

JOURNAL OF THE FLORIDA SENATE

—
Wednesday, April 18, 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 Senator Wilson—

SB 650—A bill to be entitled An act relating to elections; amending §§99.152, 99.153, Florida Statutes, providing a procedure allowing independent candidates to obtain a position on the general election ballot; providing an effective date.

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

By Senator Wilson—

SB 651—A bill to be entitled An act relating to candidates; amending §99.161(2)(e), Florida Statutes, deleting language allowing candidates to reserve office facilities prior to qualification; providing an effective date.

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

By Senator Peterson—

SB 652—A bill to be entitled An act relating to eminent domain; requiring written notice to persons having an interest in the property to be acquired prior to passage of an ordinance or resolution authorizing an eminent domain action or prior to the action being filed; providing an effective date.

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

By Senator Peterson—

SB 653—A bill to be entitled An act for the relief of Hal R. Davison; providing an appropriation to compensate him for damage inflicted upon his grape vines through the negligent spraying of a herbicide by the game and fresh water fish commission; providing an effective date.

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

By Senator Lewis—

SB 654—A bill to be entitled An act relating to water management district bonds; amending §298.47(1), Florida Statutes, 1972 Supplement, as amended by §20, chapter 72-291, Laws of Florida; requiring a referendum of the owners of a majority of the acreage of the district prior to the issuance of bonds; providing an effective date.

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

By Senators Vogt, Gallen, Barron and Horne—

SCR 655—A Concurrent Resolution in Memoriam Irlo Overstreet Bronson.

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

By Senator Scarborough—

SB 656—A bill to be entitled AN ACT relating to detection of deception examiners; amending Part II of Chapter 493,

Florida Statutes; declaring legislative intent; providing definitions; providing qualifications for license; providing qualifications for approved schools; providing exclusions; providing license fees; providing for bond; providing for regulation; providing penalties and providing an effective date.

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

By Senators de la Parte, Brantley, Horne, Barron and Henderson—

SB 657—A bill to be entitled An Act relating to the taxation of foreign financial organizations; creating §220.16; providing clarification of the liability of foreign financial organizations for filing a return and paying a tax under Chapter 220; providing an effective date.

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

By Senator Gillespie—

SB 658—A bill to be entitled An act relating to firemen; amending §112.18, Florida Statutes, 1971, which relates to special provisions relative to disability, to extend protection to all firemen employed in this state; superseding all laws or parts of laws in conflict; providing an effective date.

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

By Senators Lane (31st) and Zinkil—

SB 659—A bill to be entitled An act relating to tax-free passes; amending subsection (2) of §550.09, Florida Statutes, to grant the director of the division of pari-mutuel wagering authority to authorize the issuance of tax-free passes by pari-mutuel race track permit holders in addition to those specifically enumerated in said section; providing an effective date.

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

By Senator Lane (31st)—

SB 660—A bill to be entitled An act relating to sheriffs; providing for joint enforcement squads under the direction of the sheriff; authorizing the municipality and other agencies within the county to assign officers to duty on the squad; providing that the sheriff of the county may deputize the members of the squad; providing for payment of salary of members of the squad, bonding, insurance and expenses of the squad; providing the squad's duties; providing their participation under this act shall not be mandatory; providing an effective date.

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

By Senators Lane (31st), Scarborough, Brantley, Smathers and Gordon—

SB 661—A bill to be entitled An act relating to foods, milk, milk products and frozen deserts amending section 20.19, Florida Statutes, providing a type four transfer of the powers of the department of agriculture and consumer services relating to foods, milk, milk products and frozen deserts to the department of health and rehabilitative services; providing for uniform statewide administration and regulation of all establishments dealing in foods, milk, milk products and frozen deserts; providing that regulations and standards adopted by

the department of health and rehabilitative services supersede those of all other state and local agencies; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Governmental Operations.

By Senator Brantley—

SB 662—A bill to be entitled An act relating to the Florida Banking Code amending Section 658.08, Florida Statutes, providing for the imposition and increase of various application fees; imposing an examination fee for the examination of trust companies; repealing existing Section 656.22, Florida Statutes, making examination and assessment fees applicable to industrial savings banks; providing an effective date.

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

By Senator Glisson—

SJR 663—A joint resolution proposing an amendment to article IV of the state constitution, adding section 10 thereto, relating to the Florida public service commission, establishing said commission as a constitutional agency.

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

By Senator Lewis—

SB 664—A bill to be entitled An act relating to the state board of education of Florida; providing for the transfer and payment of indebtedness incurred for the benefit of community colleges and represented by bonds or motor vehicle tax anticipation certificates previously issued by the state board of education pursuant to §18, Article XII of the Constitution of 1885; providing an effective date.

