

SPECIAL SESSION

JOURNAL OF THE FLORIDA SENATE

Wednesday, November 29, 1972

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

Mr. President Gordon Myers Stolzenburg
Barron Graham Peterson Sykes
Brantley Gruber Pettigrew Trask
Childers Henderson Plante Vogt
Deeb Johnson Poston Ware
de la Parte Johnston Saunders Weber
Firestone Lane (31st) Saylor Williams
Gallen Lane (23rd) Scarborough Wilson
Gillespie Lewis Sims Winn
Glisson McClain Smathers Zinkil

On motion by Senator de la Parte, the Senate concurred in the House amendment to SB 5-A.

SB 5-A passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—37 Nays—None

Mr. President Gruber Pettigrew Vogt
Barron Henderson Plante Ware
Brantley Johnson Poston Weber
Childers Johnston Saunders Williams
de la Parte Lane (31st) Saylor Wilson
Firestone Lane (23rd) Sims Winn
Gallen Lewis Smathers Zinkil
Gillespie McClain Stolzenburg
Gordon Myers Sykes
Graham Peterson Trask

Prayer by Senator Peterson:

Gracious Heavenly Father, we receive from you the gift of another day, another opportunity to serve thee. May we use it wisely.

Father, we thank you for the many blessings of your abundance, and pray for guidance as your stewards. Help us make the right decisions today.

Dear Lord, forgive us when we have failed you, and give us strength and courage to try again.

Father, bless this Senate, the leaders of our state and nation. May we keep our eyes always on you.

In Jesus name. Amen.

The Journal of November 28 was corrected and approved.

REPORT OF COMMITTEE

The Select Committee on Legislation recommends the following pass: SB 6-A with 6 amendments

The bill was placed on the calendar.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 9-A with 1 amendment
SB 10-A with 1 amendment

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

ELMER O. FRIDAY, Secretary

The bills were certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

November 28, 1972

The Honorable Mallory E. Horne, President

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

By Senator de la Parte—

SB 5-A—A bill to be entitled An act relating to the medical center, university of south florida; providing an appropriation for phase II facility construction project; providing an effective date.

which amendment reads as follows:

On page 1, line 15, after the period (.) insert the following: This appropriation is in addition to any earlier state appropriation or allocation of bond funds. If federal funds do become available, release of the above appropriation shall be reduced by an amount equal to the federal funds.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

November 28, 1972

The Honorable Mallory E. Horne, President

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

By Representative Gautier and others—

HB 3-A—A bill to be entitled An act relating to execution; amending §922.09, Florida Statutes, to provide that the Florida Supreme Court shall issue execution warrants; amending §922.15, Florida Statutes, by repealing the requirement of sending the governor a copy of the warrant after execution; repealing §§922.12 and 922.14, Florida Statutes, relating to return of warrant of execution issued by the governor and sentence of death unexecuted for unjustifiable reasons; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

November 28, 1972

The Honorable Mallory E. Horne, President

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

By Representative Spicola and others—

HB 12-A—A bill to be entitled An Act relating to bonds for air and water pollution control; amending section 403.1834 (3), Florida Statutes, to provide a \$200-million limit on bonds issued in any year; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

November 28, 1972

The Honorable Mallory E. Horne, President

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

By the Select Committee on Appropriations—

CS for HB 16-A—A bill to be entitled An act relating to the department of pollution control; providing an appropriation; providing an effective date.

By the Select Committee on Environmental Protection—

CS for HB 17-A—A bill to be entitled An Act relating to flood control districts; amending chapter 378, Florida Statutes, to create a new section dealing with the declaration of water shortage and emergency orders; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

November 28, 1972

*The Honorable Mallory E. Horne, President*

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

By Representative Turlington—

HB 9-A—A bill to be entitled An act relating to church exemptions from municipal taxes imposed on public services under §167.431, Florida Statutes; providing an effective date.

By Representative Spicola and others—

HB 11-A—A bill to be entitled An act relating to sewage treatment facilities, authorizing the department of pollution control to make loans to local governmental agencies, to plan, design, construct or acquire land therefor; providing for the establishment of a revolving loan fund; providing for disposition of interest earned; providing appropriations; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 3-A, 12-A, CS for HB 16-A, CS for HB 17-A, House Bills 9-A and 11-A, contained in the above messages, were read the first time by title and referred to the Select Committee on Legislation.

