

JOURNAL OF THE FLORIDA SENATE

Thursday, April 5, 1973

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

INTRODUCTION

By Senators Barron and Horne—

SCR 438—A concurrent resolution In Memoriam Charles Saxon Ausley.

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

By Senators Barron and Horne—

SCR 439—A concurrent resolution in Memoriam of Franklin Wilson Carraway.

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

By Senator Wilson—

SB 440—A bill to be entitled An act relating to jurors; amending §40.01(1), Florida Statutes, providing that a father who is custodian and guardian of minor children may be exempt from jury duty; providing an effective date.

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

By Senator Childers—

SB 441—A bill to be entitled An act relating to salt water fisheries; amending §370.112, Florida Statutes; providing an exception to certain regulations for striped bass; providing that striped bass may be imported for culturing; providing that the division of marine resources may issue permits; providing for supervision by the division; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Childers—

SB 442—A bill to be entitled An act relating to saltwater conservation; amending §370.08, Florida Statutes, adding subsection (10) thereto; prohibiting the use of chemicals in the capture of marine species unless a permit is obtained from the division of marine resources; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator de la Parte—

SB 443—A bill to be entitled An act relating to institutions of higher learning; creating §241.098, Florida Statutes, providing for the establishment of a school of optometry as the school of optometry of the state university system; providing an effective date.

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

By Senators Johnson and Firestone—

SB 444—A bill to be entitled An act relating to grand juries; amending §905.17(1), Florida Statutes; providing that complete stenographic records of all grand jury witnesses be preserved; providing an effective date.

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

By Senators Johnson and Firestone—

SB 445—A bill to be entitled An act relating to grand juries; providing that no report or presentment of a grand jury relating to an individual which is not accompanied by a true bill or indictment shall be made public until the individual concerned has received a copy and has had an opportunity to file a motion seeking to delete from the report that portion which he feels is unlawful; providing that such motion shall act as a stay of public announcement until the district court of appeal affirms or denies the court's ruling on the motion; providing an effective date.

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

By Senators Johnson and Firestone—

SB 446—A bill to be entitled An act relating to jurors; amending §40.08, Florida Statutes; providing an exemption from grand jury duty for a person who has served as a juror in the preceding five years; repealing §§250.15, 466.21 and 470.27, Florida Statutes, relating to exemptions for honorary contributing members of the national guard, dentists, and funeral directors and embalmers; providing an effective date.

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

By Senators Johnson and Firestone—

SB 447—A bill to be entitled An act relating to juries and jury commissions; adding subsection (4) to §286.011, Florida Statutes, to provide an exception from the requirement that all meetings be held in public for grand and petit juries, jury commissions and county commissions acting as jury commissions; providing an effective date.

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

By Senators Johnson and Firestone—

SB 448—A bill to be entitled An act relating to grand juries; amending §§905.17(1), and 905.19, Florida Statutes, to prohibit the state attorney or his assistant from being present at grand jury sessions when the grand jury has selected an attorney as special legal counsel; providing that such special counsel may be present; repealing §27.03, Florida Statutes, relating to duties of the state attorney before a grand jury; providing an effective date.

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

The Senate recessed at 8:37 a.m.

The Senate was called to order by the President at 9:00 a.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

Prayer by the Senate Chaplain:

"Boys flying kites draw in their white winged birds but we can't do that with flying words."

Teach us, our God, the terrible potency of speech. May we know that undisciplined words can hurt both people and causes more deeply than sticks and stones. So help us then to temper our verbal communications with consideration for the feelings of others and the good of our cause. In the name of our Lord, amen.

NAME	OFFICE	FOR TERM ENDING
Clem Cornelius Benton, Sr. Fort Pierce	Member, Board of Trustees, Indian River Community College	May 31, 1975

[Committee on Education]

Jack McGriff Gainesville	Member, Board of Regents	January 1, 1982
Delmar B. Drawdy Tampa	Member, Tampa Port Authority, Hillsborough County	November 15, 1976

[Committee on Education]

[Committee on Natural Resources and Conservation]

Edward J. Trombetta Fort Lauderdale	Secretary, Department of Community Affairs	Pleasure of the Governor
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[Committee on Commerce]

Robert Elmore Fort Lauderdale	Member, Family Services Advisory Council	July 2, 1976
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[Committee on Health and Rehabilitative Services]