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

By Senators Myers, Ware, Gillespie and Henderson—

SB 665—A bill to be entitled An act authorizing the director of the division of adult corrections with the approval of the department of health and rehabilitative services to enter into agreements with the correctional authorities of other states and the United States bureau of prisons to provide facilities and programs for the confinement, treatment, and rehabilitation of various types of offenders on a basis of cooperation with one another; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senators Lane (31st) and Sykes—

SB 666—A bill to be entitled An act relating to frontons; amending sections 551.06 and 551.09(2), Florida Statutes, increasing from three percent (3%) to five percent (5%) the state share of fronton pari-mutuel wagering receipts; providing an effective date.

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

By Senator Johnson—

SB 667—A bill to be entitled An act relating to dog racing; repealing section 550.162, Florida Statutes, 1969, as amended, which provides for each dog track a daily operational cost allowance exempt from any taxation; providing an effective date.

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

By Senators Johnson, Poston, Lane (23rd) and Brantley—

SB 668—A bill to be entitled An act relating to veterans; creating the veterans commission; providing for the appointment of commissioners; establishing powers and duties; providing administrative and personnel procedures; providing an appropriation; transferring the division of veterans affairs of the department of community affairs; amending §20.18(2), Florida Statutes; authorizing a county tax; repealing chapter 292, relating to service officers; repealing §20.18(15), Florida Statutes, relating to division of veterans affairs; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senators Lane (23rd), Johnson and Brantley—

SB 669—A bill to be entitled An act relating to veterans; amending section 11.141, Florida Statutes, relating to the legislature; establishing a committee on veterans affairs in each house of the legislature; providing an effective date.

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

By Senator Gallen—

SB 670—A bill to be entitled An act relating to public work projects; providing definitions; providing for public work projects to be established by the department of health and rehabilitative services; providing for the assignment to such projects of persons receiving public assistance; providing that such assignments be made by the department or the state employment service pursuant to provisions of this act; providing for the determination of eligible persons for such assignments; providing for public adult education and vocational training in lieu of assignment to such public work projects; providing that persons who refuse such work or training shall be ineligible for public assistance; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Firestone—

SB 671—A bill to be entitled An act relating to the powers, duties and functions of the treasurer; amending sections 18.02, 18.06, 18.07, 18.08, 18.10(1), 18.11(1), Florida Statutes; repealing section 18.21, Florida Statutes; amending chapter 18, Florida Statutes, by adding new sections 18.22 and 18.23; authorizes the treasurer to provide a personal check cashing service for certain persons; removes the ten (10) day deadline for the treasurer to present to the governor the monthly financial statement of the treasurer; requires treasurer to keep a record of all state funds and securities; removes certain obsolete language; permits the treasurer to deposit state moneys into savings accounts in savings and loan associations; requires the treasurer to ensure compliance by banks with board of administration policy as to adequacy of collateral pledged; authorizes the department to promulgate rules and regulations to effectuate the provisions of chapter 18, Florida Statutes; permits the treasurer to prescribe forms for the deposit of state moneys; providing an effective date.

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

By Senator Gordon—

SB 672—A bill to be entitled An act relating to constructive service of process; amending sections 49.031, 49.10 and 49.12, Florida Statutes, to authorize posting of notices of action on behalf of insolvent persons; providing an effective date.

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

By Senator Zinkil—

SB 673—A bill to be entitled An act relating to the Florida mental health act; amending §394.461, Florida Statutes, 1972

Supplement, adding subsection (4) to said section; requiring separate housing facilities for the criminally insane; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By Senator Smathers—

SB 674—A bill to be entitled An act relating to registration of narcotic addicts; creating §398.25, Florida Statutes; providing for registration of narcotic addicts; providing definition; providing registration requirements; providing for exceptions; providing for penalties; limiting use of registration; providing time limits for registration; providing a severability clause; providing an effective date.

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

By Senator Scarborough—

SB 675—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes, 1973 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes, 1973 shall be effective immediately upon publication; providing that general laws enacted during the regular and special sessions of 1971 and prior thereto and not included in the Florida Statutes, 1973 are repealed; providing that general laws enacted during the 1972 regular and special sessions and the 1973 regular and special sessions are not repealed by this adoption act.

(Accompanied by Volumes 1 and 2, F.S. 1971)

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

By Senator Ware—

SB 676—A bill to be entitled An act relating to the Florida retirement system; amending §2(1)(b) and (c), (5)(a) and (6)(a), chapter 72-345, Laws of Florida, as amended by chapter 72-359, Laws of Florida, appearing as §121.052(1)(b) and (c), (5)(a) and (6)(a), Florida Statutes, 1972 Supplement; providing for participation by county court judges in the elected state officers class of the Florida retirement system; providing an effective date.

