HB 2998	HB 3756	CS for HB 2983
HB 3421	HB 2759	CS for HB 3088
HB 184	HB 3981	HB 3655
HB 2339	HB 3937	HB 4319
HB 3266	HB 3611	HB 3202
HB 3367	HB 2653	HB 3274
HB 2973	HB 3352	HB 3256
HB 3124	CS for HB 2875	HB 3045
HB 946	CS for HB 3615	SB 796
HB 702	HB 3096	SB 1057
HB 3775	HB 642	CS for HB 1277

The Committee on Natural Resources and Conservation recommends the following pass: CS for HB 4060 with 2 amendments

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

The Committee on Ways and Means recommends the following pass:

CS for HB 4030 with 1 amendment  
CS for HB 4060 with 2 amendments

The bills were placed on the calendar.

#### ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 346 with 1 amendment      SB 682 with 1 amendment  
SB 677 with 2 amendments      SB 977 with 2 amendments

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

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

Your Engrossing Clerk to whom was referred SB 938 with 1 Senate amendment and 1 House amendment reports that the Senate and House amendments have been incorporated and the bill is returned herewith.

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

The bills contained in the foregoing reports were ordered enrolled.

#### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 1286 reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 30, 1972.

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

Your Enrolling Clerk to whom was referred—

SB 397                      CS for SB 551              SB 978  
CS for SB 501              SB 597                      SB 1092

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on March 30, 1972.

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

By unanimous consent Senator Childers was recorded as voting yea on SB 743 which passed February 25 and SB 1191 which passed March 21.

On motion by Senator Horne, the rules were waived and HB 3825 was placed first on the special order calendar to be taken up at 2:00 p.m. this day.

#### MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator McClain, HB 3992 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and placed on the calendar.

#### MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State, Senate bills 24, 34, 133, 208, 319, 330, 332, 342, 374, 579, 595, 635, 662, 725, 838, 916 and 1144 which he had approved on March 28, 1972.

The Governor advised that he had filed in the office of the Secretary of State, Senate Bills 153, 761, 1170, 1173, 1174, 1181, 1194, 1205, 1213, 1222 and 1223 which will become law without his signature.

The Governor advised that he had filed in the office of the Secretary of State SB 1108 which he had approved on March 30, 1972.

#### VETO MESSAGE

The following veto message was read and filed with the Secretary of the Senate:

#### STATE OF FLORIDA

Office of Governor Reubin O'D. Askew

Honorable Jerry Thomas  
President, Senate  
The Capitol  
Tallahassee, Florida

March 29, 1972

Dear Mr. President:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 6, enacted by the Legislature during the Regular Session commencing February 1, 1972, and entitled:

"An act relating to the importation of drugs; creating section 398.035 and 404.035, Florida Statutes; providing that it shall be unlawful to bring into this state or cause to be brought into this state any drugs controlled by chapters 398 and 404, Florida Statutes; providing exceptions; providing that violations shall be felonies and providing penalties; providing an effective date."

The intent of this legislation is to prohibit importation of dangerous drugs into Florida and thereby provide an additional tool with which to combat drug abuse. Exceptions from the prohibition are provided for persons possessing drugs controlled by Chapter 404 under section 404.04. The exception, however, does not encompass possession pursuant to a valid prescription under section 404.02. The legislature has passed Senate Bill 1300 which corrects this technical defect in the bill.

For these reasons and upon request I am withholding my approval of Senate Bill 6, Regular Session of the Legislature commencing February 1, 1972, and do hereby veto the same.

Sincerely,  
*REUBIN ASKEW*  
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas  
President of the Senate*

March 28, 1972

Sir:

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

By the Committee on General Legislation and others—

HCR 4419—A concurrent resolution in memoriam of Representative Richard O. Mitchell.

WHEREAS, the past year saw the loss to the people of his community and to the entire state of Representative Richard O. Mitchell—a most valuable man—a man who was successful in his every endeavor and whose public service and devotion to the betterment of his fellow man had marked his entire life span, and

WHEREAS, he was the devoted husband of Frances S. Mitchell and the father of Richard O. Mitchell, Junior, Mrs. Kathy M. Tingdale, Mark Sanders Mitchell and Michelle Mitchell, and

WHEREAS, his demise is marked by a sense of deep loss and sadness, and

WHEREAS, his life's work was such that an account thereof would be an inspiration to all who would reflect thereon, and

WHEREAS, we would acknowledge the legacy of his splendid achievements, honor his memory and express our condolences, NOW, THEREFORE,

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

That this concurrent resolution be spread upon the pages of the Journals of the House of Representatives and the Senate of the State of Florida—

IN MEMORIAM

RICHARD O. MITCHELL

MEMBER OF THE FLORIDA HOUSE OF REPRESENTATIVES

—who was born in Omega, Georgia, on January 28, 1918. He moved to Florida in 1928. Mr. Mitchell became a respected and extremely competent lawyer after obtaining the necessary educational credentials at the University of Georgia, Florida State University, and ultimately a law degree at the University of Miami Law School in 1953. He always had a great interest in physical activities and while he was engaged in getting an education he boxed and played football. Upon graduation, Dick Mitchell began a career in the law and in public service to the citizens of the state which could serve as a model to all who aspire to serve their fellow man. A brief accounting of the organizations with which Mr. Mitchell was affiliated will reveal his deep involvement with his community and the state he served so tirelessly. He was a member of the Optimist Club, a Commander of the American Legion, a Commander and Judge Advocate of the Veterans of Foreign Wars, a member of the legal division of the Red Feather, a member of both the Citizenship and Legislative Committees of the Florida Bar Association, a member of the Legislative Committee of the Chamber of Commerce, and a member of the Red Cross, Salvation Army, Easter Seal Society, Masons, and Shrine. Mr. Mitchell exerted the greatest influence upon the State of Florida in his service in the House of Representatives from 1956 to 1965. His service to the House was marked by a deep sense of devotion to his community and a commitment to making Florida's one of the most responsible and innovative legislatures in the several states. He brought to public office that same degree of business acumen which marked the conduct of his private enterprises and was ever zealous in his efforts to modernize and expand the office for the use and benefit of the people of the State of Florida. The State has felt the loss of Mr. Mitchell with great sorrow.

BE IT FURTHER RESOLVED that a copy of this Resolution, duly attested with the signature of the Speaker of the

House of Representatives and the President of the Senate, together with the condolences of the legislature, be forwarded to the family of the late Richard O. Mitchell.

—and requests the concurrence of the Senate therein.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

HCR 4419, contained in the above message, was read the first time in full. On motion by Senator Horne, by two-thirds vote HCR 4419 was read the second time by title, unanimously adopted and certified to the House.

Following the reading of the concurrent resolution by the Secretary, Senators Horne, Hollahan, Boyd, Daniel, Arnold and Thomas paid tribute to the late Representative Richard O. Mitchell.

*The Honorable Jerry Thomas  
President of the Senate*

March 30, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—SCR 154.

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

The bill contained in the above message was ordered enrolled.

*The Honorable Jerry Thomas  
President of the Senate*

March 30, 1972

Sir:

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

HB 2682

HB 4292

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

*The Honorable Jerry Thomas  
President of the Senate*

March 30, 1972

Sir:

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

CS for SB 1155

*Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives*

The bill was ordered engrossed.

*The Honorable Jerry Thomas  
President of the Senate*

March 29, 1972

Sir:

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

By Senator Gunter—

SB 476—A bill to be entitled An act relating to the teachers' retirement system; amending §238.181(2), Florida Statutes, to increase the number of hours that a retired school teacher may be employed on a part-time basis; providing an effective date.

## Amendment 1

On page 1, line 24, insert the following:

Section 2. Subsection (8) of §231.36, Florida Statutes, is amended to read:

231.36 Contracts with instructional staff.—

(8) ~~Any Notwithstanding any other provision of law, any member who has retired may interrupt retirement and be re-employed in any public school during periods of emergency or critical need as determined by the school board; any member so re-employed by the same district from which he retired shall may be entitled to continue employed on the same contractual basis that existed immediately prior to retirement; provided, however, that he shall not be eligible to renew membership in the teacher retirement system.~~

and renumber the following section

## Amendment 2—

In the title line 8, following the semicolon insert the following: amending §231.36(8), Florida Statutes; providing for employment of retired teachers by district school boards;

—and requests the concurrence of the Senate therein.

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

On motions by Senator Gunter, the Senate concurred in House amendments 1 and 2 to SB 476.

SB 476 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Childers	Karl	Poston
Arnold	Daniel	Knopke	Sayler
Beaufort	Deeb	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Stolzenburg
Bishop	Gunter	Lewis (43rd)	Trask
Boyd	Haverfield	McClain	Ware
Peterson	Henderson	Myers	Weber
Brantley	Johnson (29th)	Ott	Weissenborn
Broxson	Johnson (34th)	Plante	Wilson

Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

*The Honorable Jerry Thomas* March 29, 1972  
*President of the Senate*

Sir:

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

By Senator Lewis (43rd)—

SB 300—A bill to be entitled An Act relating to certification of speech pathologists and audiologists; amending section 468.145, Florida Statutes, by adding subsection 468.145(4); providing for the department of education to waive educational requirements for applicants who are certified to teach speech pathology and audiology and were so certified on July 9, 1969; providing an effective date.

## Amendment 1

On page 1, lines 24—26, strike subsection (4) and insert the following: (4) Applicants who are certified by the State of Florida to teach speech pathology and audiology, were so certified as of July 9, 1969 and were actively engaged in such teaching under their certificate as of July 9, 1969.

## Amendment 2

In the title line 12, after “1969” insert the following: and were actively engaged in such teaching under their certificate as of July 9, 1969

## Amendment 3

On page 1, line 22, after “waive the” insert the following: examination and

## Amendment 4

On page 1, between lines 26 and 27 insert the following: Section 2. Nothing in this act shall prohibit a previously laryngectomized individual from rendering guidance and instruction, if the patient is under the supervision of a speech pathologist certified by chapter 468, Florida Statutes, or a physician licensed under chapter 458 or chapter 459, Florida Statutes, and qualified to perform this surgical procedure.

Renumber subsequent section accordingly.

## Amendment 5

In the title, line 12, after the semicolon insert the following: providing for instruction by previously laryngectomized individuals under certain conditions;

—and requests the concurrence of the Senate therein.

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

On motions by Senator Lewis (43rd), the Senate concurred in House amendments 1, 2, 3, 4 and 5 to SB 300.

SB 300 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Mr. President	Broxson	Henderson	Myers
Arnold	Childers	Johnson (29th)	Ott
Beaufort	Daniel	Johnson (34th)	Plante
Bishop	Deeb	Karl	Poston
Boyd	Graham	Lewis (33rd)	Scarborough
Peterson	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	McClain	Weissenborn

Nays—6

Bell	Lane	Stolzenburg	Wilson
Hollahan	Sayler		

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

*The Honorable Jerry Thomas* March 29, 1972  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has again refused to recede from House amendments to SJR 217 and the Speaker has appointed Representatives Dubbin, D'Alemberte and Reed as a Conference Committee.

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

The President appointed Senators Barron, Ware and Lewis (33rd) as a conference committee on the part of the Senate.

*The Honorable Jerry Thomas* March 29, 1972  
*President of the Senate*

Sir:

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

By Senator Johnson (29th)—

SB 440—A bill to be entitled An Act relating to the department of health and rehabilitative services, welfare trust fund; amending section 402.18, Florida Statutes, by adding subsection (5), authorizing division directors to provide for the advancement of subsistence and travel expenses from the welfare trust fund to employees transferring inmates; providing an effective date.

Amendment 1

On page 1, line 15, strike all after the enacting clause and insert the following:

Section 1. Subsection (13) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(13) Advancements.—Notwithstanding any of the foregoing restrictions and limitations, an agency head may make, or authorize the making of, advances to cover anticipated costs of travel to travelers whose duties in connection with criminal investigation or other phases of law enforcement, or in connection with trips of student groups from public education institutions, require such travel. Such advances may be made only pursuant to regulations of the agency requiring application for funds and accounting therefor when the travel has been completed. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his duties.

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

Amendment 2

On page 1, in title, line 4, strike lines 4—12 and insert the following: An act relating to per diem; amending section 112.061(13), Florida Statutes, providing for advancement of anticipated expenses; providing an effective date.

—and requests the concurrence of the Senate therein.

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

On motions by Senator Myers, the Senate concurred in House amendments 1 and 2 to SB 440.

SB 440 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Broxson	Johnson (29th)	Plante
Arnold	Childers	Johnson (34th)	Poston
Barron	Daniel	Karl	Saunders
Beaufort	Graham	Knopke	Saylor
Bell	Gunter	Lane	Scarborough
Bishop	Haverfield	Lewis (33rd)	Stolzenburg
Boyd	Henderson	Lewis (43rd)	Trask
Peterson	Hollahan	McClain	Ware
Brantley	Horne	Myers	Weber

Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

*The Honorable Jerry Thomas* March 29, 1972  
*President of the Senate*

Sir:

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

By Senator Myers and others—

SB 490—A bill to be entitled An act relating to the department of health and rehabilitative services; providing definitions; creating section 959.022, Florida Statutes, to provide for the department to develop and implement state-operated,

regionally-administered detention services for children; providing for a comprehensive plan; providing for the assumption of certain county services by the department; providing for the employment of county employees affected by this act by the department; providing an effective date.

—which amendment reads as follows:

On page 2, line 8, strike all of line 8 and insert the following: (c) COURT means the circuit court with juvenile jurisdiction.

—and requests the concurrence of the Senate therein.

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

On motion by Senator Myers, the Senate concurred in the House amendment to SB 490.