Thomas R. Pledger West Palm Beach	Member, Board of Business Regulation, State of Florida Department of Business Regulation	Pleasure of the Governor
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[Committee on Commerce]

Robert Walker, Sr. Pensacola	Member, Civil Service Board, Escambia County	February 13, 1977
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[Committee on Governmental Operations]

Ruth Godwin Walnut Hill	Member, Civil Service Board, Escambia County	February 13, 1977
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[Committee on Governmental Operations]

Earl P. Schoenberger, Jr. Jacksonville	Member, Family Services Advisory Council	July 2, 1975
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[Committee on Health and Rehabilitative Services]

George A. Belleau Pensacola	Member, Civil Service Board, Escambia County	February 9, 1977
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[Committee on Governmental Operations]

NAME	OFFICE	FOR TERM ENDING
Ben L. Bryan, Sr. Fort Pierce	Member, Board of Trustees, Indian River Community College	May 31, 1973

[Committee on Education]

M. L. Flora Panama City	Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, State of Florida Department of Professional and Occupational Regulation	June 14, 1973
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[Committee on Natural Resources and Conservation]

Don L. Spicer Tallahassee	Secretary, Department of Commerce	Pleasure of the Governor
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[Committee on Commerce]

Richard C. Ackert Fort Myers	Member, Board of Trustees, Edison Community College	May 31, 1975
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[Committee on Education]

Mrs. Roy C. Adams Boca Grande	Harbor Master for the Port of Boca Grande, Lee County	November 21, 1973
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[Committee on Natural Resources and Conservation]

I do hereby further certify that a commission for S. L. Kilgore as Member, Northwest Lake County Hospital District was prepared on February 26, 1973, but it has not been signed and returned to this office to be recorded and mailed.

[Committee on Health and Rehabilitative Services]



GIVEN under my hand and the great Seal of the State of Florida at Tallahassee, the Capital, this the Third Day of April, A. D., 1973.

RICHARD (DICK) STONE
Secretary of State

The President referred each appointment to the Committee shown.

SPECIAL ORDER CALENDAR

SB 15—A bill to be entitled An act relating to financial responsibility; amending section 324.021(7), Florida Statutes,

as amended by chapter 72-297, Laws of Florida; providing for a decrease in minimum requirements for proof of financial responsibility; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 15 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Glisson	Myers	Stolzenburg
Barron	Gordon	Peterson	Sykes
Brantley	Henderson	Plante	Trask
Childers	Johnson	Poston	Vogt
Deeb	Johnston	Saunders	Wilson
de la Parte	Lane (31st)	Sayler	Winn
Gallen	Lewis	Scarborough	Zinkil

Nays—11

Firestone	Gruber	Pettigrew	Weber
Gillespie	Lane (23rd)	Sims	Williams
Graham	McClain	Ware	

By unanimous consent Senator Smathers was recorded as voting yea.

By permission Senator Wilson was recorded as a co-introducer of SCR 19.

Senator Wilson moved that the Senate reconsider the vote by which SCR 19 was withdrawn from further consideration of the Senate.

SB 94—A bill to be entitled An act relating to misleading advertising; amending §817.41, Florida Statutes, by adding subsection (5) thereto; prohibiting retailers from advertising merchandise unless they have sufficient quantities to meet the foreseeable demand or state that quantities are limited; providing exceptions; providing civil penalties for misleading advertising; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 94 was read the third time by title.

Senator Sykes moved that SB 94 be removed from the Calendar and referred to the Committee on Judiciary.

Senator de la Parte moved as a substitute motion that SB 94 be recommitted to the Committee on Consumer Affairs.

Senator Winn moved the adoption of the following amendment:

Amendment 1—On page 1, line 25, strike after word "Advertisement" all of lines 25, 26, 27 and on line 28 the words "value equivalent thereto"

Pursuant to Rule 4.14, Senator Pettigrew gave notice of intention to take up out of order HB 849 contained in messages from the House of Representatives.

The President introduced to the Senate the following members of the family of the late F. Wilson Carraway, former president of the Senate: Mrs. Carraway, wife; Mr. and Mrs. Bill Carraway, son and daughter-in-law; Mrs. Emily Kemp, daughter, and Jeri and Lisa Kemp, granddaughters; and Miss Emily Lively, sister-in-law. The presence of the Honorable Reubin O'D. Askew, Governor of Florida, was acknowledged by the President.