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

By Senator Deeb—

SB 677—A bill to be entitled An act amending §741.24(2) Florida Statutes, providing parents, guardians or a person standing in *loco parentis* to a minor child are liable in damages for losses or destruction to school property or other costs incurred by a school district as a result of said minor child engaging in or encouraging a campus disruption or disturbance; providing an effective date.

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

By Senators Saunders, de la Parte, Poston, Horne, Pettigrew, Deeb, McClain, Lane (31st), Brantley, Lane (23rd), Scarborough and Saylor—

SB 678—A bill to be entitled An act relating to the practice of public accounting; amending Subsection 473.261(1), Florida Statutes, providing suspension and restoration procedure for certificates and permits of mentally incompetent and insane persons; providing an effective date.

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

By Senators Saunders, de la Parte, Poston, Horne, Pettigrew, Deeb, McClain, Lane (31st), Brantley, Lane (23rd), Scarborough and Saylor—

SB 679—A bill to be entitled An act relating to the practice of public accounting; amending Section 473.021, Florida Statutes, to provide that neither certificates nor special permits are required to perform certain services, amending Section 473.06, Florida Statutes, to provide for the confidentiality of certain records in order to protect rights of privacy; amending Subsections 473.08(4)(b) and (c) to provide that certain courses need not be taken at certain schools; amending Section 473.141, Florida Statutes, to provide for the use of certain confidential records in disciplinary investigations, proceedings, and judicial review; amending Section 473.281, Florida Statutes, relating to the employment of felons and certain other persons; providing an effective date.

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

By Senators Saunders, de la Parte, Poston, Horne, Pettigrew, Deeb, McClain, Lane (31st), Brantley, Lane (23rd), Scarborough and Saylor—

SB 680—A bill to be entitled An act relating to the practice of public accounting; setting out certain legislative findings of fact; amending Section 473.111, Florida Statutes; to require each individual who is a Florida practitioner of public accounting to reestablish his professional knowledge and competency from time to time; to provide for the suspension and restoration of certificates of such persons in certain instances; to provide for programs of professional training and for examinations of such persons; to provide rule making authority for the State Board of Accountancy and certain standards to be applied in making rules governing such practitioners, reestablishments, courses, examinations, suspensions, revocations and related matters; to provide for certain exceptions; providing an effective date.

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

By Senators McClain and Trask—

SB 681—A bill to be entitled An act relating to motor carriers, providing a substantial revision of chapter 323, F.S.; amending §323.01, F.S., changing, adding and deleting definitions; creating §323.021, giving the Florida public service commission authority to regulate motor carriers, establish reasonable classifications of groups of carriers, and adopt rules and regulations; amending §323.02, F.S., deleting unnecessary language and renumbering the same §323.025, F.S.; creating §323.032, F.S., requiring certificate of public convenience and necessity to operate as a common carrier or contract carrier; specifying contents of applications for certificates, and filing fees therefor; specifying notice, hearing and disposition requirements for applications for certificates; creating §323.043, F.S., exempting persons holding for hire permits issued prior to effective date of this act; prohibiting transfer or extension of for hire permits; exempting from provisions of such section, permits authorizing taxicab operations; amending §323.051, F.S., providing for issuance of limited common carrier certificate, in lieu of for hire permit, for single county operations of road building and construction aggregates; deleting unnecessary language; creating §323.052, F.S., requiring master taxicab permit for taxicab operations and showing of public convenience and necessity for issuance of such permit; establishing procedures for filing, notice, hearing and disposition of applications for master permits and filing fees required in connection therewith; reserving to municipalities power to regulate operation of taxicabs wholly within their boundaries where the legislative bodies of such municipalities utilize the same criteria in considering the grant of permits as are applicable to the grant of a master permit by the commission; providing for issuance of master permit as a matter of right when permits have been granted by legislative body of a municipality; specifying annual fees for master permits and vehicles operated thereunder; requiring approval of the Florida public service commission for the sale or transfer of master permits; prohibiting taxicab operations in vehicles of a greater passenger-carrying capacity than nine (9); re-