SB 490 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Childers	Johnson (34th)	Plante
Arnold	Daniel	Karl	Poston
Beaufort	Graham	Knopke	Reuter
Bell	Gunter	Lane	Saunders
Bishop	Haverfield	Lewis (33rd)	Saylor
Boyd	Henderson	Lewis (43rd)	Scarborough
Peterson	Hollahan	McClain	Stolzenburg
Brantley	Horne	Myers	Ware
Broxson	Johnson (29th)	Ott	Weber

Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

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

March 29, 1972

Sir:

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

By Senator Saunders—

SB 1284—A bill to be entitled An Act pertaining to the City of Gainesville; authorizing the designation of redevelopment areas or districts within the City and the procedure for designation thereof; authorizing the development of redevelopment plans and the implementation of such plans; authorizing the acquisition of property by eminent domain in such redevelopment areas or districts; authorizing the disposal of property as prescribed in Section 163.380, Florida Statutes; authorizing the levy of additional taxes in special districts so created, as well as the issuance of general obligation bonds for such special districts if approved at an election as required by the Constitution and Statutes of the State of Florida; authorizing the issue of revenue certificates; and providing for a referendum.

Amendment 1

On page 2, line 19, strike "others" and insert the following: other

Amendment 2

On page 2, line 23, strike "business" and insert the following: businesses

Amendment 3

On page 4, line 9, strike "central city area" and insert the following: proposed redevelopment district

## Amendment 4

On page 4, line 12, strike "central city" and insert the following: proposed redevelopment

—and requests the concurrence of the Senate therein.

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

On motions by Senator Saunders, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 1284.

SB 1284 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

## Yeas—39

<b>Arnold</b>	<b>Childers</b>	<b>Karl</b>	<b>Reuter</b>
<b>Barron</b>	<b>Daniel</b>	<b>Knopke</b>	<b>Saunders</b>
<b>Barrow</b>	<b>Graham</b>	<b>Lane</b>	<b>Sayler</b>
<b>Beaufort</b>	<b>Gunter</b>	<b>Lewis (33rd)</b>	<b>Scarborough</b>
<b>Bell</b>	<b>Haverfield</b>	<b>Lewis (43rd)</b>	<b>Stolzenburg</b>
<b>Bishop</b>	<b>Henderson</b>	<b>McClain</b>	<b>Trask</b>
<b>Boyd</b>	<b>Hollahan</b>	<b>Myers</b>	<b>Ware</b>
<b>Peterson</b>	<b>Horne</b>	<b>Ott</b>	<b>Weber</b>
<b>Brantley</b>	<b>Johnson (29th)</b>	<b>Plante</b>	<b>Wilson</b>
<b>Broxson</b>	<b>Johnson (34th)</b>	<b>Poston</b>	

## Nays—None

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

March 28, 1972

*Sir:*

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

By Representative A. S. Robinson—

HB 3575—A bill to be entitled An act relating to crawfish; amending section 370.14(4), Florida Statutes; to provide for a special permit to import salt water crawfish during the closed season; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 3575, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

On motion by Senator Horne, HB 3575 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and placed on the calendar.

On motion by Senator Knopke, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up out of order, HB 3575 which was read the second time by title. On motion by Senator Knopke, by two-thirds vote HB 3575 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—33

<b>Mr. President</b>	<b>Daniel</b>	<b>Knopke</b>	<b>Saunders</b>
<b>Arnold</b>	<b>Deeb</b>	<b>Lane</b>	<b>Sayler</b>
<b>Beaufort</b>	<b>Graham</b>	<b>Lewis (33rd)</b>	<b>Scarborough</b>
<b>Bell</b>	<b>Haverfield</b>	<b>Lewis (43rd)</b>	<b>Trask</b>
<b>Bishop</b>	<b>Henderson</b>	<b>McClain</b>	<b>Ware</b>
<b>Boyd</b>	<b>Hollahan</b>	<b>Myers</b>	<b>Wilson</b>
<b>Peterson</b>	<b>Horne</b>	<b>Plante</b>	
<b>Brantley</b>	<b>Johnson (29th)</b>	<b>Poston</b>	
<b>Childers</b>	<b>Johnson (34th)</b>	<b>Reuter</b>	

## Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

SB 994 was laid on the table.

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

March 28, 1972

*Sir:*

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

By the Committee on Agriculture & Citrus and Representative Wilson—

HB 4015—A bill to be entitled An act relating to citrus; amending section 601.61(1), Florida Statutes, to increase bond requirements for citrus fruit dealers; amending section 601.61(2) and section 601.66(1) and (6), Florida Statutes, to extend the date for filing claims against citrus fruit dealers' bonds to May 1 of the year following the end of each shipping season; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4015, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

On motion by Senator Lewis (33rd), HB 4015 was withdrawn from the Committee on Agriculture by two-thirds vote and placed on the calendar.

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

March 28, 1972

*Sir:*

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

By the Committee on Appropriations—

HB 4383—A bill to be entitled An act relating to the department of administration; amending section 20.31 (2), Florida Statutes, by limiting duties therefor; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4383, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

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

March 28, 1972

*Sir:*

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

By Representative Gillespie and others (by request)—

HB 3485—A bill to be entitled An act relating to insurance premium finance companies; amending §627.838, Florida Statutes, by adding subsection (4) and amending §627.836(2), Florida Statutes, to establish an annual report fee and a form filing fee; amending §627.834, Florida Statutes, by adding subsection (2) to provide periodic examinations by the department of insurance; amending §627.828(4)(a) and (b), Florida Stat-

utes, and amending Chapter 627, Florida Statutes, by adding a new section 627.849, Florida Statutes, to set a maximum investigation fee on applications for more than three offices, to provide a schedule of fees to be credited to the insurance commissioner's regulatory trust fund, to increase the annual license fee and to delete the reduced fee for licenses issued after March 31; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 3485, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Ways and Means.

On motion by Senator Lewis (43rd), HB 3485 was withdrawn from the Committees on Commerce and Ways and Means by two-thirds vote and placed on the calendar.

*The Honorable Jerry Thomas* **March 28, 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 Health & Rehabilitative Services and Representative MacKay and others—

CS for HB 3152—A bill to be entitled An act relating to the licensing of health care facilities; authorizing the division of health of the department of health and rehabilitative services to consider need as a factor in the licensing of such facilities; providing legislative intent; providing definitions; requiring health facilities to make application for an advisory need study to an approved areawide planning council or, in its absence, to the bureau of community medical facilities planning; providing for an advisory certificate of need study by the areawide planning council; providing for issuance of certificates of need; providing for exemptions; providing an effective date.

—and requests the concurrence of the Senate therein.

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

CS for HB 3152, contained in the above message, was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator Myers, CS for HB 3152 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and placed on the calendar.

*The Honorable Jerry Thomas* **March 28, 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—

HB 4379—A bill to be entitled An act relating to the control and supervision of data centers; creating subsections (12) and (13) of 23.027, and amending subsection (2) of 23.029, Florida Statutes; providing that the division of electronic data processing shall have complete control and supervision of designated data centers; providing that users of data centers be billed based upon a cost allocation system; providing for prior approval by the division of electronic data processing of all contracts for EDP hardware or software; providing an effective date.

By Representative Gustafson and others—

HB 3633—A bill to be entitled An act relating to education; amending section 230.03(2), Florida Statutes; providing for a statement of powers of district school boards; amending section 230.23(9)(b), Florida Statutes; providing powers and duties of school board; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4379, contained in the above message, was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

HB 3633, 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 28, 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—

HB 4380—A bill to be entitled An act relating to the department of professional and occupational regulation; amending §215.37(4), Florida Statutes, to provide for the deposit of the examining and licensing boards' service charge; repealing §20.30(9), Florida Statutes, relating to prorating of costs; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4380, contained in the above message, was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

*The Honorable Jerry Thomas* **March 28, 1972**  
*President of the Senate*

Sir:

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

By the Committee on Manpower & Development—

HB 4327—A bill to be entitled An act relating to the department of professional and occupational regulation; amending §20.30(5), Florida Statutes, to authorize the department to establish a uniform license form; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4327, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

*The Honorable Jerry Thomas* **March 28, 1972**  
*President of the Senate*

Sir:

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

By the Committee on Agriculture & Citrus—

HB 4325—A bill to be entitled An act relating to eggs; amending sections 583.01 (4), (7), (9) and (12), 583.02, 583.07, and 583.10 (1) and (2), Florida Statutes; defining shell eggs, egg yolks and egg whites; requiring labeling and proper identification; providing methods of payment of inspection fees; repealing section 583.01 (18), Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4325, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

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

March 28, 1972

*Sir:*

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

By Representative Yancey—

HB 3353—A bill to be entitled An act relating to the judicial retirement system; adding subsection (6) to §123.03, Florida Statutes, to authorize up to four (4) years of retirement credit for wartime military service subject to certain conditions; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 3353, contained in the above message, was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

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

March 28, 1972

*Sir:*

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

By the Committee on Appropriations—

HB 4381—A bill to be entitled An act relating to the state department of administration; amending section 216.221, Florida Statutes, by adding a new subsection 216.221(2), Florida Statutes, setting appropriation maximums for trust fund operation categories; amending section 216.292(1) and (2), Florida Statutes, providing that fixed capital outlay appropriations are not subject to transfers; repealing section 216.292(3), Florida Statutes, which provided for the administration commission to transfer appropriations; renumbering section 216.292(4); providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4381, 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 28, 1972

*Sir:*

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

By the Committee on Agriculture & Citrus and Representative Jones—

HB 4014—A bill to be entitled An act relating to citrus; amending sections 601.155(1) and (3), Florida Statutes, to include imposition of additional 4¢ excise tax on imported grapefruit products, and providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 4014, contained in the above message, was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

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

March 28, 1972

*Sir:*

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

By Representative Hartnett and others—

HB 3552—A bill to be entitled An act relating to the department of community affairs; restructuring the department of community affairs; redesignating the division of emergency government the division of disaster preparedness; transferring the division of migrant labor to the division of economic opportunity; transferring the division of veterans affairs to the department of Military Affairs; amending section 13.231, Florida statutes; repealing subsection (3) of section 13.251, Florida statutes; amending chapter 13.2 Florida statutes by the addition of a new section 13.261 relating to the administrative authority of the Florida commission on human relations; designating a division of local government services within the department and prescribing its functions and responsibilities; requiring financial reports by local governments; providing for suspension of payments to local governments which fail to comply; transferring the duties of the department of administration relating to local finance to the division of local government services; transferring the division of training and professional development in the department of community affairs to the division of local government services; amending section 163.470, Florida statutes; amending section 163.471, Florida statutes; repealing section 163.475, Florida statutes, relating to the administrative authority of the fire fighters standards council, substituting therefor a new section; amending section 163.520, Florida statutes; designating a division of housing and community development in the department and prescribing its duties and responsibilities; providing for reports by local governments and housing authorities; requiring the department to consolidate reports; providing for the transfer of funds and positions within the department; providing a saving clause; providing an effective date.

By the Committee on General Legislation—

HB 4401—A bill to be entitled An act relating to pari-mutuel racing and jai alai; providing that gambling may no longer be expanded by the issuance of new racetrack or fronton permits; providing that outstanding but unused racetrack and fronton permits are void; providing a general repealer of laws relating to new permits; providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 3552, contained in the above message, was read the first time by title and referred to the Committee on Governmental Efficiency.

HB 4401, contained in the above message, was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Ways and Means.

Senator Lane moved that the rules be waived and the Senate reconsider the vote by which HB 1779 failed to pass on March 29.

The President appointed as a select committee, Senators Horne, Hollahan and Wilson, to examine the availability of a motion in the last 5 days of the session to reconsider the vote on the day following the passage of a bill.

Senator Hollahan reported as follows for the select committee:

The committee is of the opinion that under the rule relating to motions to reconsider in the last 5 days the rule cannot be altered and the motion made on the following day.

Pursuant thereto, the President ruled the motion not available.

**SPECIAL ORDER**

The President appointed Senators Hollahan, Horne and Wilson as a select committee to determine if a two-thirds vote of the membership or a majority vote was required for the passage of claim bills.

Consideration of claim bills on the special order calendar was deferred pending report of the committee.

The President requested Senator Barron, Chairman of the Committee on Judiciary—Civil A, to have his committee address itself to the prospects of legislation dealing with relief of victims who are criminally assaulted and report to the Senate at the next session of the legislature.

**CS for HB 2987**—A bill to be entitled An act relating to early childhood and family development; creating an office of early childhood development in the office of the governor to oversee all early childhood programs; establishing an early childhood development advisory council composed of eighteen members; establishing an early childhood training program under which qualified groups can apply to the department of education for grants to help support personnel training programs; making the department of education responsible for encouraging public broadcasting programming in the areas of early childhood education; providing that an annual report be made to the legislature on early childhood programs; containing a severability clause; providing an effective date.

—was read the second time by title.

The Committee on Public Schools offered the following amendment which was moved by Senator Broxson:

**Amendment 1**—On page 1, line 26 strike everything after the enacting clause and insert; Section 1. Short title.—This act shall be known and may be cited as the early childhood and family development act of 1972.

**Section 2. Legislative finding; intent.**—The legislature finds and declares that the early childhood years are crucial to the mental, physical and emotional development of children, and that the experiences of the early childhood years are highly significant with respect to later development, including educational and vocational success. The legislature further recognizes the primary role and responsibility of the family for the development of children and the importance of strengthening the family members' ability to foster the development of young children. It shall be the policy of the state to cooperate with private groups and governmental agencies to encourage and assist families in the provision of an environment for young children suitable to their full development.

**Section 3. Definitions.**—As used in this act:

(1) "Early Childhood" means that period of life in which a child's intellectual, social, emotional, physical and mental qualities are in the formative stage and in which the foundation for his future development is made. Within this definition, principle emphasis shall be given to the years between three and eight.

- (2) "Office" means the office of early childhood development.
- (3) "Commissioner" means the state commissioner of education.
- (4) "School board" means the governing body of each school district.
- (5) "Council" means the advisory council for early childhood development established by this act.
- (6) "District" means school district.
- (7) "Client" means anyone who will directly benefit from or receive early childhood services authorized under this act.

**Section 4. Coordination of early childhood development programs.**—

(1) **Legislative intent.**—The legislature finds that there are numerous state and federal programs for young children. This myriad of programs cuts across several state and local agencies, which results in overlapping programs, duplication of effort, confusion, and reduced benefits to children. These uncoordinated programs fail to give adequate attention to the role of other family members in the development of young children. Under this system, the needs of young children are not given the attention or priority they require and deserve. Therefore, the legislature finds that the promotion, planning and coordination of early childhood programs should be planned and coordinated through an office of early childhood development.