SCR 439—A concurrent resolution in Memoriam of Franklin Wilson Carraway.

—was read the second time in full. On motion by Senator Barron, SCR 439 was unanimously adopted and certified to the House.

On motion by Senator de la Parte, the following remarks were ordered spread upon the Journal:

Senator Barron: Mrs. Carraway and members of the family, I guess our presiding officer and I are the only two members presently in the Senate who had the privilege of serving with Wilson Carraway, along with the former Senator from the 2nd who is with us this morning. He was here when I came in 1960 and extended to me personally many courtesies, as did Polly to Louverne, and we will always be grateful for that. I never had the opportunity to know him as well as did our president. I think Wilson Carraway best exemplifies the quality and strength that has made our whole country strong. He was a businessman and a taxpayer who supported the government. He was very active in his community. He was a man loved by everyone who knew him. He was a very quiet man but a strong man. Back in those days the press used to refer to the leadership of the legislature as the "porkchoppers" and I really wasn't too active in that group and I had not yet learned the press can sometimes be wrong. This morning I asked to get the figures for the budget that Wilson had when he was chairman of the Appropriations Committee and the figures will shock you. The budget of Florida that year was less than 800 million dollars for two years, which means that for that year it would be less than 400 million dollars . . . and this year we are about to adopt a budget for Florida (with trust funds) that will exceed 4 billion dollars. He was a man who recognized the trust in which those in government should hold the taxpayers' dollar. But I think it is appropriate as those of us who concern ourselves with the spiralling costs of government to look upon the life of Wilson Carraway, a man who found time to do everything in behalf of his fellowman, who received much recognition during his lifetime and rightly so, who was known to be a loving, devoted thoughtful husband and father, who was known to be a man who made a real contribution to our state and thereby to our nation. So, Mr. President, it is appropriate that we pause in this session to pay tribute to the life of Wilson Carraway.

Senator Henderson: The family, Senators. Just a word . . . I thank the good Lord above that as a freshman Senator I had the opportunity of serving under this giant of a man. His friendship meant so much to me and I can just tell you that it was a great honor to have known Wilson Carraway.

The President: I would like to close from the rostrum. When I emerged from law school, without any security at all, he loaned me personally the money to open my law office. I followed him into the House of Representatives when he came to the Senate. He and Dick Mitchell and I were delegates together for ten years . . . both of them now are gone . . . and we never had a cross word or quarrel. Wilson was patient and a giant of a man with a financial acumen that I had never seen exhibited anywhere else. He dialogued with men of finance throughout the world and walked humbly with the janitors of this building. I never heard him lose his temper . . . never saw him too busy to stop and chat with anyone about anything . . . never saw him in a hurry . . . never saw him without a smile and I think Warren, Dempsey, and Rube, and I call them that way in the informality of this Senate—intentionally—because he would, pausing to remember Wilson Carraway in their own particular way is a real tribute to him and to the family. He was a great president of this Senate. He cohesed both parties, he cohesed all sides, and that Senate never felt any attitude of divisiveness or bitterness . . . he got things done, and he was proud. When I was walking the streets in this last campaign in Monticello, he—already ill and to some degree infirmed—joined me in those streets, and the people loved him there. He helped me greatly and said his last ambition toward the legislature was to sit here by me. So you know that this tribute today is a very personal and a meaningful thing to me, and I'm so glad the family would come and join us . . . and I'm glad he was aware that you permitted me to be where he wanted me to be—in his footsteps. We arranged, through the courtesy of the Governor, for the flag to fly at half mast over this capitol he served and loved. We have that flag here and I would like his son, Bill, to come forward on behalf of the family and receive for his mother that flag that represented 20 years of service to this state and to its people, by a man who walked with kings and humbled with all of us.

Whereupon the flag was so presented to Mrs. "Polly" Carraway.

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

SCR 439—A concurrent resolution in Memoriam of Franklin Wilson Carraway.