serving to municipalities regulatory powers over taxicab operations conferred by existing general, local or special acts; creating §323.055, F.S., exempting persons engaged in taxicab operations prior to effective date of this act, not already authorized to do so in a master taxicab permit; providing for issuance of master permit upon filing of application prior to December 31, 1973, payment of filing fee, and proof of substantial and continuous operation prior to the effective date of this act; providing for issuance, to holders of master taxicab permits, of master permits upon application therefor prior to December 31, 1973, payment of filing fee, and verification by public service commission that person was a holder of such a permit, or proof of substantial and continuous operation prior to effective date of this act; providing for validation of all franchises, licenses or permits issued by a municipality and outstanding at the time such application is filed, for the purpose of determining the number of taxicabs to be authorized by a master permit; renumbering §323.14 as §323.061, F.S.; creating §323.065, F.S., providing for grant of temporary authority when an immediate and urgent need requires same; providing for grant of emergency temporary authority without notice and hearing; providing for grant of temporary authority following application, notice and hearing; providing for extension of temporary authority pending disposition of application for permanent authority; amending §323.042, F.S., prohibiting the acquisition of multiple transportation authority, and renumbering the same §323.071, F.S.; amending §323.041, F.S., requiring prior approval of public service commission for transfer of certificate or permit, and renumbering the same §323.075, F.S.; requiring finding that certificate or permit sought to be transferred has not been dormant for a period of six months; providing that no filing fee need accompany protests to joint application involving transfer of a permit; creating §323.081, F.S., providing procedures for hearings held by the public service commission; prescribing qualifications of hearing examiners of the commission; prescribing contents of orders; creating §323.085, F.S., requiring filing of rates, fares, charges, classifications and schedules, if any, by common and contract carriers; specifying filing fees for rate applications and tariff filings; giving public service commission power to adopt rules governing the filing of tariffs, methods of changing tariffs, investigation and suspension of proposed changes, and public hearings with respect thereto; prohibiting general rate increases without public hearing; prohibiting variations from filed and approved rates; prohibiting rebates and free transportation, except as specifically provided; providing exemption of armored car services and common carriers of road building and construction aggregates from tariff filing requirements; exempting from tariff filing requirements common carriers of houses which transport buildings intact or cut-up, agricultural and horticultural commodities which are processed (but not manufactured), and carriers which transport machinery and appliances for compensation incidental to an existing and continuing primary business of repair or installation of such appliances and machinery; exempting common carriers authorized or seeking to transport newspapers from rate and tariff requirements; renumbering §323.36, F.S., as §323.087, F.S.; amending §323.09, F.S., providing that unlawful operations may be enjoined; providing penalties for violations of the provisions of part I of chapter 323; amending §323.10, F.S., relating to dormancy and revocation of certificates; providing that public service commission shall hold hearing prior to revocation of a certificate; amending §323.20, F.S., relating to temporary suspension of permits and certificates and issuance of special licenses, and renumbering the same §323.141, F.S.; amending §323.17, F.S., providing qualifications of drivers and renumbering the same §323.152, F.S.; renumbering §323.18, F.S., as § 323.161, F.S.; amending §323.15, F.S., providing that road tax is deemed to be compensatory for the use of state highways and renumbering the same §323.171, F.S.; providing time for collection of road tax from motor carriers; specifying amount of road taxes payable by motor carriers for each vehicle which travels over the public highways of this state; providing for issuance to motor carriers of evidence of payment of road tax; providing method for pro-rating of amounts due for road tax; providing that road tax shall be in lieu of all other taxes and fees of every kind, except those specifically enumerated; amending §323.151, F.S., providing for payment of fees and taxes by common carriers and limited common carriers of road building and construction aggregates, and renumbering the same § 323.181, F.S.; amending §323.16, F.S., relating to the disposition of

moneys collected under part I of chapter 323 and renumbering the same §323.195, F.S.; amending §323.22, F.S., relating to registration and identification of vehicles; providing for transfer of identifying devices pursuant to rules adopted by the commission; amending §323.33, F.S., relating to fees required to be paid on miscellaneous applications and renumbering the same §323.231, F.S.; amending §323.28(4), F.S., deleting requirements to be complied with by common carriers of passengers certificated by the interstate commerce commission prior to making occasional charter trips in the state in interstate commerce; amending §323.29, F.S., providing exemptions from provisions of part I of chapter 323; creating §323.291, F.S., providing that persons engaged in activities for compensation heretofore exempted from the provisions of chapter 323 may continue such activities beyond the effective date hereof provided such persons make application to the public service commission for a certificate, permit or license prior to December 31, 1973; creating §323.315, F.S., relating to brokers of passenger transportation; requiring persons engaged in business of a passenger transportation broker to obtain a license from the Florida public service commission; prohibiting broker from employing a motor carrier which is not certificated by the commission; providing that fees charged by broker shall not exceed published and approved tariff rate of carrier performing such service; providing for issuance of license; specifying form and contents of application for license, and the filing fee to accompany such application; requiring annual renewal of license; providing for suspension or revocation of license, or imposition of fine, following notice by commission and opportunity for hearing; prohibiting transfer or assignment of license; commission given power to prescribe rules and regulations governing brokers of passenger transportation, and to require bond or other security; commission given power to inspect books, records and accounts of passenger transportation brokers; repealing §§323.03, 323.031, 323.04, 323.05, 323.06, 323.07, 323.08, 323.19, 323.191, 323.21, 323.23, 323.24, 323.25, 323.27 and 323.35, F.S.; providing a severability clause; providing an effective date.