(2) **Creation of an office of early childhood development.**—An office of early childhood development shall be established within the office of the governor. The governor shall appoint a director of the office of early childhood development.

The duties of the office shall be:

- (a) To formulate a long-range, comprehensive plan for early childhood development which shall include, but not be limited to, areas of health, day care, curriculum development and education, protection, psychological and social needs, nutrition, counseling, and training of personnel for early childhood development;
- (b) To develop a long range plan for strengthening the family in meeting its responsibilities for the development of young children by assisting it in providing a healthy stimulating home environment, and by helping family members understand and assist the processes of child development;
- (c) To establish priorities for implementation of the comprehensive plan;
- (d) To coordinate all programs so as to take maximum advantage of all federal funds;
- (e) To promote, develop, establish, coordinate and conduct through the office or any approved agency, public or private, unified programs relating to early childhood development;
- (f) To review all applications to federal or state agencies for funds, services or commodities prior to their submission to the administering agency;
- (g) To evaluate all programs receiving federal or state funds, services or commodities as to their effectiveness in terms of the results achieved;
- (h) To conduct, sponsor or promote research in the field of early childhood development, with emphasis on the early diagnosis, treatment or prevention of later disabilities;
- (i) To promulgate rules and regulations for implementation of the authority and responsibilities within this section.

(3) **Creation of advisory council.**—The advisory council for early childhood development programs is hereby established.

(a) **Membership.**—The council shall be composed of eighteen (18) members. The terms of appointment for each member shall be three (3) years, except in the case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term; provided, however, that the initial appointments shall be as follows: one third of the members for one (1) year, one third of the members for two (2) years and one third of the members for three (3) years. The office shall designate the classification of the initial terms. Members shall be chosen as follows:

1. Three (3) of the members shall be appointed by the governor from a list of six or more clients or their representatives nominated by the commissioner of education;

2. Three (3) of the members shall be appointed by the governor from a list of six or more clients or their representatives nominated by the secretary of the department of health and rehabilitative services;

3. Three (3) of the members shall be appointed by the governor from a list of six or more clients or their representatives nominated by the secretary of the department of community affairs;

4. Two (2) of the members shall be appointed by the commissioner of education to represent the various early childhood programs within the department of education;

5. Two (2) of the members shall be appointed by the secretary of the department of health and rehabilitative services to represent the various early childhood programs within the department of health and rehabilitative services;

6. Two (2) of the members shall be appointed by the secretary of the department of community affairs to represent the various early childhood development programs within the department of community affairs;

7. Three (3) of the members shall be appointed by the governor to represent other state agencies not already represented who have early childhood programs or other public or non-profit agencies or groups concerned with early childhood development programs.

(b) Organization.—As soon as practicable following appointment of the advisory council, the governor shall call an organizational meeting of the council. From among its members the council shall elect a chairman who shall preside over council meetings and perform such other duties as directed by the council or required by its duly adopted policies or operating procedures.

(c) Duties and responsibilities.—The council shall perform the following duties and responsibilities:

1. Review the report required under section 8 of this act.

2. Review the long-range plan for early childhood programs required under paragraph (a) of subsection 2 of section 4 of this act;

3. Be knowledgeable about, and review and make recommendations for programs authorized under the provisions of this act;

4. Perform such other duties as may be required under other sections of this act;

(d) Members of the advisory council shall be entitled to receive per diem and expenses for travel while carrying out official business of the council. Such expenses shall be paid in accordance with the provisions of section 112.061, Florida Statutes.

Section 5. Early childhood development personnel training program.—

(1) Pursuant to such policies and regulations as the department of education may adopt, any school board, college, junior college, vocational-technical school, or group whose program of early childhood development has been approved by the office may submit a proposal to the department of education for a program for the training of personnel in early childhood development. Such proposal shall contain: an itemized estimate of cost; the estimated membership and type of participants; a description of the course of training or study and the methods and materials to be used; a program goal or goals and a method of assessment of program success; and a method of financial support, including sources of funding, a definition of the sponsor's role and duties, supported by resolution or other document indicating intent to support such a program of training; and such other items as the department of education may prescribe.

(2) After review of such proposals by the office, the department of education may make grants under such procedures as it may prescribe in support of such proposals.

(3) Upon request of any body competent to make proposals under subsection (1) above, the department of education may provide such technical advice as is necessary to enable the body to develop a suitable proposal.

(4) In cooperation with the office, the department of education shall develop or obtain training materials, curriculum, and teaching formats for training persons in early childhood development. Such courses will be designed for:

(a) professionals in childhood development to train them in early childhood education.

(b) para-professionals, who are to work with programs in early childhood development but are not full-time, or lack professional training and skills or lack experience with early childhood education; including members of the community who volunteer to work with early childhood development.

(c) members of a family with young children.

(5) The department of education shall make such materials available to persons wishing to conduct training programs under this act.

(6) Such courses and materials referred to in subsections 1, 2, and 4 above shall take a comprehensive view of child development including educational, social, health, nutritional, psychological and community involvement training.

(7) The policies and regulations adopted by the department of education pursuant to this section shall be reviewed by the council.

Section 6. Educational broadcasting for early childhood development.—

(1) It shall be the responsibility of the department of education to encourage public broadcasting programming in the areas of early childhood development. Such programming shall be directed to include both the child and his family members. Materials in these areas may be acquired by lease, purchase, or production.

(2) It shall be the responsibility of the department of education to encourage commercial television broadcasting to offer such programming in areas of the state where public television broadcasting is not available.

(3) The department of education shall encourage public and private television broadcasting to offer such programs at a time which will attract the largest audience of those for whom the program has been developed.

(4) The department of education shall coordinate such programs with the office.

Section 8. The office, as a part of the early childhood program established in section 4 shall make an annual report to the president of the senate, the speaker of the house, and the chairman of the senate and house public school education committees. The report shall contain: an appraisal of all programs in early childhood development, as to their effectiveness, efficiency, and utilization or resources. The office shall make recommendations as it deems appropriate, including recommendations for improved coordination where another state agency is required to report on a program of early childhood development, the report of such agency shall be included in the report of the office.

Section 9. Severability.—If any section, sentence, clause, phrase or word of this act is for any reason held or declared to be invalid, such holding or invalidity shall not affect the remaining portions of this act.

Section 10. This act shall take effect July 1, 1972.

Senators Daniel, Graham, Broxson, Horne and Reuter offered the following substitute amendment which was adopted on motion by Senator Daniel:

Amendment 2—On page 1, line 26 strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as the early childhood and family development act of 1972.

Section 2. Legislative finding; intent.—The legislature finds and declares that the early childhood years are crucial to the

mental, physical and emotional development of children, and that the experiences of the early childhood years are highly significant with respect to later development, including educational and vocational success. The legislature further recognizes the primary role and responsibility of the family for the development of children and the importance of strengthening the family members' ability to foster the development of young children. It shall be the policy of the state to cooperate with private groups and governmental agencies to encourage and assist families in the provision of an environment for young children suitable to their full development.

**Section 3. Definitions.—As used in this act:**

(1) "Early Childhood" means that period of life in which a child's intellectual, social, emotional, physical and mental qualities are in the formative stage and in which the foundation for his future development is made. Within this definition, principle emphasis shall be given to the years between three and eight.

(2) "Office" means the office of early childhood development.

(3) "Commissioner" means the state commissioner of education.

(4) "School board" means the governing body of each school district.

(5) "Councils" means advisory councils for early childhood development authorized by this act.

(6) "District" means school district.

(7) "Client" means anyone who will directly benefit from or receive early childhood services authorized under this act.

**Section 4. Responsibility for early childhood development programs.—**

(1) Legislative intent.—The legislature finds that there are numerous state and federal programs for young children. This myriad of programs cuts across several state and local agencies, which results in overlapping programs, duplication of effort, confusion, and reduced benefits to children. These uncoordinated programs fail to give adequate attention to the role of other family members in the development of young children. Under this system, the needs of young children are not given the attention or priority they require and deserve. Therefore, the legislature finds that responsibility for the promotion, planning, coordination, and administration of early childhood programs should be placed in an office of early childhood development.

(2) Creation of an office of early childhood development.—An office of early childhood development shall be established within the office of the governor. The governor shall appoint a director of the office of early childhood development.

The duties of the office shall be:

(a) To formulate a long-range, comprehensive plan for early childhood and family development;

(b) To establish priorities for implementation of the comprehensive plan;

(c) To take responsibility for the administration of all programs so as to take maximum advantage of all federal funds;

(d) To promote, develop, establish, coordinate and conduct through the office or any approved agency, public or private, unified programs relating to early childhood development;

(e) To submit all applications to federal or state agencies for funds, services or commodities relating to early childhood development;

(f) To evaluate all programs receiving federal or state funds, services or commodities as to their effectiveness in terms of the results achieved;

(g) To conduct, sponsor or promote research in the field of early childhood development, with emphasis on the early diagnosis, treatment or prevention of later disabilities;

(g) To promulgate rules and regulations for implementation of the authority and responsibilities within this section.

(3) Advisory councils.—Advisory councils for early childhood development programs shall be established, and their member-

ships designated, by the office in accordance with the requirements of federal law or administrative regulations, or state law or administrative regulations, as the case may be. Members of advisory councils shall be entitled to receive per diem and expenses for travel while carrying out official business of the council. Such expenses shall be paid in accordance with the provisions of section 112.061, Florida Statutes.

**Section 5. Early childhood development personnel training program.—**

(1) Pursuant to such policies and regulations as the department of education may adopt, any school board, college, junior college, vocational-technical school, or group whose program of early childhood development has been approved by the office may submit a proposal to the department of education for a program for the training of personnel in early childhood development. Such proposal shall contain: an itemized estimate of cost; the estimated membership and type of participants; a description of the course of training or study and the methods and materials to be used; a program goal or goals and a method of assessment of program success; and a method of financial support, including sources of funding, a definition of the sponsor's role and duties, supported by resolution or other document indicating intent to support such a program of training; and such other items as the department of education may prescribe.

(2) After review of such proposals by the office, the department of education may make grants under such procedures as it may prescribe in support of such proposals.

(3) Upon request of any body competent to make proposals under subsection (1) above, the department of education may provide such technical advice as is necessary to enable the body to develop a suitable proposal.

(4) In cooperation with the office, the department of education shall develop or obtain training materials, curriculum, and teaching formats for training persons in early childhood development. Such courses will be designed for:

(a) professionals in childhood development to train them in early childhood education;

(b) para-professionals, who are to work with programs in early childhood development but are not full-time, or lack professional training and skills or lack experience with early childhood education; including members of the community who volunteer to work with early childhood development;

(c) members of a family with young children.

(5) The department of education shall make such materials available to persons wishing to conduct training programs under this act.

(6) Such courses and materials referred to in subsections 1, 2, and 4 above shall take a comprehensive view of child development including educational, social, health, nutritional, psychological and community involvement training.

(7) The policies and regulations adopted by the department of education pursuant to this section shall be coordinated with the office.

**Section 6. Educational broadcasting for early childhood development.—**

(1) It shall be the responsibility of the department of education to encourage public broadcasting programming in the areas of early childhood development. Such programming shall be directed to include both the child and his family members. Materials in these areas may be acquired by lease, purchase, or production.

(2) It shall be the responsibility of the department of education to encourage commercial television broadcasting to offer such programming in areas of the state where public television broadcasting is not available.

(3) The department of education shall encourage public and private television broadcasting to offer such programs at a time which will attract the largest audience of those for whom the program has been developed.

(4) The department of education shall coordinate such programs with the office.

**Section 8. The office, as a part of the early childhood program established in section 4 shall make an annual report to**

the president of the senate, the speaker of the house, and the chairman of the senate and house committees so designated by the president of the senate and the speaker of the house. The report shall contain: an appraisal of all programs in early childhood development, as to their effectiveness, efficiency, and utilization of resources. The office shall make recommendations as it deems appropriate, including recommendations for improved coordination. Where another state agency is required to report on a program of early childhood development, the report of such agency shall be included in the report of the office.

Section 9. There is hereby appropriated from the general revenue fund the sum of forty-three thousand one hundred and twenty-seven dollars (\$43,127) to the office of early childhood development in the office of the governor, to be used to carry out the purposes of this act.

Section 10. The department of administration is authorized to transfer such appropriations and related positions as is necessary to effectuate the purposes of this act to the office of early childhood development from any department under the direct supervision of the governor. Upon approval of the administration commission, the department of administration may transfer such appropriations and related positions as is necessary to effectuate the purposes of this act to the office of early childhood development from any other department.

Section 11. Severability.—If any section, sentence, clause, phrase or word of this act is for any reason held or declared to be invalid, such holding or invalidity shall not affect the remaining portions of this act.

Section 12. This act shall take effect July 1, 1972.

Senators Daniel, Graham, Broxson, Horne and Reuter offered the following amendment which was adopted on motion by Senator Daniel:

Amendment 3—On page 1, line 3, strike the title and insert: A bill to be entitled An Act relating to early childhood and family development; creating an office of early childhood development in the office of the governor to promote, plan, coordinate and administer early childhood programs; authorizing early childhood development advisory councils; establishing an early childhood training program under which qualified groups may apply to the department of education for grants to help support personnel training programs; making the department of education responsible for encouraging public broadcasting programming in the areas of early childhood education; providing that an annual report be made to the legislature on early childhood programs; providing an appropriation; providing for the transfer of funds and positions from other departments; providing for severability; providing an effective date.

On motion by Senator Daniel, by two-thirds vote CS for HB 2987 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Broxson	Hollahan	Myers
Arnold	Childers	Horne	Poston
Barron	Daniel	Johnson (34th)	Saylor
Barrow	Deeb	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Peterson	Haverfield	Lewis (43rd)	Weissenborn
Brantley	Henderson	McClain	Williams

Nays—2

Ducker Johnson (29th)

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

Senator Hollahan reported as follows for the select committee appointed to recommend as to the vote required for passage of claim bills:

It is the recommendation of the committee that it requires only a majority vote to pass claim bills. We considered an

opinion of the Attorney General (A.G.O 072-99), the Constitution of 1968, the pertinent provisions of the Florida Statutes, and our recommendation is unanimous.