WHEREAS, in the annals of mankind there arises on occasion one who walks in eminence ever intent on high achievement, yet carrying in his heart the milk of human kindness to a marked degree; one whose earthly tenure gives sanction to the immortal lines: "Lives of great men all remind us We can make our lives sublime, And, departing, leave behind us, Footprints on the sands of time", and

WHEREAS, we would pay homage to such a man, whose true greatness permeated his every endeavor from youth upward, and record our poignant sorrow at his demise on November 8, 1972, and the resultant irreparable loss to his family, former colleagues, community and state, NOW, THEREFORE,

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

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

IN MEMORIAM

FRANKLIN WILSON CARRAWAY

FORTY-NINTH PRESIDENT OF THE FLORIDA SENATE—a native of Tallahassee, born on October 16, 1904, the son of F. Wilson and Annie Roberts Carraway. The early loss of his father served to intensify the earnestness of purpose and strict attention to duty which so marked his life's activities. He attended the public schools of Leon County and was a graduate of Leon High School. In 1925 he graduated from the Wharton School of Finance and Commerce of the University of Pennsylvania, with a B.S. degree in economics. He was a member of Alpha Sigma Phi fraternity.

On February 4, 1928, he married the lovely Caroline Stephens Lively of Tallahassee, known to family and friends as "Polly". Their marriage was a beautiful example of domestic happiness and to them were born a son, Franklin Wilson Carraway, Jr., and a daughter, now Mrs. Emily Kemp. All survive him. His religious affiliation was St. John's Episcopal Church, Tallahassee.

In 1936 he became treasurer of the local Coca-Cola Bottling Company, and was serving as president on his demise. In 1941-1943 he was Leon County Rationing Administrator. The Tallahassee State Bank—later the Tallahassee Bank and Trust Company and now the Barnett Bank of Tallahassee—was organized in 1948 and he became chairman of the board and was elected president at the first meeting of stockholders in 1949, which position he held until 1970, when he retired and acquired the Farmers and Merchants Bank of Monticello, serving as chairman of the board. Added to the role of eminently successful banker and businessman was a remarkable service as legislator. In 1944 he was elected to the Florida house of representatives and served during the sessions of 1945, 1947 and 1949. Elected to the senate in 1954 from the Eighth District comprising Leon County, he served through five regular sessions, two courts of impeachment and eleven extra sessions, the last of which was March 2-March 9, 1966. When he was elected to preside over the 1963 senate and Honorable Mallory Horne was given the speakership of the 1963 house it created an anomaly. Not since 1845 had two Leon County men been elected to so preside. In an editorial The Tallahassee Democrat said: "It is a rare honor to Leon County and a tribute to the two men that their colleagues have decided to seat them simultaneously in those positions . . . These are both capable men, astute politicians and almost lifelong students of governmental functions and procedures. They will carry their roles of leadership well." As verity of these prognostications stand the honor recently done the erstwhile speaker—now president of the senate—and honor later done Senator Carraway. In 1965, by SCR 916, the board of regents was directed to name the Geology Building at Florida State University the Wilson Carraway Building, in that he had long advocated expansion of Florida State University; had contributed invaluable service to the state's fiscal affairs and had been an ardent advocate of higher education. His influence, not confined to education alone, steered to passage legislation permitting Tallahassee to take advantage of federal funds for slum clearance; authorizing Leon County's courthouse annex, improvement in the state retirement programs and social security for state workers. In 1959 legislative members voted Leon County's delegation the most effective: Wilson Carraway, senator; Mallory E. Horne and the late R. O. Mitchell, house members. He was also voted one of the two senators most effective in debate. He received an award from the Tallahassee Chamber of Commerce in recognition of outstanding community service and, in 1960, the Tallahassee Jaycees Good Government award for outstanding performance in the senate and participation in community affairs. He was a member of Rotary (past president), Elks and Moose; past president, Tallahassee and Florida State Chambers of Commerce, the Community Fund, precursor of United Fund, and had recently received a plaque from the Tallahassee Chamber of Commerce for activity in creating the Downtown Improvement Authority, dedicated to revitalizing Tallahassee's central business district.

BE IT FURTHER RESOLVED that copies of this concurrent resolution, duly attested, together with the commiseration of these bodies, be forwarded to the family of our esteemed former colleague.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President

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

By the Committee on Criminal Justice and Representative Shreve and others—

HB 849—A bill to be entitled An act relating to grand juries; amending Chapter 905, Florida Statutes; providing for extension of a grand jury term not to exceed ninety (90) days to complete specified investigations; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 849, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

Senator Myers presiding.

The President presiding.

On motion by Senator Pettigrew, HB 849 was withdrawn from the Committee on Criminal Justice by two-thirds vote and placed on the calendar.