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

By Senator Zinkil—

SB 682—A bill to be entitled An act relating to motor vehicles; amending Section 316.272(1), Florida Statutes, 1972 Supplement, providing an exhaust system to include a muffler to prevent excessive or unusual noise; providing an effective date.

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

By Senator Lewis—

SB 683—A bill to be entitled An act relating to community colleges; creating §§230.758 and 230.7591, Florida Statutes; providing for maintenance of permanent student and employee personnel records; providing for limited access to such records; providing an effective date.

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

By Senator Childers—

SB 684—A bill to be entitled An act relating to abandoned and derelict vessels; giving the department of natural resources, division of marine resources, authority to remove or cause to be removed from the public waters of this state; 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 Trask—

SB 685—A bill to be entitled An act relating to sale of securities amending sections 517.04(3), Florida Statutes, to cre-

ate a securities act trust fund; providing for an appropriation to be made annually; amending section 517.12(6), Florida Statutes, to provide a fee; and providing an effective date.

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

By Senator Lewis—

SB 686—A bill to be entitled An act relating to the central and southern Florida flood control district, group insurance; amending §2, chapter 65-1100, Laws of Florida, increasing the amount of the contribution the governing board is authorized to pay for premiums; providing an effective date.

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

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—38:

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

Excused: Senator Lane (23rd) until 10:30 a.m.; Senator Saunders at 9:35 a.m. for the purpose of working with the staff of the Committee on Ways and Means.

Prayer by Dr. Robert M. McMillan, Senate Chaplain:

Almighty God, may our generation reproduce an even greater heritage for those to come than we have inherited from the past.

We recognize, our God, that the glories of the past neither guarantee the present nor the future and that each generation must produce its own greatness. History will determine our success or failure.

May we, however, not contrive to be great but rather spontaneous in our responses to human needs as we encounter them. So then shall we be great in our persons rather than our programs and humanity will have advanced to higher things.

In the name of our Lord, amen.

Explanation of Vote

I was called out of the chamber on Senate business when HB 262 was passed April 17. Had I been present I would have voted yea.

W. D. Childers, 1st District

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, April 18, 1973:

SCR 479	SB 410	SB 526	SB 441
SB 285	SB 300	SB 184	SB 434
SM 615	SCR 231	SB 219	SB 442
SB 286	SB 345	SJR 359	
HCR 359	SB 309	SB 360	
SB 288	SB 223	SB 419	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Criminal Justice recommends the following pass: SB 316

The bill was placed on the calendar.

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 103, SB 581

The bills with Committee Substitute attached were placed on the calendar.

The Committee on Criminal Justice recommends the following not pass: Senate Bills 95, 298, 131, 132 and 133

The bills were laid on the table.

The Select Curriculum Subcommittee of the Education Committee recommends SB 170 favorably to the standing committee.

The Select Management Subcommittee of the Education Committee recommends Senate Bills 221, 6, 527, 279 with 1 amendment favorably; and SB 310 unfavorably to the standing committee.

Subcommittee A of the Ways and Means Committee recommends SB 326 with 1 amendment favorably to the standing committee.

BILLS REFERRED TO SUBCOMMITTEE:

Education: Select Curriculum Subcommittee—Senate Bills 272, 443, 291 and 540 (7 days to report to Committee on Education); Education Committee: Select Finance Committee—Senate Bills 390, 455, 525, 535 and 586 (7 days to report to Committee on Education).

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 3 with 2 amendments	SB 224 with 3 amendments
SCR 52 with 4 amendments	SB 228 with 1 amendment
SB 156 with 1 amendment	SB 254 with 2 amendments
SB 161 with 3 amendments	SB 269 with 3 amendments
SB 177 with 8 amendments	SB 276 with 4 amendments
SB 191 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.

Your Engrossing Clerk to whom was referred SB 113 with 1 amendment reports that the Senate amendment has been incorporated and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

The bill was placed on the Calendar on third reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Poston, SB 284 was removed from the calendar by two-thirds vote and recommitted to the Committee on Transportation.