(From the opinion of the Attorney General referenced above)

... "I therefore conclude that the 1968 revision of the Florida Constitution does not require a two-thirds vote for the passage of any bill. This position is supported, I believe, by the noticeable deletion of Section 11, Article XVI, Florida Constitution (1885), from the 1968 revised Constitution. Further, it is fundamental that the Florida Constitution is the paramount law which must prevail where a state statute conflicts therewith. *State ex rel. West v. Butler*, 20 Fla. 102, 69 So. 771 (1914). And since the incorporating provisions of Section 10, Article XII, Florida Constitution (1968), convert to statutory law only those provisions of the 1885 Constitution not inconsistent with the revised Florida Constitution, it is questionable whether so much of Section 215.425, F.S., as provides for a two-thirds vote on claim bills, ever actually became law. It would certainly appear that the 1971 Legislature intended that the 1968 constitutional provision requiring only a majority vote be recognized for Section 4 of Chapter 71-408, Laws 1971, states:

'This act shall become law if passed by a majority vote of each house of the legislature any law to the contrary notwithstanding.'

Your inquiry suggests that this claim bill may be questionable because of Section 95.37, F.S., which provides in part:

'95.37 Claims against state; limitations—

- (1) No claims against the state shall be presented to the legislature more than four years after the cause for relief accrued. Any claim presented after this time of limitation shall be void and unenforceable.
- (2) All relief acts of the legislature shall be for payment in full. No further claim for relief shall be submitted to the legislature in the future.'

As stated above, all legislative acts are equal to, but of no greater dignity than, others. And one legislature cannot, by general act, restrict a future legislature. Thus Chapter 71-408, Laws of 1971, impliedly amends Section 95.37, F.S., to the extent the two are inconsistent. See A.G.O. 055-82; *Kirklands v. Town of Bradley*, 104 Fla. 370, 139 So. 144 (1932); *Bryan v. State*, 94 Fla. 909, 114 So. 773 (1927)."

Pursuant thereto, the President ruled that a majority vote of the members present is required for passage of claim bills.

SB 532—A bill to be entitled An act providing for the relief of Florence R. Ramus to compensate her for injuries sustained and expenses incurred as a result of the negligence of the department of transportation; providing for an appropriation; providing an effective date.

—was read the second time by title.

On motion by Senator Johnson (34th) the following amendment was adopted:

Amendment 1—On page 3, lines 10 and 11 strike "\$25,000.00" and insert: \$20,000.00

On motion by Senator Johnson (34th) the following amendment was adopted:

Amendment 2—On page 3, line 18, strike "\$25,000.00" and insert: \$20,000.00

On motion by Senator Johnson (34th), by two-thirds vote SB 532 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Boyd	Gong	Horne
Arnold	Peterson	Graham	Johnson (29th)
Barrow	Broxson	Gunter	Johnson (34th)
Beaufort	Childers	Haverfield	Knopke
Bell	Deeb	Henderson	Lewis (33rd)
Bishop	Ducker	Hollahan	Lewis (43rd)

McClain	Saunders	Ware	Wilson
Plante	Stolzenburg	Weissenborn	
Poston	Trask		

Nays—None

By unanimous consent Senator Daniel was recorded as voting yea.

Consideration of SB 686 was deferred.

**SB 1048**—A bill to be entitled An act for the relief of Heather Laytner; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Claims offered the following amendment which was adopted on motion by Senator Scarborough:

**Amendment 1**—On page 2, line 19 strike all of Section 2 and insert: Section 2. The board of county commissioners of Dade County is authorized and directed to draw its warrant in the sum of fifty thousand dollars (\$50,000) and charge the same to unappropriated funds in the county general fund in favor of Heather Laytner and said board is authorized and directed to pay the sum out of the county general fund.

Senator McClain presiding.

The President presiding.

The President announced that at 11:00 a.m. the Senate would proceed to the consideration of Executive Suspensions.

Senator Weissenborn moved that the rules be waived and SB 1048 be read the third time by title. The motion failed by the following vote:

Yeas—19

Barrow	Childers	Karl	Reuter
Beaufort	Gong	Lewis (43rd)	Saunders
Bishop	Graham	McClain	Scarborough
Boyd	Horne	Plante	Weissenborn
Broxson	Johnson (29th)	Poston	

Nays—10

Bell	Gunter	Lane	Wilson
Brantley	Henderson	Lewis (33rd)	
Ducker	Johnson (34th)	Stolzenburg	

On motion by Senator Lewis (43rd), the rules were waived and the Senate reconsidered the vote by which the motion by Senator Weissenborn failed of adoption.

On motion by Senator Weissenborn, by two-thirds vote SB 1048 as amended was read the third time by title, and failed to pass. The vote was:

Yeas—17

Arnold	Broxson	Horne	Saunders
Barrow	Childers	Lewis (43rd)	Weissenborn
Beaufort	Gong	McClain	
Bishop	Graham	Poston	
Boyd	Hollahan	Reuter	

Nays—17

Mr. President	Ducker	Lane	Williams
Barron	Gunter	Lewis (33rd)	Wilson
Bell	Henderson	Plante	
Brantley	Johnson (34th)	Scarborough	
Daniel	Knopke	Stolzenburg	

By unanimous consent Senator Boyd changed his vote from yea to nay.

SB 686—A bill to be entitled An act for relief of Blake Hunt, father and natural guardian of William F. Hunt, a minor, providing for an appropriation to compensate him for personal injury and mental anguish suffered by his said minor son, William F. Hunt, as a result of the negligence of the personnel employed by the Department of Education of the State of Florida; providing an effective date.

—was read the second time by title.

On motion by Senator McClain the following amendment was adopted:

**Amendment 1**—On page 2, lines 17 and 18 strike "general revenue funds of the State of Florida" and insert after the word "the" on line 17: funds allocated to the Hillsborough County School Board

Pursuant to the announcement previously made by the President, and the hour having arrived, on motion by Senator Karl unanimous consent was obtained and the reports of the Select Committee on Executive Suspensions and the proceedings of the Senate in relation thereto were received and held in open session.

Senator Karl, Chairman of the Select Committee on Executive Suspensions, was accorded the privileges of the Well, and after brief remarks on the executive power of suspension, read the following report:

Honorable Jerry Thomas  
President  
The Florida Senate  
The Capitol

March 29, 1972

Dear Mr. President:

On the 5th day of August, 1970, Robert L. Jane, also known as Bob Jane, was suspended from the office of Constable, District 6, Seminole County Florida, by Governor Claude R. Kirk, Jr., for misfeasance, malfeasance, and neglect of duty in office arising out of matters reflected in three indictments against Mr. Jane, returned by the Grand Jury of the 18th Judicial Circuit in and for Seminole County, Florida, on August 4, 1970, charging him with bribery, falsifying public records, and assault and battery.

Two cases were filed against Mr. Jane, one charging falsification of public records and one charging assault and battery. The charge of assault and battery was dismissed on the defendant's motion and the case on the falsification of public records went to trial and resulted in a jury verdict of guilty. The court imposed a penalty of \$1,000 or three months in county jail on the conviction (a misdemeanor) and the matter is presently on appeal by Mr. Jane.

A pre-hearing conference on this matter was held October 15, 1971, in Senate Room 31, The Capitol, Tallahassee, Florida. On February 24, 1972, final hearing on the original Order of Suspension was held in the Senate Chamber. On that same day, Governor Askew issued an Amended Order of Suspension setting out, in considerable detail, the facts which were the basis for the Grand Jury's indictments and the original Order of Suspension by Governor Kirk. On that same day, a second Amended Order of Suspension was filed by Governor Askew. This order did not change the substantive matters contained in the amended order.

It appears from testimony presented to this Committee that Joseph Suprenant, a citizen of Seminole County, was taken into custody by Constable Jane on the 26th day of December, 1969. This is virtually the only undisputed fact in the matter. The Committee found itself faced with two diametrically opposed accounts of the circumstances surrounding the arrest.

Mr. Suprenant's story is that he was drinking lightly, minding his own business and playing shuffleboard at Charlie's Bar (located in JP District 3 in Seminole County); that Mr. Jane and another person, without warning or provocation wrestled him out of the tavern into an unmarked police car with a cage and took him to jail.

Mr. Jane's story is that he first came upon Mr. Suprenant outside a convenience store at Regency Square, (in JP District 6, which was Mr. Jane's district) and that Mr. Suprenant was

in an highly intoxicated condition; that because it was the day after Christmas he "arrested" Mr. Suprenant at that time but decided to allow him to go home, warning him if he saw him "out" in that condition again he would take him to jail; that later in the same evening Mr. Jane was also drinking lightly with a party at Charlie's Bar and playing shuffleboard; that Mr. Suprenant horned in on the game, became extremely obnoxious, and was highly intoxicated; and that after much long suffering and the exercise of great patience, Mr. Jane completed the arrest made earlier at Regency Square and took Mr. Suprenant to jail.

Mr. Jane's conviction of falsification of public records arises from the fact that Mr. Jane stated on an arrest fact sheet that he arrested Mr. Suprenant at Regency Square (in his own JP District 3) while the jury in the trial court must have concluded that he took Mr. Suprenant into custody in JP District 6, a district in which Mr. Jane had no jurisdiction. The Committee is not moved by Mr. Jane's novel argument concerning the time and place of "arrest".

The Committee believes, however, that even if Mr. Jane is guilty of having arrested a person outside his district (by at most a few hundred feet), this does not constitute malfeasance, misfeasance, or neglect of duty within the meaning of the law and the Constitution of Florida. Nor is the conviction of Mr. Jane for falsification of public records, misfeasance, malfeasance or neglect of duty within the purview of the law. That conviction is, at best, a technical violation of his duty as Constable.

Mr. Jane is probably guilty of having acted in an autocratic, overbearing, and impolite manner. As we have said in prior instances,

It is not the function of the Senate to remove public officials because they do not perform their duties quite as well as we think they should. The questions of degree of efficiency and effectiveness we leave to the electorate. We confine ourselves to a consideration of whether the conduct of the public official comes within the constitutional grounds for suspension and removal.

The Committee is persuaded that in view of the highly controverted nature of the evidence and the Committee's inability to determine, with preciseness, the true facts and concerning the arrest episode involving Mr. Jane and Mr. Suprenant, Robert L. Jane should not be removed from the office as Constable, District 6, Seminole County, Florida, and we therefore recommend that he be reinstated in that office. It is further recommended that attorney's fees, requested by the suspended official, be denied.

Respectfully submitted,

Frederick B. Karl, Chairman  
C. W. Beaufort  
Gerald A. Lewis  
T. Truett Ott  
Kenneth Plante  
C. S. Reuter  
Harold S. Wilson

[Executive Order of Suspension referred to Select Committee, October 9, 1970, S. J. p. 10; Amended Order and Second Amended Order referred, February 25, 1972, S. J. pp. 272-275]

Senator Karl moved the adoption of the report and that pursuant thereto Robert L. Jane not be removed from the office of Constable, District 6, Seminole County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—33

Mr. President	Broxson	Johnson (34th)	Poston
Arnold	Childers	Karl	Reuter
Barron	Daniel	Knopke	Scarborough
Beaufort	Ducker	Lane	Trask
Bell	Graham	Lewis (33rd)	Weissenborn
Bishop	Haverfield	Lewis (43rd)	Wilson
Boyd	Henderson	Myers	
Peterson	Hollahan	Ott	
Brantley	Johnson (29th)	Plante	

Nays—None

Senator Karl, Chairman of the Select Committee on Executive Suspensions, read the following report:

Honorable Jerry Thomas  
President  
The Florida Senate  
The Capitol

March 29, 1972

Dear Mr. President:

In the October term, 1971, Murray S. Meyerson was serving as the elected Constable, District 5, Dade County, Florida. During that term he was indicted by the Grand Jury in Dade County, and information was made by the State Attorney of the Eleventh Judicial Circuit, charging him with: conspiracy to commit grand larceny, grand larceny and compounding a felony. These charges grew out of the following circumstances which are essentially uncontroverted:

Richard Poelns was apprehended while allegedly using a credit card which had been taken from its rightful owner. He was before the Justice of the Peace Court of District 5 in February, 1971, and was bound over for trial on the criminal charge. His father, William Poelns, knew Mr. Meyerson and Mr. Meyerson, as Constable, had assisted the Poelns family in the resolution of a prior charge against Richard Poelns for passing worthless bank checks to Food Fair in the amount of approximately \$250.00. In that matter, Mr. Meyerson had helped arrange restitution by the Poelns' to Food Fair.

While in the JP court, William Poelns, surprised that his son had been bound over for trial, encountered Mr. Meyerson, whose offices were adjacent to the JP's office and court, and asked him if he could help his son in the credit card matter. Mr. Meyerson thereupon spoke to Mr. Sumner Spellman, an investigator for the credit card company, who was in the office at the time. He returned to Mr. Poelns and stated that something could apparently be done to rectify the situation if Mr. Poelns could come up with \$400.00 or \$500.00. Mr. Meyerson, who also has a private law practice, said he could not represent Mr. Poelns as his son's lawyer but referred him to Mr. Arthur Massey who was furnished office space by Mr. Meyerson's firm. Mr. Poelns engaged Mr. Massey to represent his son and during the ensuing months the Poelns' saw Mr. Massey and Mr. Meyerson separately on several occasions.

Richard Poelns' trial was set for the 16th of September, 1971. On the day before that trial, Mr. Poelns went to the State Attorney's Office in Miami. As a result of that visit, the State furnished Mr. Poelns with \$1,000.00 in identifiable currency, which William Poelns handed over to Mr. Meyerson at his Constable's office, whereupon Mr. Meyerson was arrested.

On October 4, 1971, Mr. Meyerson was suspended by Governor Askew on constitutional grounds of malfeasance, misfeasance, neglect of duty or the commission of a felony. (This order was amended on February 15, 1972, adding to the original charges on which the suspension was based, new charges of conspiracy to obstruct justice and the obstruction of justice.)

On December 17, 1971, in the Criminal Court of Record in Dade County, Florida, Mr. Meyerson was acquitted of all criminal charges.