Notice having been given pursuant to Rule 4.14, on motion by Senator Pettigrew, consent was obtained to take up HB 849 out of order.

On motions by Senator Pettigrew, HB 849 was read the second time by title by two-thirds vote, the third time by title by two-thirds vote, passed and certified to the House. The vote was:

Yeas—39

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

Nays—None

On motion by Senator Scarborough, the rules were waived and SJR 259 was also referred to the Committee on Judiciary as the first committee of reference.

On motion by Senator Scarborough, the rules were waived and the Committee on Judiciary was granted permission to consider SJR 259 on April 6.

Senator Weber moved that the Senate do now reconsider the vote by which SCR 19 was withdrawn from further consideration of the Senate.

Senator Plante raised a point of order that the question of the withdrawal of SCR 19 from further consideration of the Senate and the motion by Senator Wilson are irrelevant because SCR 19 has been laid on the table by virtue of an unfavorable report by the Committee on Judiciary on an identical measure.

The President deferred ruling on the point of order.

By permission Senator Poston was recorded as a co-introducer of SCR 19.

The Senate resumed consideration of—

SB 94—A bill to be entitled An act relating to misleading advertising; amending §817.41, Florida Statutes, by adding

subsection (5) thereto; prohibiting retailers from advertising merchandise unless they have sufficient quantities to meet the foreseeable demand or state that quantities are limited; providing exceptions; providing civil penalties for misleading advertising; providing an effective date.

—with the following pending amendment:

Amendment 1—On page 1, line 25, strike after word "Advertisement" all of lines 25, 26, 27 and on line 28 the words "value equivalent thereto"

Senator de la Parte withdrew the substitute motion that SB 94 be recommitted to the Committee on Consumer Affairs.

Senator Sykes withdrew the motion that SB 94 be referred to the Committee on Judiciary.

The President Pro Tempore presiding.

Senators McClain and Zinkil offered the following substitute amendment which was adopted by two-thirds vote on motion by Senator McClain:

Amendment 2—Strike everything on lines 28 through 30 on page 1 after the words: "value equivalent thereto."

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

Amendment 3—On page 2, line 6, strike "penalties" and insert: remedies

SB 94 as amended passed and was ordered engrossed. The vote was:

Yeas—36

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

Nays—2

Henderson Weber

On motion by Senator Pettigrew, by two-thirds vote, HB 849 was immediately certified to the House.

SB 241—A bill to be entitled An act relating to environmental land and water management; amending section 380.10, Florida Statutes, 1972 Supplement, as created by section 10, chapter 72-317, Laws of Florida, to provide for legislative approval of all standards and guidelines adopted by the administration commission; providing an effective date.

—was read the second time by title.

Senators Vogt and Henderson offered the following amendment which was adopted on motion by Senator Henderson:

Amendment 1—On page 2, line 10 strike the period and insert: ; provided that the administration commission shall have the authority to make any change which it designates as an emergency act that is vital to the health, safety and welfare of the citizens of more than one county. Such an emergency change shall be effective upon its adoption by the commission, but the continuance of this effectiveness beyond the next regular session of the legislature shall be subject to approval by that legislature.

On motion by Senator Henderson the following amendment was adopted:

Amendment 2—On page 2, line 8 strike "legislature" and insert: legislature

The President presiding.

On motion by Senator Henderson, by two-thirds vote SB 241 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

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

Nays—6

Firestone	Gordon	Myers	Pettigrew
Gillespie	Graham		

The President ruled as follows on the point of order raised by Senator Plante relative to SCR 19:

The chair will rule that the point by the Senator from the 14th is well taken by virtue of Rules 3.11, 6.4 and 2.14 and the precedents of the 1970 session (HB 1342, pages 445 and 460, Senate Journal) and the 1969 session colloquy involving myself and the then president of the Senate and the now chairman of the Committee on Rules and Calendar concerning the philosophy of these three rules and the effect of a contrary ruling (SB 95, p. 149, SJ). I want you to understand that the ruling is contrary to my own personal feelings concerning the substance of the bill. Neither of these rules specifically touched the particular point—3.11 relates to companion measures and more emphasizes its relationship to a House bill, but it is clear that when the Senate does something to a measure it similarly does it to its companion. On the question of reconsideration recited in Rule 6.4, it is clear that when you have treated a measure that you have a specific and limited time to change your judgment, and that time is specific and set as one day . . . it is a special and continuing order, and if you fail to do so it takes unanimous consent thereafter and, even having reconsidered, it takes two-thirds vote. 2.14 describes what happens to a measure in a committee on an unfavorable report. It lays the matter on the table. Now to the point the Senator from the 3rd (the Senator from the 4th in the 1970 session) raised the particular point of order and the chair ruled that the only sensible ruling would be that all other identical matters go with any defeat by the Senate or any unfavorable report by a committee, for the reason that all of the rules that impede a Senator upon defeat of a measure would be rendered absolutely meaningless by the opportunity to—without end—introduce identical measures and have the process encumbered with the responsibility to further and continually consider them. On the basis of all of those, and with the admonition that I will place in the journal the exact copy of the precedent of the 1970 session on the point of order raised by the Senator from the 3rd (then the Senator from the 4th) and the colloquy of the 1969 session talking about this philosophy in full, all of that will be in the journal to support the point of order and my ruling on the point of order, and the effect therefore is that SCR 19 is laid on the table with SCR 16 and it can be further addressed by this Senate only by a motion to withdraw from the table requiring a two-thirds vote.

[Senate Journal, 1970, page 445: "Senator Barron raised a point of order that the amendment appeared to be identical to HB 4109 which was reported unfavorably by the Committee on Insurance and requested the President to appoint a committee to examine the bill and the amendment as proposed by Senators Shevin and Deeb before making a ruling.

The President stated that the nature of the point of order was of such tremendous importance, not only to the consideration of HB 1342, but insofar as precedents were concerned, that the best purposes of the Senate would be served if a committee were appointed to compare the wording of the amendment with the House Bill, research precedents, and advise the Chair.

The President appointed Senators Friday, Henderson and Horne as the advisory committee."

Page 460: "The Select Committee appointed by the President on May 15, consisting of Senators Friday, Henderson and Horne, submitted the following:

REPORT OF SELECT COMMITTEE OF RULES AND CALENDAR

Mr. President: The Select Committee of Rules and Calendar appointed by you advises the Chair that the point of order raised by Senator Barron is well taken and supported by two separate and distinct lines of precedent.

First, the amendment to House Bill 1342 is substantially identical to House Bill 4109 which was reported unfavorably by the Senate Committee on Insurance. Rule Seven, although providing for amendments of the same general subject matter as stated in the original title, did not purport to reverse the philosophy of Rule 4.4 which compels all bills and joint resolutions to be referred to and considered by at least one committee, nor does it mitigate the philosophy of Rule Two in its entirety, the effect of which is to provide that no bill or joint resolution shall be considered by the floor without consideration by and favorable report from at least one standing committee of the Senate. The amendment offered is so substantially identical as to foul the rules of procedure of the Senate and destroy the established committee system. (See p. 149, Senate Journal, 1969 Regular Session).

Secondly, a specific subject may not be amended by a provision general in nature, even when of the class of the specific subject. Thus the following is not germane: to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law other than those dealt with by the bill. (Jefferson's Manual, Secs. 796, 794.)

Applying this precedent to the facts before us, the proposed amendment is out of order. House Bill 1342 purports to modify Section 627.331, F.S., relating to rate information, but the proposed amendment modifies Sections 627.031, 627.041, 627.062, 627.072, 627.073, 627.321, 627.342 and 627.371, F.S. which in effect restructures the insurance rating system of the State.

The Chair ruled that the point of order was well taken . . . that the existence of committees, the very existence of rules, does place limitations on the amendatory process and is within the power and the prerogative of this body to change the rules at any time and within the prerogative of this body to waive the rules at any time; but under the rules as they now exist, as they are written in the rule book, taking into consideration all the rules and the reasons for having a committee system, the point was well taken."

Senate Journal, 1969, page 149: "Senator Horne raised a point of order that the amendment by the Senator from the 25th and others to SB 453 was out of order for the reason that it was substantially identical to a Senate bill introduced by him which remained within the jurisdiction of the Senate Committee of Commerce and Licensed Businesses. The amendment to that amendment was also out of order for the reason that it attached itself to an amendment not properly before this Senate. Rule 7.4, although providing for the procedure of striking all after the enacting clause and inserting new matter of the same general subject as stated in the original title, did not purport to reverse the philosophy of Rule 4.4 which compels all bills and joint resolutions to be referred to and considered by at least one committee, nor does it purport to mitigate the philosophy of Rule Two in its entirety, the effect of which is to provide that no bill or joint resolution shall be considered by the floor without consideration by and a favorable report from at least one standing committee of the Senate. The rule itself contains the proviso that to consider a measure, while still pending in such a committee of reference, the introducer must obtain the concurrence of two-thirds of the members present of the Senate. The amendment offered to this bill is so substantially identical as to foul the rules of procedure of the Senate and destroy the established committee system.