On motion by Senator Zinkil, SB 119 was withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Glisson, SB 113 was removed from the calendar by two-thirds vote and recommitted to the Committee on Judiciary.

On motion by Senator Saunders, SB 326 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

REQUEST FOR EXTENSION OF TIME

The Committee on Criminal Justice requests an extension of 10 days for the consideration of the following:

SB 466 by Firestone	HB 133 by Gautier
SB 483 by Glisson	HB 166 by Gautier
SB 476 by Poston	SB 490 by Johnson
SB 480 by Firestone	

MESSAGE FROM THE GOVERNOR

The Honorable Mallory E. Horne
President, Florida Senate
The Capitol

April 16, 1973

Dear Mr. President:

The Constitution of Florida reposes in the office of Governor a profound public trust. It invests the office with broad powers and charges the holder with solemn duties. I am not unmindful of the great privilege which is mine to hold—in passing, as it were—at the suffrance of the electorate of this great state. Neither am I unmindful of the singular and correlative duty imposed upon me as the Chief Magistrate of this State “to take care that the laws be faithfully executed.” But, as I am sure you will agree, this executive duty was not cast nor does it now exist in the solitude of a constitutional vacuum.

To the contrary, it is a duty to the citizens of Florida which cannot possibly be fulfilled without the cooperation and assistance of the Legislative and Judicial Branches; without the aid and advice of my colleagues in the Executive Branch, most notably, the Cabinet; without the untiring service of thousands of dedicated governmental officers and employees; and finally without the interest and support of the citizens themselves.

With these thoughts in mind, I take this opportunity to share with you my views regarding the deficiencies which beset Florida's criminal justice system and my recommendations of the means to improve the system to the end that our laws may be more faithfully executed and the lofty goals of our forefathers may be fully realized.

SPECIAL MESSAGE ON CRIMINAL JUSTICE

In the area of criminal justice over the past few years, we have met new challenges and achieved significant results. There is much of which to be proud. But much more remains to be done if we are to have a system of criminal justice that is not only effective but also just, and not only concerned about statistical accomplishments but also committed to upholding the dignity of persons it serves.

During this session, the Legislature has a unique opportunity to address problems that for too long have gone untreated and to continue the reform which you have initiated in the recent past.

A source of gratification to all is the report of crime trends in Florida which is soon to be released by the Florida Department of Law Enforcement. The report will show an appreciable *downturn* of 5.3% in the rate of violent and property crimes in Florida. Along with this improvement, we can also take comfort in knowing that last year the percentage of crimes cleared by arrest *increased* by over 9% in Florida. For this accomplishment we owe tribute to the hundreds of dedicated law enforcement officers who serve throughout our State.

While these statistics are encouraging, the absolute number of crimes is still intolerable. The cost of crime in dollar and human terms is far too much for the health of Florida. Last year, for example, victims of property crimes in Florida suffered more than \$77 million in unrecovered property losses. More than 900 persons were murdered, and thousands of Florida residents were permanently traumatized as victims of rape, robbery, aggravated assaults, and other serious crimes.

Drug abuse continues to be a serious problem in our state. Arrests for sale of narcotics and dangerous drugs increased by more than 26% in 1972 over the previous year, while arrests for possession increased by more than 53%. We must continue and improve our treatment, rehabilitative and enforcement programs in this area.

To provide agencies in these areas and others in the criminal justice system with the necessary resources, I have proposed in my recommended budget for fiscal year 1973-1974 an overall *increase* of more than 25% in appropriations for criminal justice operations. By function, the recommended budget calls for more than a 53% increase in appropriations for programs dealing with the actual reduction of criminal activity, a 27% increase for programs dealing with the prosecution and defense and nearly a 23% increase for institutional and community-based rehabilitation programs.

We cannot succeed in our efforts to control crime and improve our system of criminal justice if adequate resources are not provided. For that reason I urge you to approve the recommended budget which I have submitted.

In addition to providing adequate resources, we must also review the adequacy of our laws and make changes where circumstances warrant. Only through such a comprehensive approach will we improve our chances of successfully meeting the changing challenge of crime in Florida.

ORGANIZED CRIME

Organized crime is a disease that feeds on the weakness of man. It affects each one of us in many direct and indirect ways.

By its illegal gambling operations it earns millions of dollars which serve as the “seed money” for its other illicit activities. Estimates of organized crime revenue from gambling are staggering. In 1967 the President's Crime Commission estimated that illegal gambling nationwide provides organized crime with between \$7 billion and \$50 billion in gross annual proceeds. If we assume that \$7 billion, as the low figure in that range, is a realistic estimate of organized crime's gross “take” from gambling, we are saying the organized crime has gambling revenues amounting to more than \$800 thousand *every hour of every day*. It is not unreasonable to assume that organized crime revenue from illegal gambling in Florida amounts to at least one-fiftieth of those national figures—or a gross annual revenue from illegal gambling in Florida of \$140,000,000. Because Florida is the ninth largest state, it is likely that this gross figure may be greater.