A pre-hearing conference was held before this committee on February 10, 1972, in the Governor's Conference Room in Tallahassee, Florida, and final hearing was held on February 23, 1972, in Senate Room 31, Capitol Building, Tallahassee, Florida.

The essential question before this Committee was the *fitness for office* of a public official who has been acquitted of criminal charges in court. The question is not whether Mr. Meyerson committed any criminal act or used the power of his office corruptly. The question is whether his conduct in the Poelns matter constituted incompetence or neglect of his duty as a public officer to such an extent that he should now be deprived of that office.

Public officials are charged with a higher degree of propriety than ordinary citizens because they have been given great public trust and the betrayal of that trust constitutes a serious offense against the people.

The facts of this case were not in serious dispute. The interpretation of those facts and the motives and intent of Mr.

Meyerson were very much in dispute. It is the position of the Governor that Mr. Meyerson, on being approached by Mr. Poelns, agreed to "fix" the charge against Mr. Poeln's son for the sum of \$500.00 or \$1,000.00.

Quite to the contrary, Mr. Meyerson's position is that he, as a friend of Mr. Poelns, simply agreed to act as an intermediary between the Poelns family and the credit card company to arrange restitution (in the sum of approximately \$500.00) and to collect for his friend, Mr. Arthur Massey, a portion of his legal fee (another \$500.00).

In consideration of the evidence, consisting of a transcript of monitored telephone calls, a tape recording, a transcript of testimony adduced in the criminal trial court and the testimony heard by this Committee, the Committee concludes that, while there is an obvious and direct conflict as to the meaning of the actions of the parties, the conduct of Mr. Meyerson in the circumstances was inconsistent with his contention that he was acting as a friendly, disinterested intermediary to arrange restitution and to collect a legal fee.

Mr. Meyerson must be held to a high standard of conduct. The fact that, in part, the negotiations were carried on in and around the Constable's office lends credence to a belief and understanding that Mr. Meyerson used his influence as a public officer to affect the outcome of the trial of criminal charges against Richard Poelns though there is little evidence that Mr. Meyerson could have actually affected those proceedings. It is the accoutrements of office, the atmosphere of officialdom which we believe were used to attempt to affect (or to appear to affect) a matter before the courts. Mr. Meyerson was not only a lawyer and a Constable, he was an officer of the courts of this State. He knew that Mr. Poelns was represented by counsel and that his counsel was the appropriate agent for arranging restitution if such arrangements could be made and were desirable to the conduct of the defense in the criminal charge against Richard Poelns.

It is therefore the recommendation of this Committee that the suspension order of the Governor be upheld and that Murray S. Meyerson be removed as Constable, District 5, Dade County, Florida.

Respectfully submitted,

	Yes	No
Frederick B. Karl, Chairman	X	
C. W. Beaufort	X	
Gerald A. Lewis		X
T. Truett Ott	X	
Kenneth Plante	X	
C. S. Reuter	X	
Harold S. Wilson		X

[Executive Order of Suspension referred to Select Committee February 2, 1972, S. J. pp. 59--60; Amended Order referred, February 15, 1972, S. J. pp. 248--249]

Senator Karl moved the adoption of the report.

Senator Knopke presiding.

On motion by Senator de la Parte, the rules were waived and the Committee on Ways and Means was granted permission to meet immediately upon noon adjournment to consider CS for HB 4030 and CS for HB 4060.

The President presiding.

On motion by Senator Hollahan, it was agreed by two-thirds vote that when the Senate adjourns it recess to reconvene at 1:30 p. m., this day.

On motion by Senator Boyd, Rule 4.14 requiring fifteen minutes' notice was waived and unanimous consent was obtained to take up HB 3251 out of order—

HB 3251—A bill to be entitled An act relating to legislative apportionment; amending section 10.001, Florida Statutes, to provide that representation of the people of Florida shall be in accordance with Section 16, Article III of the State Constitution, and to provide that the apportionment arrived at pursuant thereto shall be published in the Florida Statutes; providing an effective date.

On motions by Senator Boyd, by two-thirds vote, HB 3251 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	Broxson	Hollahan	Saunders
Arnold	Childers	Horne	Scarborough
Barron	Deeb	Johnson (29th)	Stolzenburg
Beaufort	de la Parte	Knopke	Trask
Bell	Ducker	Lane	Ware
Bishop	Gong	Lewis (33rd)	Weissenborn
Boyd	Graham	Lewis (43rd)	Wilson
Peterson	Haverfield	Myers	
Brantley	Henderson	Poston	

Nays—None

By unanimous consent Senators Gunter, Karl, Plante and Reuter were recorded as voting yea.

On motion by Senator Trask, HB 4356 was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote.

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

By Senator Horne—

SB 1309—A bill to be entitled An act providing for and fixing the compensation of members of the city commission and the mayor of the City of Tallahassee; repealing all laws or parts of laws in conflict therewith; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1309.

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

On motion by Senator Horne, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1309 out of order.

On motions by Senator Horne, by two-thirds vote, SB 1309 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—38

Arnold	Deeb	Johnson (34th)	Saunders
Barron	de la Parte	Karl	Sayler
Beaufort	Ducker	Knopke	Scarborough
Bell	Gong	Lane	Trask
Bishop	Graham	Lewis (33rd)	Ware
Boyd	Haverfield	Lewis (43rd)	Weissenborn
Peterson	Henderson	Myers	Williams
Brantley	Hollahan	Plante	Wilson
Broxson	Horne	Poston	
Childers	Johnson (29th)	Reuter	

Nays—None

On motion by Senator Barron, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1279 out of order—

SB 1279—A bill to be entitled An act relating to justice of the peace courts; repealing chapter 37, Florida Statutes; providing an effective date.

On motions by Senator Barron, by two-thirds vote, SB 1279 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—30

Mr. President	Ducker	Johnson (34th)	Saunders
Arnold	Gong	Karl	Sayler
Barron	Graham	Lane	Scarborough
Beaufort	Gunter	Lewis (33rd)	Ware
Bell	Henderson	McClain	Weissenborn
Peterson	Hollahan	Plante	Wilson
Brantley	Horne	Poston	
Childers	Johnson (29th)	Reuter	

## Nays—2

Bishop Broxson

By unanimous consent Senator Trask was recorded as voting yea.

On motion by Senator Horne, HB 4378 was withdrawn from the Committee on Governmental Efficiency by two-thirds vote and placed on the calendar.

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

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas  
President of the Senate

March 29, 1972

Sir:

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

By Senator Sayler and others—

SB 1132—A bill to be entitled An act relating to Pinellas County; amending subsection (4) of section 4 and section 13 of chapter 71-859, Special Acts, 1971, relating to the Pinellas planning council; providing a procedure for filling vacancies due to unexcused absences; providing for cooperation by local governments and planning agencies; providing that members shall serve at the pleasure of respective appointing authorities; providing procedures for removal from office; providing for determination of the necessity of a separate planning staff; providing an effective date.

## Amendment 1

On page 1, strike everything after the enacting clause and insert the following:

Section 1. Section 1 of Chapter 71-859, Laws of Florida, 1971, is hereby amended to read as follows:

Section 1. Pinellas Planning Council created. There is hereby created a county wide planning, development and coordinating council to be known as The Pinellas Planning Council, herein-after called "the council", to conduct continuous planning and prepare standards and policies as part of a comprehensive development plans to be effective throughout Pinellas County and its municipalities make recommendations to the board of county commissioners of Pinellas County, the district school board of Pinellas County, municipalities in Pinellas County and other appropriate bodies concerning the orderly growth and development of Pinellas County as set forth in Section 5 of this act.

Section 2 of Chapter 71-859, Laws of Florida, 1971, is hereby amended to read as follows:

Section 2. Purpose of council.—The legislature recognizes the social and economic interdependence of the people residing within Pinellas County and the common interest they share in its future development. The legislature further recognizes that plans and decisions made by municipalities local governments within the county with respect to land use, circulation patterns, capital improvements, pollution control and the like, affect the welfare of the entire county as well as neighboring jurisdictions, and therefore the purpose of this act is to provide a means for:

(1) Formulation and execution of objectives and policies necessary for the orderly growth, development and environmental protection of Pinellas County as a whole.

(2) Coordination by the Pinellas Planning Council of the objectives, plans and policies of the separate units of government comprising Pinellas County.

(3) Coordination by the Pinellas Planning Council of all planning and development in Pinellas County with regional planning objectives in the Tampa Bay area.

The legislature further recognizes that the economic foundation of the Tampa Bay area, the Pinellas Peninsula and its many units of government depend upon the way natural and man-made resources of land, air and water are guided into use and re-use, by such traditional government action as zoning, in order to assure allocation of resources for use not only of present but of future generations in a viable economy.

The legislature also recognizes that the major responsibility for county-wide coordination of development through such features as zoning, subdivision regulations, and other development codes including innovations such as development guidance systems, all predicated upon firmly established goals and plans, should rest with the larger units of government within the county, with sufficient legal power to originate, participate in and guide development decisions. This function should appropriately be lodged within that common denominator agency created and known as the Pinellas Planning Council, in strong reliance upon close work with the various units of local government and in coordination with the Tampa Bay Regional Planning Council.

For the general welfare of all Pinellas County, all proposed planning, zoning and development-oriented code actions must be subject to review and approval by the Pinellas Planning Council with provisions for review and comment by the Tampa Bay Regional Planning Council. The planning, zoning and development authorities of small municipalities and limited governmental creatures such as special purpose districts should be exercised by the Pinellas Planning Council due to the lack of adequate technical or administrative resources in such lesser units of government. It is the intention of this act that the Pinellas Planning Council exercise such planning, zoning and development authority by applying pertinent inter-community, county-wide and region-wide considerations as necessary to be set forth in a comprehensive county-wide plan. Following the adoption of such a plan by the Pinellas Planning Council, it becomes the intention of this act to secure conformity to such plan, by common ordinances, codes and development policies, superseding any contrary local governmental policies, codes or ordinances that may be in conflict with such plan, document or suggested codes and ordinances.

Section 3. Section 5 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended by adding subsections 7, 8 and 9 to read as follows:

Section 5. Powers and duties.—

(7) To develop a comprehensive plan and overall development policy document, taking into account existing plans and development policies of the local units of government and prepare standards and policies as a part of same.

(8) To prepare a county-wide set of development regulations, starting with a zoning ordinance, or development guidance system code, to include subdivision regulations, and shall complete such ordinance or code within a period of two (2) years. Subsequently, other county-wide codes and ordinances such as building codes, fire codes, house moving ordinances, housing amenity ordinances, etc., shall be prepared within a reasonable length of time.

(9) To adopt codes and ordinances in the manner set forth in this act to be effective county-wide. Said codes or ordinances, once adopted, shall have the effect and force of law, and replace and negate all former similar codes and ordinances that may have been in effect anywhere in the county.

Section 4. Section 7 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 7. Planning duties of council.—It is the duty of the council to conduct continuous planning to formulate a long-range plan for the orderly growth and development of Pinellas County, to continually revise and extend same to meet changing conditions, and to make recommendations to the board of county commissioners of Pinellas County and to the various municipalities in Pinellas County, the district school board of Pinellas

County, and other appropriate public bodies concerning the orderly growth and development of Pinellas County, to forward such plan and document to the Tampa Bay Regional Planning Council for review and coordination with regional goals and objectives. The Pinellas Planning Council shall also file such plan and document with units of local government in Pinellas County. Such recommendations plan and document shall include, but not be limited to, the development of water resources and waterways, highways, roads and streets, public and private parking areas, recreational areas, public schools and public libraries, public transportation facilities, sewage and garbage disposal, air traffic, transportation terminals, urban redevelopment, and other public facilities and activities concerning the acquisition, planning, construction, development, financing, control, use, improvement and disposition of lands, buildings, structures, facilities, goods or services relating to public use or involving the expenditure of public funds.

Section 5. Section 8 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 8. Public hearings; adoption of plans; etc.—

(1) Whenever public hearings are called for in this act, they shall be held in the major populated areas of the county, with particular attention given to those municipalities with a population of 20,000 or more according to the latest official U. S. Census, at a place of suitable size and convenience. The council shall conduct at least five (5) such hearings, three of which shall always be one each in St. Petersburg, Clearwater and Tarpon Springs.

(2) At least two (2) weeks' prior notice of the hearings shall be given in writing to the board of county commissioners, district school board, and to the city council or comparable body of all municipalities in Pinellas County, and to any other federal state, local, public, semipublic, civic or private body which the council determines as having an interest in such a long-range plan, revision or extension thereto. In addition, at least two (2) weeks' prior notice of the time and place of such hearing shall be given by publication in a newspaper of general circulation in Pinellas County.

(3) The adoption of any long-range plan, revision or extension thereto shall be by the affirmative vote of not less than thirteen (13) of the members of the council.

Section 6. Section 9 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 9. Adoption or rejection of plans; procedure.—The board of county commissioners of Pinellas County, the district school board, any municipality and other appropriate public bodies in Pinellas County shall adopt such long range plan, revision, or extension thereto, or any part thereof, as it may deem proper by such procedure as is required by law; or, within ninety (90) days after having received such plan, revision or extension thereto, or any part thereof, shall reject it with its written reasons to the council for such rejection, and instructions to the council for new or revised plans. When new or revised plans are called for, they shall be resubmitted to the original governmental agency for which they are intended as soon as feasible, and such governmental agency shall accept or reject such plans within sixty (60) days. The board of county commissioners of Pinellas County, the district school board, any municipality and other appropriate bodies in Pinellas County reserve the right of final adoption or rejection of any such long range plan, revision or extension thereto, or any part thereof, submitted by the council.

(a) In the exercise of the power conferred by this act, the Pinellas Planning Council shall prepare standards and policies as part of a comprehensive plan and overall development policy document, taking into account existing plans and development policies of the local units of government. Such plan and document shall be forwarded to the Tampa Bay Regional Planning Council for review and coordination with regional goals and objectives. The Pinellas Planning Council shall also file such plan and document with units of local government in Pinellas County.