The President introduced to the Senate a former Speaker of the California Assembly, the Honorable Jesse M. Unruh, who addressed the Senate briefly.

On motion by Senator de la Parte, HB 11-A was withdrawn from the Select Committee on Legislation by two-thirds vote and placed on the calendar.

SB 6-A was taken up and on motion by Senator de la Parte, unanimous consent was obtained to take up in lieu thereof—

HB 11-A—A bill to be entitled An act relating to sewage treatment facilities, authorizing the department of pollution control to make loans to local governmental agencies, to plan, design, construct or acquire land therefor; providing for the establishment of a revolving loan fund; providing for disposition of interest earned; providing appropriations; providing an effective date.

—a similar measure which, on motion by Senator de la Parte, by two-thirds vote was read the second time by title.

Senator Saunders moved the adoption of the following amendment:

Amendment 1—On page 2, lines 15 and 16 strike “constructing”

The President Pro Tempore presiding.

Senator Barron presiding.

The President presiding.

Amendment 1 failed.

Senator Saunders moved the adoption of the following amendment:

Amendment 2—On page 4, line 2, strike “\$100,000,000” and insert: \$50,000,000

Senators McClain and Sims offered the following substitute amendment which was moved by Senator McClain and failed:

Amendment 3—On page 4, line 2, strike “\$100,000,000” and insert: \$200,000,000

Amendment 2 was adopted by the following vote:

Yeas—20

Mr. President	Lane (23rd)	Poston	Trask
Barron	Lewis	Saunders	Vogt
Childers	Myers	Scarborough	Williams
Gallen	Peterson	Smathers	Winn
Gillespie	Pettigrew	Stolzenburg	Zinkil

Nays—17

Brantley	Gruber	Plante	Weber
Deeb	Henderson	Saylor	Wilson
Glisson	Johnson	Sims	
Gordon	Lane (31st)	Sykes	
Graham	McClain	Ware	

By unanimous consent Senator Firestone was recorded as voting nay.

#### EXPLANATION OF VOTE

I voted to cut the \$100 million proposed by the bill to \$50 million because testimony in committee said there is no way they could even spend \$50 million before the beginning of the 1973 session and further the 1973 session of the legislature will again review the total situation regarding the problem of sewage.

*Philip D. Lewis, 27th District*

Senators de la Parte and Saunders offered the following amendment which was adopted on motion by Senator Saunders:

Amendment 4—On page 3, after line 31 insert: (8) on July 1, 1975, the cash balance in the sewage treatment loan fund shall revert and be transferred to the general revenue fund unallocated. Loan repayments received in the sewage treatment loan fund after July 1, 1975 shall immediately revert and be transferred to the general revenue fund unallocated.

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

Amendment 5—On page 2, line 16 (Section (3)) insert between the words “acquiring” and “land”: existing privately owned facilities or,

Senators Zinkil, Weber and Poston offered the following amendment which was moved by Senator Zinkil:

Amendment 6—On page 4, line 6, Insert a new Section 3, to read as follows:

Section 3. Subsection (2) of Section 403.086 is amended to read as follows:

403.086(2) Any facilities for sanitary sewage disposal existing on July 1, 1971 shall provide for secondary waste treatment by January 1, 1973, and, in addition thereto, advanced waste treatment as deemed necessary and ordered by the department of pollution control; provided, however, any such facilities may apply to the department for a temporary operating permit and upon a showing by the owners or operators of the facility that they have made and are making good faith efforts to upgrade and improve their treatment facilities, a temporary operating permit shall be issued to the facility with no limitations or

restrictions on sewage connections or discharge. The term of the temporary operating permit shall expire simultaneously with the projected completion date for the new or improved treatment facilities. Failure to conform by said date shall be punishable by a civil penalty of \$500 for each twenty-four hour day or fraction thereof that such failure is allowed to continue thereafter.

and renumber

Senator Saunders raised a point of order that the foregoing amendment was out of order in that it did not come within the purview of the call of the Governor.

The Chair ruled the point well taken.