The President ruled the point was well taken."]

Senator Weber withdrew the motion that the Senate now reconsider the vote by which SCR 19 was withdrawn from further consideration of the Senate.

SB 171—A bill to be entitled An act relating to highway designation; designating that portion of U. S. 1 from Florida

City, Dade County, to Key West, Monroe County, as the Harry S. Truman Overseas Highway; authorizing and directing the department of transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

On motion by Senator Poston, by two-thirds vote SB 171 was read the third time in full, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

By unanimous consent Senator Williams was recorded as voting yea.

By permission Senator Peterson was recorded as a co-introducer of SB 171.

SB 199—A bill to be entitled An act relating to taking of marine corals and sea fans; providing prohibitions; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Childers:

Amendment 1—On page 1, lines 11 and 12 strike “to take, possess, or otherwise destroy any” and insert: to take or possess within the waters of this state or otherwise destroy certain

The Committee on Natural Resources and Conservation offered the following amendment which was adopted on motion by Senator Childers:

Amendment 2—On page 1, strike line 19 and insert: the above

On motion by Senator Childers, by two-thirds vote SB 199 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

Mr. President	Glisson	Myers	Smathers
Barron	Gordon	Peterson	Sykes
Brantley	Graham	Pettigrew	Trask
Childers	Gruber	Plante	Ware
Deeb	Henderson	Poston	Weber
de la Parte	Johnson	Saunders	Williams
Firestone	Johnston	Sayler	Wilson
Gallen	Lewis	Scarborough	Winn
Gillespie	McClain	Sims	Zinkil

Nays—None

By unanimous consent Senators Vogt and Lane (23rd) were recorded as voting yea.

SB 211—A bill to be entitled An act relating to motor vehicle damage release stickers; amending §316.065(4)-(6), Florida Statutes, 1972 Supplement, as created by §1, chapter 72-164, Laws of Florida; prohibiting repair of a motor vehicle without

a damage release sticker only when the property damage exceeds one hundred dollars; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was adopted on motion by Senator Poston:

Amendment 1—On page 1, strike line 27 and insert: in an accident *and the external damage exceeds \$100* or struck by the dis-

The Committee on Transportation offered the following amendment which was adopted on motion by Senator Poston:

Amendment 2—On page 2, strike line 1 and insert: evidence of having been involved in an accident *and the external damage*

Senators Sims, Johnston and Gillespie offered the following amendment which was moved by Senator Sims:

Amendment 3—On page 1, line 13 strike everything after the enacting clause and insert: Section 1. Subsections (4), (5) and (6) of section 316.065, Florida Statutes, 1972 Supplement, as created by section 1 of chapter 72-164, Laws of Florida, are hereby repealed.

On motion by Senator Plante, by two-thirds vote, SB 211 was made a Special and Continuing Order of Business for Tuesday, April 10.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lewis, by two-thirds vote, SB 375 was removed from the calendar and referred to the Committee on Governmental Operations.

The President announced that effective April 4 Senator Wilson was appointed to the Committee on Judiciary and therefore removed from the Committee on Education.

The Journal of April 4 was corrected and approved.

The Journal of April 3 was further corrected as follows and approved: Page 43, counting from the bottom of column 2, line 1, strike “Consumer Affairs and Governmental Operations” and insert: Criminal Justice and Ways and Means

Page 43, counting from the bottom of column 2, strike line 8, and insert: mittees on Consumer Affairs and Governmental Operations.

Page 45, counting from the bottom of column 1, line 16, strike “-” and insert: and Vogt—

Page 50 column 2, line 13, strike “Commerce” and insert: Rules and Calendar

Page 58, counting from the bottom of column 2, line 23, strike “plan” and insert: plant

CO-INTRODUCERS

By permission Senators Childers, Johnston, Gillespie and Gruber were recorded as co-introducers of SB 274 and SJR 259.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to reconvene at 8:30 a.m., April 6, 1973, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.