(b) Upon receipt of such comprehensive plan and development policy document, local units of government shall be afforded ninety (90) days within which to respond to the Pinellas Planning Council, and such response shall be in writing, detailed and documented with the reasoning of points raised

in opposition to or suggestion of change to the Pinellas Planning Council proposal for such plan and document, or approval thereof.

(c) The Pinellas Planning Council shall then call public hearings as set forth in this act.

(d) The Council shall then vote on the plan as is or revise it. If plan is revised at this time, such revision shall be accomplished in like manner as the original adoption, except that the time within which to respond to the Council to said revision or amendment shall be reduced to forty five (45) days.

Section 7. Section 10 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 10. Procedure after adoption of plan.—Upon the adoption of such a long range plan, revision or extension thereto, or any part thereof, by the board of county commissioners of Pinellas County, the district school board, any municipality and other appropriate public bodies in Pinellas County, or any state governmental body, the same thereafter shall not be changed without first referring such proposed change back to the council for its recommendations, except that changes to permit variations from the long-range plan, revision or extension thereto need not be referred back to the council, provided such changes are of a minor or routine nature and do not materially affect the overall long-range plan, revision or extension thereto, and are in the public interest, all of which shall be determined by the board of county commissioners of Pinellas County, the district school board or the municipality or municipalities or other appropriate public boards in Pinellas County involved. When a proposed change has been referred back to the Council, the Council shall report its recommendations with respect to such change within sixty (60) days after the receipt of such proposed change.

(a) Any municipality or special purpose district located within Pinellas County and the county government, having power to establish, by either ordinance or policy, standards over development, shall, upon adoption by the Pinellas Planning Council of a county-wide comprehensive plan in coordination with the Tampa Bay Regional comprehensive plan, give notice to the Pinellas Planning Council of any proposal which, if adopted, would have the result of changing any form of land, air, water use or development regulation. The notice shall be in writing and shall be filed with the Pinellas Planning Council.

(b) If the Pinellas Planning Council, in coordination with the Tampa Bay Regional Planning Council, determines that the grant or denial of any proposal by local government would affect the county-wide plan and its development policy and resultant proposed ordinances and codes, it shall report its decision thereon to the referring local government with a full statement of the reasons for its decision. If the Pinellas Planning Council fails to report within forty-five (45) days after receiving notice of the proposal or hearing, the local government having jurisdiction to act may do so without such report.

(c) The local government having jurisdiction shall act in accordance with the decisions of the Pinellas Planning Council, unless the local government adopts a resolution fully setting forth the reasons for contrary action. Such resolution must be by affirmative vote of at least three-fourths of the governing body of said local government, and must be filed with the Pinellas Planning Council within seven (7) days of the adoption of said resolution. The local governmental action shall not become effective if adverse to the recommendation of the Pinellas Planning Council until the Pinellas Planning Council will have considered the resultant resolution of the local government, as to its reasons for not being supportive of the Planning Council's plan, development policies document, suggested zoning, and other development codes and ordinances, and the Pinellas Planning Council accordingly taken a new vote after study of such resolution with its position and decision being reported to the local government, with said local government again having to either support the position of the Planning Council or again by a second vote of at least three-fourths of the government body of said local government, determining an alternate course of action. In all instances, the officially adopted county comprehensive plan and overall development policy shall be the prevailing material for decisions and judgments of the Pinellas Planning Council and local governmental agencies.

Section 8. Section 11 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 11. Enforcement.—Whenever a long range plan, revision or extension thereto is adopted by the board of county commissioners of Pinellas County, the district school board, or the city council or comparable body of any municipality, or other appropriate public body in Pinellas County, the enforcement, within its territorial limits, of said long range plan, revision or extension thereto, shall rest solely with said municipality, district school board or other appropriate public body, or, if outside the limits of any municipality, then solely with the board of county commissioners.

Once adopted, such code or ordinance shall be filed of record in the office of the clerk of circuit court, then with each local unit of government and with the Tampa Bay Regional Planning Council. Once filed of record in the office of the clerk of circuit court, such code or ordinance shall have all the force and effect of an ordinance and shall be enforced as provided by law or by extraordinary remedy or injunction.

Section 9. Section 12 of Chapter 71-859, Laws of Florida, Special Acts, 1971, is hereby amended to read as follows:

Section 12. Contractual services.—The Council, board of county commissioners of Pinellas County, district school board, and any municipality or other appropriate public body in Pinellas County shall have authority to contract with one another for the furnishing of such services and assistance as may be necessary or proper under the provisions of this act. The Council may make available the long range plan, revision or extension thereto, to any other county, federal agency or municipality upon such terms as may be mutually agreed upon.

Section 10. Severability.—It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 11. Conflicts.—All laws, parts of laws, ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. This act shall take effect upon becoming a law.

#### Amendment 2

In the title, line 3, strike the title in its entirety and insert the following:

An act relating to Pinellas County, as a part of the Tampa-St. Petersburg Standard Metropolitan Statistical Area, and as a part of the Tampa Bay Region as reflected by the Tampa Bay Regional Planning Council; providing for the expansion of duties and powers of the Pinellas Planning Council and the expansion of said duties and powers in relation to the Tampa Bay Regional Planning Council; providing for mandatory development of and adoption of a comprehensive plan; providing for the manner of establishment and enforcement of development guidance systems, including such traditional measures as zoning, subdivision regulations, house moving ordinances, housing amenity ordinances, building codes, fire codes, electrical, plumbing, gas and similar codes relative to guidance of proper developments providing for power to establish common county-wide zoning ordinances, codes, and development policies superseding any contrary local governmental policies, codes, or ordinances that may be in conflict therewith; providing for public hearings; providing for notice to be given to the Pinellas Planning Council by municipalities proposing any changes which would affect county-wide policies; providing for recommendations to local governments from the Pinellas Planning Council and a method by which local governments may have their views considered by the Pinellas Planning Council; amending sections 1, 2, 5, 7, 8, 9, 10, 11, and 12 of Chapter 71-859, Laws of Florida, 1971; providing for the severability of the provisions hereof; providing for the repeal of all laws, parts of laws, ordinances, or parts of ordinances in conflict herewith to the extent of such conflict; and providing for an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

On motions by Senator Saylor, the Senate refused to concur in House amendments 1 and 2 to SB 1132, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

On motion by Senator Gunter, HB 2020 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:05 p.m. to reconvene at 1:30 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—46:

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

On motion by Senator Karl, further consideration of the Executive Order of Suspension in the matter of Murray S. Meyerson, Constable District 5, Dade County, Florida, was temporarily deferred.

By unanimous consent Senator Bell changed his vote from yea to nay on SJR 1305 which passed the Senate on March 29.

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

HB 3045—A bill to be entitled An act relating to the clerks of courts of the state; setting normal hours that the office of clerks of the several courts be open; granting discretionary power to the clerks to set additional hours for opening; providing an effective date.

On motions by Senator Boyd, by two-thirds vote, HB 3045 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—26

Mr. President	Ducker	Lewis (33rd)	Scarborough
Arnold	Graham	Lewis (43rd)	Stolzenburg
Barrow	Haverfield	Myers	Ware
Bell	Hollahan	Ott	Weber
Boyd	Johnson (29th)	Plante	Wilson
Peterson	Karl	Saunders	
Brantley	Knopke	Saylor	

Nays—None

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

CS for HB 3165—A bill to be entitled An act making the industrial relations commission full time; amending §20.17(8), Florida Statutes; amending §440.44(2), Florida Statutes; providing qualifications; providing salaries; providing an appropriation; providing an effective date.

On motion by Senator Hollahan, the rules were waived and CS for HB 3165 as amended which was on the special order calendar for consideration at 2:00 p.m. was read the third time by title, passed and certified to the House. The vote was:

Yeas—23

Arnold	Daniel	Johnson (29th)	Reuter
Beaufort	Deeb	Johnson (34th)	Saylor
Bishop	Graham	Karl	Scarborough
Peterson	Haverfield	Myers	Trask
Brantley	Henderson	Plante	Weissenborn
Childers	Hollahan	Poston	

Nays—12

Bell	Lewis (33rd)	Ott	Weber
Ducker	Lewis (43rd)	Saunders	Williams
Lane	McClain	Ware	Wilson

By unanimous consent Senators Broxson, Gunter and Boyd were recorded as voting yea.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas* March 30, 1972  
*President of the Senate*

Sir:

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

SB 1238	SB 1288	SB 1297
SB 1247	SB 1292	SB 1272
SB 1276	SB 1271	SB 1135
SB 1268	SB 1206	SB 1226
SB 1301		

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

*The Honorable Jerry Thomas* March 30, 1972  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 1236.

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

The bills contained in the above messages were ordered enrolled.

*The Honorable Jerry Thomas* March 30, 1972  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety, and passed as further amended by Conference Committee Report, SB 936.

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

The bill contained in the above message was ordered engrossed.

*The Honorable Jerry Thomas* March 29, 1972  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment, by the required constitutional three-fifths vote of the membership of the House—

By the Committee on Ways and Means—

CS for SJR 292—A joint resolution proposing an amendment to Article XII, Section 9(a), of the State Constitution to delete

the prohibition against the issuance of revenue bonds under the authority of Article IX, Section 17, of the Constitution of 1885, as amended; providing that revenue bonds, revenue certificates, or other evidences of indebtedness hereafter issued thereunder may be issued by the agency of the state authorized to do so by law.

which amendment reads as follows:

On page 8, line 7, insert the following: (f) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (d) differs from that contained herein, then such other language shall prevail over the language of subsection (d) as contained herein.

—and requests the concurrence of the Senate therein.

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

On motion by Senator Ware, the Senate concurred in the House amendment to CS for SJR 292.

CS for SJR 292 as further amended was read in full as follows:

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

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

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

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

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

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

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

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

SECTION 9. Bonds.—

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

Article XII, Section 19, of the Constitution of 1885, as amended, as it existed immediately before this revision becomes effective, is adopted by this reference as a part of this revision as completely as though incorporated herein verbatim, except bonds or tax anticipation certificates hereafter issued there-

under may bear interest not in excess of five percent (5%) per annum of such higher interest as may be authorized by statute passed by a three-fifths (3/5) vote of each house of the legislature. No revenue bonds or tax anticipation certificates shall be issued pursuant thereto after June 30, 1975.

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

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

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

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

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

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

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty percent to the state agency supervising the state road system and twenty percent to the governing body of the county. The percentage allocated to the county may be increased by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without

any election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five percent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

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

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

(f) If, at the general election at which this amendment is adopted, there is also adopted an amendment to this section wherein the proposed language of subsection (d) differs from that contained herein, then such other language shall prevail over the language of subsection (d) as contained herein.

The Secretary called the roll and CS for SJR 292 as further amended passed with the required constitutional three-fifths vote of the membership and was ordered engrossed. The action of the Senate was certified to the House. The vote was:

**Yeas—39**

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

**Nays—1**

**Barrow**

**Co-Introducer**

By permission Senator Ware was recorded as a co-introducer of CS for SJR 292.

**HB 3825**—A bill to be entitled An act relating to educational television and radio; amending §229.805(3), Florida Statutes; providing authorization of equipment, funds, and services to educational television and radio systems of tax supported institutions and non-profit corporations; providing an effective date.

—having been reconsidered March 29, was taken up pending roll call, passed and certified to the House. The vote was:

**Yeas—36**

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

**Nays—1**

**Bishop**

By unanimous consent Senator Gunter was recorded as voting yea.

Senator Wilson moved that the rules be waived and time of adjournment be extended until 6:00 p.m. and the Senate, for one hour, resume consideration of the morning session special order calendar. The motion was adopted.

**HB 1229**—A bill to be entitled An act for the relief of Daniel K. Dickson and Linda Jean Dickson; providing for an appropriation to compensate them for damages sustained as a result of the negligence of John F. Sheppard, an employee of the State Department of Public Safety; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Claims offered the following amendment which was adopted on motion by Senator Scarborough:

**Amendment 1**—On pages 4 and 5, lines 13, 14, 21, 22, 28, 29; Page 5: lines 1 and 2 strike "State Department of Public Safety" and insert: General Revenue Fund

On motion by Senator Scarborough, by two-thirds vote HB 1229 as amended was read the third time by title, passed and certified to the House. The vote was:

**Yeas—26**

Arnold	Daniel	Johnson (29th)	Saunders
Barron	Ducker	Johnson (34th)	Scarborough
Barrow	Gong	Lewis (33rd)	Trask
Bell	Graham	Lewis (43rd)	Ware
Peterson	Haverfield	Myers	Wilson
Brantley	Henderson	Plante	
Childers	Horne	Poston	

**Nays—2**

Lane                      **Stolzenburg**

By unanimous consent Senator Williams was recorded as voting yea.

**HB 1651**—A bill to be entitled An act for the relief of Mrs. Dewey Anderson; providing an appropriation to compensate her for injury suffered at Santa Fe Junior College; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 1651 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—30**

Mr. President	Deeb	Karl	Sayler
Barrow	Ducker	Lewis (33rd)	Stolzenburg
Bell	Fincher	McClain	Trask
Peterson	Gong	Myers	Ware
Brantley	Graham	Ott	Weber
Broxson	Henderson	Poston	Weissenborn
Childers	Hollahan	Reuter	
Daniel	Johnson (34th)	Saunders	

**Nays—2**

Lane                      **Wilson**

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

**The Senate resumed—**

**SB 686**—A bill to be entitled An act for relief of Blake Hunt, father and natural guardian of William F. Hunt, a minor, providing for an appropriation to compensate him for personal injury and mental anguish suffered by his said minor son, William F. Hunt, as a result of the negligence of the personnel employed by the Department of Education of the State of Florida; providing an effective date.

—which, by two-thirds vote, was read the third time by title as amended, on motion by Senator McClain.