Senator Zinkil moved that amendment 6 be considered notwithstanding the fact it was not within the purview of the Governor's call. The motion failed to receive the necessary two-thirds vote. The vote was:

Yeas—16

Barron	Glisson	Poston	Trask
Deeb	Gruber	Scarborough	Ware
Gallen	Lane (31st)	Sims	Weber
Gillespie	Lewis	Sykes	Zinkil

Nays—21

Mr. President	Henderson	Plante	Williams
Brantley	Johnston	Saunders	Wilson
Childers	McClain	Sayler	Winn
de la Parte	Myers	Smathers	
Firestone	Peterson	Stolzenburg	
Gordon	Pettigrew	Vogt	

By unanimous consent Senators Graham and Lane (23rd) were recorded as voting nay.

On motion by Senator Myers the Senate reconsidered the vote by which Amendment 5 was adopted. The vote was:

Yeas—27

Childers	Gruber	Myers	Sykes
Deeb	Henderson	Peterson	Vogt
Firestone	Johnson	Pettigrew	Weber
Gallen	Johnston	Plante	Williams
Gillespie	Lane (31st)	Poston	Winn
Gordon	Lewis	Saunders	Zinkil
Graham	McClain	Scarborough	

Nays—8

Brantley	Sayler	Smathers	Ware
Glisson	Sims	Trask	Wilson

By unanimous consent Senator Lane (23rd) was recorded as voting nay.

The question recurred on the adoption of the amendment which failed.

Senators Williams, Graham and Pettigrew offered the following amendment which was adopted on motion by Senator Williams:

**Amendment 7**—On page 2, strike lines 14—17 and insert: agencies to assist said agencies in planning, designing, and the preparation of environmental assessment studies for sewage treatment facilities. Provided further, loans may be made to local governmental agencies for interim financing for constructing, modifying, upgrading, and acquiring lands for sewage treatment facilities if the department has approved a permanent financing plan for said agencies through participation in the state pollution bonds program pursuant to Article VII, Section 14, Florida Constitution, or through the issuance of local bonds, evidences of indebtedness, or other acceptable methods of repayment. Local governmental

On motion by Senator Sykes the following amendment was adopted:

**Amendment 8**—On page 3, line 2, following the word "regulation" insert: on or before January 1, 1973,

Senator Lewis moved the adoption of the following amendment:

**Amendment 9**—On page 3, line 12, after the word "any" insert: unencumbered or pledged

By direction of the President, the Secretary read the following amended Proclamation:

#### PROCLAMATION

WHEREAS, on the 24th day of November, 1972, a Proclamation of the Governor was issued convening a special session of the Florida Legislature commencing on the 28th day of November, 1972, and

WHEREAS, it is necessary and in the best interest of the State to amend the Proclamation of the Governor of November 24, 1972, in order to expand the call of the special session so that the Legislature may consider the additional emergency legislative business set forth below.

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

#### Section 1.

That the Legislature is convened for the sole purpose of considering legislation relating to:

(1) Capital punishment, including the redefinition of capital crimes, providing alternative sanctions for offenses formerly designated capital, providing procedures for sentencing, and other related matters.

(2) Concurrent resolution relating to the ratification of the proposed Equality of Rights Amendment (Proposed 27th Amendment) to the United States Constitution.

(3) Establishment of a revolving fund for loans by the Department of Pollution Control to local governmental agencies for sewer treatment facilities, and providing necessary appropriation.

(4) Supplemental appropriations for fiscal year 1972-73 to the Department of Pollution Control in order to expand the Department's programs for technical assistance to local government agencies.

(5) Supplemental appropriation for fiscal year 1972-73 (in the approximate amount of 9.5 Million Dollars) to fully fund the State Minimum Foundation Program for Schools (K-12).

(6) Supplemental appropriation for fiscal year 1972-73 (in the approximate amount of 9 Million Dollars) to the University of South Florida Medical Center for additional capital outlay funds for the construction of Phase II of the Medical Center.

(7) Flood Control Districts, providing a new statutory provision dealing with the declaration of water shortage and emergency orders and related matters.

(8) Amendment of Section 167.431, Florida Statutes, restoring the exemption for churches from the payment of any municipal utility tax.

(9) Amendments to Chapter 27, Florida Statutes, authorizing public defenders to represent insolvent persons who are under arrest for, or charged with, a misdemeanor or violation of municipal or county ordinance, and authorizing counties and municipalities to contribute funds to public defenders for the purpose of defending misdemeanors and violations of municipal or county ordinances.