While gambling may be organized crime's major source of income, it is by no means the sole source. Organized criminal rings, some of which operate with the support of hard core organized crime groups, are responsible for a large part of the drug importation and distribution activities in the nation and in Florida. From this enterprise it is estimated that hundreds of millions of dollars are generated for the coffers of organized crime.

But the financial consequences to our society from this vicious racket pale by comparison to the human consequences. While we should be disturbed by the large sums of money which organized crime derives from its drug importations, we must not lose sight of the incalculable harm caused to society by the ravages of drug abuse and its consequences. These consequences include shattered lives and dreams of thousands of families and billions of dollars in property crimes committed by addicts who must feed their expensive habits on a daily basis. The addict generally does not meet that expense from legitimate means but resorts instead to theft, and here again organized crime serves as a willing partner by providing fencing outlets for the conversion of stolen property into cash for the purchase of drugs.

Loansharking—the lending of money at criminally usurious rates—is another of the lucrative illegal activities of organized crime which affects each of us. The loanshark preys on the poor and rich alike, and the consequences of his activities cause ripples and waves throughout our economy. The loanshark victim, upon failure to repay, may lose his business to the loanshark or be forced into the crime of embezzlement out of fear of the retribution he knows may be inflicted. Once in control of a captured business, a loanshark may fleece the bankruptcy laws. Nationwide, the loanshark racket is esti-

mated to generate at least \$300 million annually to organized crime, and again it is not unreasonable to assume that at least one-fiftieth of that amount is derived in Florida.

These illegal activities of organized crime not only provide millions of dollars in untaxed profits, but also establish avenues toward "respectability" for the racketeer element by enabling the infiltration of legitimate business through outright purchase. Few if any types of business are immune to these incursions. A study by the Internal Revenue Service a few years ago revealed that of 113 publicly identified racketeers investigated, 98 of them had control of or a significant interest in 159 different enterprises. There is strong evidence to indicate that organized crime infiltration of legitimate business in Florida is a problem of growing magnitude.

But of all the consequences of organized crime the most devastating is the official corruption it causes. The late J. Edgar Hoover accurately stated that "organized crime cannot exist in a community without the protection of corrupt officials and the blessings of an apathetic public whose sense of morals has been dulled to blindness." No effort to deal with organized crime can be complete without a concomitant program to assure integrity in government.

STATEWIDE GRAND JURY

Much more can be said about organized crime than is contained in this short listing of abuses it inflicts on the people of Florida. It is sufficient to say that a highly sophisticated, diversified and widespread force operates in our state today. Loud voices and good intentions will not eliminate it. Only carefully conceived, sound, and well-executed plans will. The burden of finding solutions is on those of us who have been elected to lead.

Having evaluated the status of our effort against organized crime, I have concluded that more than anything else our evidence-gathering process is in need of improvement. While, in most respects, our substantive laws may be adequate in their coverage of illegal activities of organized crime, the laws are not self-executing. As you know, I have recommended a statewide grand jury which would provide us with an effective evidence-gathering tool and immeasurably improve our ability to detect organized criminal activity and indict members of organized crime.

The activities and consequences of organized crime are matters of statewide significance and concern. County and circuit boundaries are not respected by an organized crime group which conducts bookmaking or other gambling operations with selling, collection and "lay-off" contacts in many counties; or by a drug ring which imports narcotics in one county, processes them in another, sells them in a third and maintains its headquarters in a fourth; or by an organized criminal group which receives from another state the proceeds of an illegal operation and invests those funds in a number of our counties in attempts to "launder" the money and provide "legitimate" fronts for illegitimate operations.

Consequently, we need a mechanism that is able to investigate these activities on a statewide basis since they unquestionably have state wide impact.

When one considers that our 67 counties range in size from the smallest, with 301 square miles, to the largest, with 2,578 square miles, and range in population from approximately 3,000 residents to nearly 1.3 million, it becomes clearer that the single county approach to dealing with multicounty criminal activity is inadequate.

The proposed bill establishing the statewide grand jury not only has great promise of achieving significant results, but also contains numerous checks, balances and safeguards against abuse and manipulation. In fact, the statewide grand jury I propose has added safeguards which are not contained in either the Federal law which authorizes special grand juries or in the laws of other states which have statewide grand juries.