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

**Amendment 2**—On page 2, lines 16 and 17 and lines 27 and 28 strike "twenty thousand (\$20,000)" and insert: Eight thousand (\$8,000)

SB 686 as further amended passed and was ordered engrossed. The vote was:

**Yeas—32**

Arnold	Deeb	Johnson (29th)	Plante
Barron	Ducker	Johnson (34th)	Poston
Barrow	Fincher	Lane	Reuter
Bell	Gong	Lewis (33rd)	Saunders
Bishop	Graham	Lewis (43rd)	Scarborough
Peterson	Haverfield	McClain	Stolzenburg
Brantley	Henderson	Myers	Trask
Childers	Horne	Ott	Ware

**Nays—1**

**Wilson**

**HB 1495**—A bill to be entitled An act for the relief of Arthur J. Cote; providing an appropriation to compensate him for loss of personal clothing and injury through the careless maintenance of a manhole cover on U.S. 301, north of 8th Street, in Sarasota County; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1495 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—25**

Mr. President	Ducker	Johnson (34th)	Saunders
Arnold	Fincher	Knopke	Stolzenburg
Bell	Gong	Lane	Ware
Peterson	Graham	Lewis (33rd)	Wilson
Brantley	Henderson	Lewis (43rd)	
Childers	Horne	Myers	
Deeb	Johnson (29th)	Poston	

**Nays—None**

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

**HB 1536**—A bill to be entitled An act providing for the relief of Effie F. Beasley; providing an appropriation to compensate her for retirement income; providing an effective date.

—was read the second time by title. On motion by Senator Horne, by two-thirds vote HB 1536 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—29

Mr. President	Ducker	Knopke	Scarborough
Arnold	Gong	Lane	Stolzenburg
Barron	Graham	Lewis (33rd)	Ware
Bell	Haverfield	Lewis (43rd)	Williams
Peterson	Henderson	Myers	Wilson
Brantley	Horne	Plante	
Childers	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Saunders	

## Nays—None

By unanimous consent Senator Barrow was recorded as voting yea.

**HB 1654**—A bill to be entitled An act for the relief of Dian L. Berry; providing an appropriation to compensate her for damages sustained as the result of the negligence of the University of West Florida; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 1654 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—26

Arnold	Ducker	Johnson (29th)	Plante
Barron	Fincher	Johnson (34th)	Poston
Bell	Gong	Knopke	Scarborough
Peterson	Graham	Lane	Stolzenburg
Brantley	Haverfield	Lewis (33rd)	Ware
Childers	Henderson	Lewis (43rd)	
Deeb	Hollahan	Myers	

## Nays—1

Wilson

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

**HB 2628**—A bill to be entitled An act for the relief of Thomas J. Forsyth; providing compensation for losses suffered by Thomas J. Forsyth due to a fire in the house he occupied in Union County as an employee of the division of corrections; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Wilson moved the adoption of the following amendment:

**Amendment 1**—On page 2, lines 6, 7 and 13 strike "twenty-five thousand dollars (\$25,000)" and insert: twelve thousand three hundred seventy-nine dollars and forty-one cents (\$12,379.41)

The amendment was adopted by the following vote:

## Yeas—18

Mr. President	Fincher	Lewis (43rd)	Ware
Bell	Haverfield	Plante	Weber
Broxson	Knopke	Saunders	Wilson
Childers	Lane	Stolzenburg	
Ducker	Lewis (33rd)	Trask	

## Nays—8

Arnold	Graham	Johnson (29th)	Poston
Brantley	Henderson	Johnson (34th)	Weissenborn

On motion by Senator Saunders, the Senate reconsidered the vote by which Amendment 1 was adopted and the amendment failed.

On motion by Senator Brantley, by two-thirds vote HB 2628 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—28

Arnold	Deeb	Henderson	Plante
Barrow	de la Parte	Johnson (29th)	Poston
Peterson	Ducker	Johnson (34th)	Saunders
Brantley	Fincher	Knopke	Scarborough
Broxson	Gong	Lewis (33rd)	Ware
Childers	Graham	Lewis (43rd)	Weissenborn
Daniel	Haverfield	McClain	Williams

## Nays—4

Bell	Lane	Stolzenburg	Wilson
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By unanimous consent Senator Trask was recorded as voting yea.

SB 132 was laid on the table.

**HB 2629**—A bill to be entitled An act for the relief of Mrs. Selma Hirshaut; making an appropriation to compensate her for injuries sustained when a department of transportation bridge that she was crossing was negligently opened, causing her to fall; providing an effective date.

—was read the second time by title. On motion by Senator Lewis (43rd), by two-thirds vote HB 2629 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—36

Arnold	de la Parte	Johnson (29th)	Sayler
Barrow	Ducker	Johnson (34th)	Scarborough
Bell	Fincher	Knopke	Stolzenburg
Peterson	Gong	Lane	Trask
Brantley	Graham	Lewis (33rd)	Ware
Broxson	Haverfield	Lewis (43rd)	Weber
Childers	Henderson	McClain	Weissenborn
Daniel	Hollahan	Poston	Williams
Deeb	Horne	Saunders	Wilson

## Nays—None

**HB 2742**—A bill to be entitled An act for the relief of Donovan L. Christian, to compensate him for damages to his boat as a result of the negligence of the department of natural resources; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 2742 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—33

Arnold	Ducker	Johnson (34th)	Trask
Barrow	Fincher	Knopke	Ware
Bell	Gong	Lane	Weber
Peterson	Graham	Lewis (33rd)	Weissenborn
Brantley	Haverfield	Lewis (43rd)	Williams
Broxson	Henderson	McClain	Wilson
Childers	Hollahan	Poston	
Deeb	Horne	Saunders	
de la Parte	Johnson (29th)	Stolzenburg	

## Nays—None

Senator Barron moved that the rules be waived and CS for HB 547 be removed from the table, the unfavorable report of the Committee on Ways and Means to the contrary notwithstanding. The motion was adopted by the following vote:

**Yeas—21**

Mr. President	Childers	Horne	Ware
Arnold	Deeb	Knopke	Weissenborn
Barron	de la Parte	Lewis (33rd)	Wilson
Bell	Gong	Lewis (43rd)	
Peterson	Haverfield	McClain	
Broxson	Hollahan	Sayler	

**Nays—10**

Ducker	Lane	Stolzenburg	Williams
Johnson (29th)	Poston	Trask	
Johnson (34th)	Saunders	Weber	

Senator Barron moved that CS for HB 547 be placed first on the Special Order Calendar. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

**Yeas—20**

Mr. President	Broxson	Hollahan	McClain
Arnold	Childers	Horne	Sayler
Barron	de la Parte	Knopke	Ware
Bell	Gong	Lewis (33rd)	Weissenborn
Peterson	Haverfield	Lewis (43rd)	Wilson

**Nays—11**

Ducker	Johnson (34th)	Saunders	Weber
Henderson	Lane	Stolzenburg	Williams
Johnson (29th)	Poston	Trask	

**Senator Weber presiding.**

Senator de la Parte moved that the Senate reconsider the vote by which the foregoing motion by Senator Barron failed.

Senator Poston moved that debate on the motion by Senator de la Parte be limited to 2 minutes per side. The motion failed to receive the necessary two-thirds vote. The vote was:

**Yeas—21**

Barron	Ducker	Johnson (34th)	Stolzenburg
Barrow	Fincher	Knopke	Trask
Childers	Graham	Lewis (33rd)	Ware
Daniel	Haverfield	Saunders	
Deeb	Hollahan	Sayler	
de la Parte	Horne	Scarborough	

**Nays—15**

Bell	Johnson (29th)	McClain	Weissenborn
Peterson	Karl	Ott	Williams
Gong	Lane	Plante	Wilson
Henderson	Lewis (43rd)	Poston	

On motion by Senator Hollahan, by two-thirds vote, debate on the motion by Senator de la Parte was limited to 1 minute per side.

On motion by Senator Lewis (43rd), the Senate reconsidered the vote by which the foregoing motion was adopted. Senator Hollahan withdrew the motion.

**The President presiding.**

Senator Hollahan moved as a substitute motion for the motion by Senator de la Parte that CS for HB 547 be placed on the Special Order Calendar for March 31 and the motion was adopted by two-thirds vote.

**Senator Beaufort was recorded present.**

Pursuant to the motion by Senator Wilson, the Senate resumed Special Order Calendar for 2:00 p.m.

**SB 692—**A bill to be entitled An act relating to the education of exceptional children; authorizing the division of ele-

mentary and secondary education to establish an instructional materials coordinating unit and resource center for visually handicapped children and youth; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote SB 692 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—28**

Mr. President	Daniel	Horne	Ott
Arnold	Deeb	Johnson (29th)	Plante
Barrow	Ducker	Lane	Poston
Beaufort	Fincher	Lewis (33rd)	Reuter
Bishop	Graham	Lewis (43rd)	Saunders
Peterson	Haverfield	McClain	Trask
Broxson	Hollahan	Myers	Wilson

**Nays—None**

By unanimous consent Senators de la Parte, Barron, Boyd, Bell, Childers and Ware were recorded as voting yea.

**Co-Introducers**

By permission Senator Thomas was recorded as a co-introducer of SB 692.

**SB 365—**A bill to be entitled An act relating to personnel of school system; amending chapter 231.50, Florida Statutes, relating to incapacitated elderly teachers; providing an effective date.

—was read the second time by title.

The Committee on Public Schools offered the following amendment which was moved by Senator Broxson:

**Amendment 1—**On page 2, line 2 insert: However, no person who has received benefits of the teachers' retirement system of the state shall be entitled to receive such allowance.

Senators Saunders and Broxson offered the following substitute amendment which was adopted on motion by Senator Broxson:

**Amendment 2—**On page 1 and 2, strike everything after the enacting clause and insert: Section 1. Section 231.50, Florida Statutes, is amended to read:

231.50 Monthly allowance; when made.—

(1) Whenever any person has served as a teacher in the public schools of Florida or has served therein as superintendent, or both, for an aggregate period of twenty or more years, and such person is then incapacitated to do and perform any vocational work sufficient to earn a livelihood, such person shall thereafter, so long as the above conditions exist, during the remainder of his life, be entitled to a monthly allowance of one hundred fifty dollars. However, no person who has ever been eligible to become a member of the teachers' retirement system of the state shall be entitled to receive such allowance.

(2) Whenever any person has served as a teacher in the public schools of Florida, is seventy-five (75) years of age or older, and is incapacitated to do and perform any vocational work sufficient to earn a livelihood, such person shall thereafter, during the remainder of his life, be entitled to a monthly allowance based on years of service as follows: an aggregate of ten (10) years but not more than fifteen (15) years, a monthly allowance of seventy-five dollars (\$75); more than fifteen (15) years and up to twenty (20) years, a monthly allowance of one hundred dollars (\$100). No person who has ever been eligible to become a member of the Teachers Retirement System of the state shall be entitled to receive such allowance. The monthly allowance authorized by this substitute shall begin on July 1, 1972.

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

Senators Saunders and Broxson offered the following amendment which was adopted on motion by Senator Broxson:

**Amendment 3**—On page 1, strike the title and insert: A bill to be entitled An act relating to pensions for elderly incapacitated teachers; amending Section 231.50, Florida Statutes, by adding subsection (2) to provide certain specified pensions to persons who taught in Florida's Public Schools for at least ten, but less than twenty years, who are seventy-five years of age and who are unable to earn a livelihood; providing an effective date.

The Committee on Public Schools offered the following amendment which was moved by Senator Broxson and failed:

**Amendment 4**—On page 2, strike all of line 7 and insert: July 1, 1972.

On motion by Senator Broxson, by two-thirds vote SB 365 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

By unanimous consent Senator Boyd was recorded as voting yea.

**HB 3180**—A bill to be entitled An act relating to alcoholic beverage law revision; amending and deleting provisions of chapters 561 and 562, Florida Statutes, affecting the administration and regulation of alcoholic beverages; allowing the manufacture of wine for home consumption; directing the division of beverage to collect and distribute state, county, and municipal license fees; prescribing regulations relating to licenses issued to hotels, motels, restaurants, golf courses, and clubs; deleting provisions authorizing automatic suspension of licenses; removing special zoning provisions; deleting obsolete tax stamp provisions; creating chapter 563, Florida Statutes, combining certain provisions relating to malt beverages; creating chapter 564, Florida Statutes, combining certain provisions relating to wine; creating chapter 565, Florida Statutes, combining certain provisions relating to liquor; providing an effective date.

—was read the second time by title.

On motion by Senator Hollahan the following amendment was adopted:

**Amendment 1**—On page 14, strike lines 13 through 16 and insert:

(b) Any county in which special licenses were issued under the provisions of §561.20(2)(b) in effect prior to the effective date of this act shall continue to qualify for such licenses pursuant to those provisions in effect prior to the effective date of this act and shall be not affected by the provisions of paragraph (a) of this subsection.

Senator Brantley moved the adoption of the following amendment which failed:

**Amendment 2**—On page 12, line 19 strike the semi-colon (;) and insert: excepting that such special restaurant licenses shall continue to be prohibited in those counties having no existing statutory authority for the issuance of special restaurant licenses prior to the effective date of this law;

On motion by Senator Lane, by two-thirds vote HB 3180 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

Arnold	Deeb	Johnson (34th)	Poston
Barron	de la Parte	Karl	Reuter
Beaufort	Ducker	Lane	Sayler
Bell	Fincher	Lewis (33rd)	Scarborough
Bishop	Graham	Lewis (43rd)	Stolzenburg
Peterson	Haverfield	McClain	Ware
Brantley	Henderson	Myers	Weissenborn
Childers	Hollahan	Ott	Williams
Daniel	Johnson (29th)	Plante	Wilson

Nays—None

By unanimous consent, Senators Knopke, Boyd and Barrow were recorded as voting yea; Senator Broxson, nay.

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

By Senator Karl—

**SB 1310**—A bill to be entitled An act authorizing the acquiring of a beverage license by the city of DeLand, Volusia county, Florida, to be used in connection with the city's airport restaurant complex, including public and pilots' lounge and improvements connected with the use of the same; providing for annual fees; providing that such license may be transferred to a lessee or permittee for the operation of a business by said lessee or permittee under said beverage license in or at any clubhouse, restaurant and cocktail lounge, and similar premises, or in or at any of the same, at said complex; providing that said license shall be re-transferred by any such lessee or permittee only to said city; providing that said license shall not be subject to any quota or limitation but shall be an exception to the restrictions of a quota or other limitation; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1310.

—which was read the first time by title. On motion by Senator Karl, by two-thirds vote, SB 1310 was placed on the calendar.