## Section 2.

Except as amended by this Proclamation, the Proclamation of the Governor dated November 24th, 1972, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol this 29th day of November, 1972.

REUBIN O'D. ASKEW  
Governor

ATTEST:  
RICHARD (DICK) STONE  
Secretary of State

I, Richard (Dick) Stone, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Proclamation of the Governor issued November 29, 1972 as shown by the records of this office.



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Twenty-ninth day of November A.D. 1972

RICHARD (DICK) STONE  
Secretary of State

## INTRODUCTION

By Senators Barron, Childers and Johnston—

SB 15-A—A bill to be entitled An act relating to the first and second judicial circuits; providing that the clerk of the circuit court be the clerk of the county court in each county of the first judicial circuit; repealing chapter 72-456, Laws of Florida, relating to county court clerks, insofar as it relates to Santa Rosa, Holmes and Walton counties; providing an effective date.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senators Henderson and Barron—

SCR 16-A—A concurrent resolution proposing the appointment of a select legislative committee to study the effect and ramifications of the proposed twenty-seventh amendment to the Constitution of the United States.

—was determined by the President to be within the purview of the Governor's call, read the first time in full and referred to the Select Committee on Legislation.

By Senators Sayler, McClain, Graham, Pettigrew, Childers, Ware, Barron, Poston, Firestone, Gruber, Lane (31st), Lane (23rd), Vogt, Scarborough, Zinkil, Horne, Myers, Wilson, Lewis, Sims, Smathers, Plante, Deeb and Henderson—

SB 17-A—A bill to be entitled An Act relating to the department of natural resources; providing an appropriation from the general revenue fund for state capital projects for outdoor recreation lands; providing for repayment to the general revenue fund; providing an effective date.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Graham—

SB 18-A—A bill to be entitled An Act relating to public schools; providing a supplemental appropriation for the state's portion of the 1972-73 minimum foundation program K-12;

repealing paragraph (b) of item 199, section 1 of chapter 72-409, Laws of Florida; providing a method for allocation; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Select Committee on Legislation.

By Senators Childers and Johnston—

SB 19-A—A bill to be entitled An act relating to Santa Rosa County; authorizing the acquisition, construction, erection, building, enlarging, improving, furnishing and equipping of capital projects of Santa Rosa County and of the school board of Santa Rosa County; authorizing the issuance of certificates of indebtedness by the county and by the school board to finance the cost of such capital projects; authorizing the pledging to the payment of the principal of, interest on and reserves for such certificates of indebtedness of the race track and jai alai fronton funds allocated to the board of county commissioners or the school board out of such funds accruing annually to the county pursuant to chapters 550 and 551, Florida Statutes, the rentals and royalties derived by the county or the school board under leases or other agreements with respect to the lands or the mineral rights appertaining thereto belonging to the county or the board, the second oil and gas severance taxes accruing to the county pursuant to the provisions of section 211.06(1)(b), Florida Statutes, and other monies of the county or of the school board derived from sources other than ad valorem taxation and legally available for such purposes; providing for the allocation of the county's share of such second oil and gas severance taxes equally between the board of county commissioners and the school board; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 19-A.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Barron—

SB 20-A—A bill to be entitled An act relating to the department of banking and finance; and banks, holding companies, trust companies and other business organizations; amending §659.141(1) and §659.141(2)(a), Florida Statutes prohibiting the acquisition, retention, or ownership of all or substantially all the assets of or control over banks, trust companies and certain forms of business organizations in this State and certain forms of business organizations furnishing investment advisory services in this state, by certain forms of business organizations the activities of which are conducted principally outside the state; redefining holding company; amending §659.141(3)(e) to provide for certain exemptions; and adding new subsection §659.141(3)(g); and adding new subsection §659.141(2)(h); providing for an effective date.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

Senator Poston announced that the Select Committee on Executive Appointments would meet at 9:00 a.m. November 30 in Senate Room 12.

Senator de la Parte announced that the Select Committee on Legislation would meet at 7:30 p.m. this day in Senate Room 31.

## CO-INTRODUCER

By permission Senator Wilson was recorded as a co-introducer of SCR 2-A.

On motion by Senator de la Parte, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 11:00 a.m., November 30, 1972.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:36 p.m. to reconvene at 11:00 a.m., November 30, 1972.