On motion by Senator Karl, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 1310 out of order.

On motions by Senator Karl, by two-thirds vote, SB 1310 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—32

Arnold	Daniel	Johnson (34th)	Poston
Barron	de la Parte	Karl	Sayler
Beaufort	Ducker	Lewis (33rd)	Scarborough
Bell	Fincher	Lewis (43rd)	Stolzenburg
Bishop	Graham	McClain	Ware
Peterson	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Childers	Hollahan	Plante	Wilson

Nays—None

By unanimous consent, Senators Boyd and Reuter were recorded as voting yea.

Senator Brantley moved that the Senate reconsider the vote by which HB 3180 passed and the motion failed.

Senator Henderson presiding.

**CS for HB 2703**—A bill to be entitled An act relating to the Florida electronic repair act; amending §2 of chapter 70-111, Laws of Florida, appearing as §468.151, Florida Statutes, 1970 Supplement, to provide a definition of "technician", "electronic equipment" and "technician trainee"; amending §3 and §4 of chapter 70-111, Laws of Florida, appearing as §468.153, Florida Statutes, 1970 Supplement, to include technicians within the regulatory power of the division of general regulation; amending §6 of chapter 70-111, Laws of Florida, appearing as

§468.155, Florida Statutes, 1970 Supplement, to provide registration procedures for technicians and trainees; creating §468.1551, Florida Statutes, to provide for examinations for technician certificates and procedures therefor; amending §11 of chapter 70-111, Laws of Florida, appearing as §468.156, Florida Statutes, 1970 Supplement, to provide for fees; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 4, between lines 5 and 6 insert: (8) Not require the registration or licensing, as a technician, of any person employed by persons, firms or corporations which sell electronic equipment while said person is engaged solely in the repair or servicing of such electronic equipment sold by the person, firm or corporation so employing him.

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

**Amendment 2**—On page 2, line 18 strike “engaged” and insert: engaged solely

On motion by Senator Deeb the following amendment was adopted:

**Amendment 3**—On page 5, lines 9—15 strike “Applicant for” (on line 9) and all of lines 10, 11, 12, 13, 14, 15

On motion by Senator Deeb the following amendment was adopted:

**Amendment 4**—On page 5, line 25, strike “468.1551 and all lines to and including line 25 on page 6 and strike the words “place of employment.” on line 26 page 6.”

On motion by Senator Deeb the following amendment was adopted:

**Amendment 5**—On page 7, line 5, strike “without reexamination”

On motion by Senator Deeb the following amendment was adopted:

**Amendment 6**—On page 1, strike lines 20, 21, 22.

On motion by Senator Hollahan, by two-thirds vote CS for HB 2703 as amended was read the third time by title and failed to pass. The vote was:

Yeas—12

Arnold	Peterson	Haverfield	Poston
Beaufort	Brantley	Henderson	Reuter
Bell	Graham	Hollahan	Weissenborn

Nays—23

Mr. President	Ducker	Lewis (33rd)	Stolzenburg
Barron	Johnson (29th)	McClain	Ware
Barrow	Johnson (34th)	Myers	Weber
Bishop	Karl	Ott	Williams
Daniel	Knopke	Plante	Wilson
Deeb	Lane	Scarborough	

By unanimous consent, Senators Boyd and Childers were recorded as voting yea; Senators Graham, Peterson and Weissenborn changed their votes from yea to nay.

On motion by Senator Weissenborn, CS for HB 3706 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

**HB 3599**—A bill to be entitled An act relating to public sports facilities; providing a title; providing legislative intent; providing prohibitions; providing penalties; providing definitions; providing an effective date.

—was read the second time by title.

On motion by Senator Ott the following amendment was adopted:

**Amendment 1**—On page 1, line 23, strike the first word “No” and insert: In all counties having a population of more than 600,000 each according to the 1970 Decennial Federal Census no

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

**Amendment 2**—On page 1, line 5, strike the semicolon following the word “facilities” and insert: in all counties having a population of more than 600,000 each according to the 1970 Decennial Federal Census;

On motion by Senator Hollahan, by two-thirds vote HB 3599 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Ducker	Karl	Reuter
Arnold	Fincher	Knopke	Scarborough
Barrow	Gong	Lane	Stolzenburg
Beaufort	Graham	Lewis (33rd)	Ware
Bell	Haverfield	McClain	Weissenborn
Bishop	Henderson	Myers	Wilson
Brantley	Hollahan	Ott	
Childers	Johnson (29th)	Plante	
Deeb	Johnson (34th)	Poston	

Nays—None

By unanimous consent, Senator Lewis (43rd) was recorded as voting yea; Senator Boyd, nay; and Senator Thomas changed his vote from yea to nay.

**HB 2998**—A bill to be entitled An act relating to motor vehicle safety inspection; adding subsection (4) to §316.210, Florida Statutes, as created by chapter 71-135, Laws of Florida, to exempt grove equipment from windshield requirements; amending §325.19(2), Florida Statutes, as amended by chapter 71-285, Laws of Florida, to exempt grove equipment from tire safety requirements; providing an effective date.

—was read the second time by title.

On motion by Senator Plante the following amendment was adopted:

**Amendment 1**—On page 1, line 29, strike all of sections 2 and 3 and insert: Section 2. This act shall take effect upon becoming law.

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

**Amendment 2**—On page 1, Title, strike all lines 9—14 and insert the following: from windshield requirements; providing an effective date.

On motion by Senator Poston, by two-thirds vote HB 2998 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Childers	Knopke	Reuter
Arnold	Daniel	Lane	Saylor
Barron	Ducker	Lewis (33rd)	Stolzenburg
Barrow	Graham	McClain	Weber
Beaufort	Henderson	Myers	Williams
Bell	Hollahan	Plante	Wilson
Bishop	Johnson (29th)	Pope	
Peterson	Johnson (34th)	Poston	

Nays—None

By unanimous consent Senators Lewis (43rd) and Boyd were recorded as voting yea.

**HB 3421**—A bill to be entitled An act relating to education; creating the state student assistance grant trust fund; providing for the department of education to administer student assistance grant program; providing standards of eligibility for student assistance grants; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Haverfield, by two-thirds vote HB 3421 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Daniel	Knopke	Poston
Arnold	Ducker	Lane	Reuter
Barrow	Graham	Lewis (33rd)	Sayler
Beaufort	Haverfield	Lewis (43rd)	Stolzenburg
Bell	Henderson	McClain	Weissenborn
Bishop	Hollahan	Myers	Williams
Peterson	Johnson (29th)	Plante	Wilson
Childers	Johnson (34th)	Pope	

Nays—None

By unanimous consent Senator Boyd was recorded as voting yea.

SB 338 was laid on the table.

HB 184—A bill to be entitled An act relating to state and county officers; creating a state officers' compensation commission; providing for the organization, powers, and duties of the commission; providing an effective date.

—was read the second time by title.

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

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

Section 1. (1) There is created a state officers' compensation commission composed of nine (9) persons who are not members or employees of the legislative, judicial, or executive branch of government. The first eight (8) members of the commission shall be appointed as follows:

(a) The governor shall appoint two (2) members for terms of two (2) years.

(b) The president of the senate shall appoint two (2) members for terms of two (2) years.

(c) The speaker of the house of representatives shall appoint two (2) members for terms of two (2) years.

(d) The chief justice of the supreme court shall appoint two (2) members for terms of one (1) year.

(e) The eight (8) members appointed pursuant to paragraphs (a), (b), (c), and (d) shall appoint one (1) member for a term of one (1) year.

(2) Subsequent appointments shall be made by the same authorities who made the original appointments, as provided in paragraphs (a), (b), (c), (d) and (e) of subsection (1) and shall, except for filling vacancies, be for terms of four (4) years. Vacancies shall be for the period of the unexpired term.

(3) Commission members shall be selected with special reference to their knowledge of compensation practices and financial matters generally. No more than six (6) members of the same political party shall serve on the commission at the same time.

(4) Commission members shall serve without compensation but shall be entitled to receive reimbursement for traveling expenses as provided in section 112.061, Florida Statutes.

(5) The department of administration shall provide staff and clerical assistance to the commission necessary to carry out its duties and making its reports.

(6) The governor shall call the first meeting of the commission for the purpose of its organization. The commission shall select from its membership a chairman and secretary to serve for terms of one (1) year. The commission shall meet a minimum of two (2) times a year at the call of the chairman.

(7) The commission shall serve as an advisory body whose purpose is to study and evaluate trends and developments in compensating public officers in the several state governments. The commission shall make a report of its findings and rec-

ommendations to the legislature not later than the tenth day of each regular session regarding the salaries and expense allowances of the governor, lieutenant governor, members of the cabinet, the justices of the supreme court, judges of the district court of appeal, judges of the circuit court, state attorneys, public defenders, public service commissioners, constitutional officers of the several counties, and the members of the legislature.

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

On motion by Senator Plante, by two-thirds vote HB 184 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Arnold	Gong	Lewis (33rd)	Reuter
Beaufort	Graham	Lewis (43rd)	Sayler
Bell	Haverfield	McClain	Scarborough
Bishop	Henderson	Myers	Ware
Peterson	Hollahan	Ott	Weissenborn
Childers	Johnson (34th)	Plante	Wilson
Daniel	Knopke	Pope	
Ducker	Lane	Poston	

Nays—None

By unanimous consent Senators Johnson (29th) and Barrow were recorded as voting yea.

HB 2339—A bill to be entitled An act relating to fines and costs in criminal proceedings; providing that same may be satisfied from cash bond deposited by defendant; providing an effective date.

—was read the second time by title. On motion by Senator Hollahan, by two-thirds vote HB 2339 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Deeb	Karl	Pope
Arnold	Fincher	Knopke	Poston
Beaufort	Gong	Lane	Reuter
Bell	Graham	Lewis (33rd)	Sayler
Bishop	Haverfield	Lewis (43rd)	Ware
Peterson	Henderson	McClain	Weissenborn
Childers	Hollahan	Ott	Wilson
Daniel	Johnson (34th)	Plante	

Nays—None

By unanimous consent Senators Johnson (29th) and Barrow were recorded as voting yea.

HB 3266—A bill to be entitled An act relating to workmen's compensation; amending paragraphs (b) and (c) (as amended by chapter 71-80, Laws of Florida) of subsection (1) of §440.02, Florida Statutes, to include "officers elected at the polls" within the term "employment" for the purposes of workmen's compensation coverage; providing an effective date.

—was read the second time by title.

Senator Weissenborn moved the following amendment:

Amendment 1—On page 3, line 4, add a new section 2 to read:

Section 2 Subparagraph 3. of paragraph (c) of subsection (1) of section 440.02, Florida Statutes, as amended by chapter 71-80, Laws of Florida is hereby repealed.

Renumber remaining section

Senator Pope raised a point of order that HB 3274, now on the Special Order Calendar, was not in possession of the Senate when it was considered by the Committee on Ways and Means and therefore should not be on the Special Order Calendar. The President ruled the point well taken.

Senator Hollahan moved that HB 3274 be referred to an appropriate committee. The motion was adopted and the bill was referred to the Committee on Ways and Means.

On motion by Senator Hollahan, HB 3274 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the Special Order Calendar.

The President presiding.

On motion by Senator Deeb, the Senate reconsidered the vote by which—

HB 3599—A bill to be entitled An act relating to public sports facilities; providing a title; providing legislative intent; providing prohibitions; providing penalties; providing definitions; providing an effective date.

—as amended passed this day.

On motion by Senator Hollahan, the Senate reconsidered the vote by which HB 3599 was read the third time by title.

On motion by Senator Hollahan, the Senate reconsidered the vote by which amendment 2 was adopted.

HB 3367—A bill to be entitled An act relating to free county libraries, operating grants; amending section 257.17, Florida Statutes, by removing the limit of fifty thousand dollars of state funds for county operating grants during any one year; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Karl, by two-thirds vote HB 3367 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Childers	Karl	Sayler
Arnold	Daniel	Knopke	Stolzenburg
Barron	Ducker	Lane	Ware
Barrow	Graham	Lewis (33rd)	Weber
Beaufort	Haverfield	Lewis (43rd)	Weissenborn
Bell	Henderson	Myers	Williams
Bishop	Hollahan	Ott	Wilson
Brantley	Johnson (29th)	Poston	
Broxson	Johnson (34th)	Reuter	

Nays—None

By unanimous consent Senator Plante was recorded as voting yea.

On motion by Senator Karl, SB 1176 was withdrawn from the Committees on Natural Resources and Conservation and Rules, Calendar, Privileged Business and Ethics by two-thirds vote and from further consideration of the Senate.

On motion by Senator Karl, SB 1160 was withdrawn from the Committees on Governmental Efficiency and Rules, Calendar, Privileged Business and Ethics by two-thirds vote and from further consideration of the Senate.

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

By Senators Broxson, Childers and Barrow—

SB 1311—A bill to be entitled An act relating to local water and sewage treatment facilities; providing that no municipality shall be mandatorily required by law to transfer its water and sewerage treatment facilities to the county in which it is located; repealing all laws in conflict with this act; providing an effective date.

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

By unanimous consent Senator Stolzenburg changed his vote from yea to nay on SJR 1305 which passed the Senate March 29.

On motion by Senator Hollahan, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 9:00 a.m., March 31.

On motion by Senator Myers, HB 3552 was withdrawn from the Committee on Governmental Efficiency by two-thirds vote and placed on the calendar.

By permission the following report was received:

Your Engrossing Clerk to whom was referred CS for SB 1155 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 ordered enrolled.

Senator Hollahan moved that the Senate do now adjourn. The motion was adopted by the following vote:

Yeas—20

Arnold	Boyd	Fincher	Knopke
Barrow	Peterson	Gong	Lewis (43rd)
Beaufort	Childers	Hollahan	Ott
Bell	Daniel	Johnson (34th)	Reuter
Bishop	Ducker	Karl	Weber

Nays—17

Barron	Henderson	Plante	Williams
Brantley	Johnson (29th)	Pope	Wilson
Broxson	Lane	Poston	
Graham	Lewis (33rd)	Sayler	
Gunter	Myers	Stolzenburg	

The Senate adjourned at 5:40 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 31, 1972.