We have been cautious in drafting the proposed bill to prevent vulnerability to manipulation and abuse, and have created what some might call a "cumbersome" mechanism.

Two of our sister states—Colorado and New Jersey—have instituted statewide grand juries within the past few years. In each state the results have been salutary and the evaluation positive. For example, since 1968 when a statewide grand jury system was established in New Jersey, that state has empaneled

nine statewide grand juries. As of May, 1972, the New Jersey statewide grand jury had returned 204 indictments resulting in 110 convictions. In the first two months of this year an additional 14 indictments have been returned. The types of multi-jurisdictional offenses covered by the indictments include gambling, large scale narcotics operations, extortion, loansharking and bribery.

The experience of these states clearly underscores the fact that as an institution for gathering evidence in organized crime investigations a grand jury is without counterpart. But to be truly effective in such cases a grand jury must have a geographic jurisdiction which is capable of adequately exploring multicounty activities of organized crime. Currently, our law only authorizes grand juries with jurisdiction to inquire into offenses which are triable within the boundaries of a county. Under certain circumstances a grand jury may be moved from the county where the triable offense allegedly occurred. In an organized crime operation covering a number of counties and judicial circuits, separate grand juries must be empaneled in each of the counties where offenses are committed.

A dramatic example of how this situation can cause a serious hindrance to the enforcement of state laws is presented by the recent case involving key figures in a Central Florida based gambling conspiracy. After extensive investigation by Florida law enforcement and prosecutive agencies in Central Florida, it was a Federal grand jury and not a Florida grand jury which returned indictments. One of the basic reasons for this was that a Federal grand jury had the geographic scope to investigate into the entire matter and to return indictments irrespective of the county or circuit where offenses were committed. Despite the expenditure of thousands of dollars and hundreds of man-hours by state agencies in developing this significant organized crime gambling case, the state deferred to the Federal Government for purposes of prosecution of Federal crimes due, in large measure, to our fragmented and patchwork grand jury structure.

Inter-governmental cooperation as evidenced in this case and others should be applauded. At the same time, however, we must bear in mind that Federal prosecutive and investigative priorities may not coincide with those of our state. Matters investigated and developed by Florida agencies and referred to Federal grand juries often may stand in line while Federal agencies accomplish their primary mission—the enforcement of Federal laws. We have a legitimate interest in assuring that state laws are enforced and the only way to assure that is to have a self-sufficient capability.

What does it profit us to have law proscribing certain conduct and setting penalties for violation if our investigative and prosecutive mechanisms are not equipped to effectively enforce them? There should be no need for our state to forego prosecutions for reasons that are well within the power of the Legislature to correct.

Under the bill I shall propose, a statewide grand jury could be empaneled only with approval by the Supreme Court upon a petition filed by the Governor seeking such empaneling and setting forth good and sufficient reasons for the empanelment.

The term of the grand jury would be delineated by the Supreme Court for a period of up to twelve months, subject to extension for up to six months by the Supreme Court upon petition by a majority of the grand jurors or by the grand jury's legal advisor.

The statewide grand jury would have geographic jurisdiction extending throughout the state. Its subject matter jurisdiction would be limited to the investigation of organized crime which is defined in the bill as "matters involving incidents which occur or have occurred in two or more counties as part of related transactions."

An indictment returned by the statewide grand jury would be certified for trial in the county where the offense was committed, thus safeguarding the defendant's constitutionally guaranteed right of venue. To preserve the independence of the grand jury, the bill provides that the foreman and deputy foreman shall be elected by the grand jurors themselves.

The legal advisor to the statewide grand jury would be a state attorney designated by the Governor, subject to the approval of the Supreme Court.

The statewide grand jury would be composed of eligible potential jurors randomly drawn on a population basis from certified jury lists of the several counties. To assure that the

grand jury is composed of a cross-sampling of residents from different parts of the state, the bill restricts to one-quarter of the entire composition the number of grand jurors who may be residents of any one judicial circuit.

Under this bill, judicial supervision of the statewide grand jury would be exercised by a judge of the circuit court assigned for that purpose by the Chief Justice of the Supreme Court.

All of these are important safeguards which will effectively guarantee that the statewide grand jury will properly be used, and in addition, serve as a symbol of our State's tough posture against organized crime.

The statewide grand jury would not expand the substantive powers now reposed in county grand juries. Rather it would merely have an expanded geographical jurisdiction and be limited to inquiry into organized crime matters which are not confined to a single county.

It would be a valuable mechanism in dealing with complex and lengthy investigations requiring the undivided attention of the statewide grand jury. It would be a valuable tool in combating organized crime which respects no county boundaries. It would be an important vehicle for dealing with organized crime activities of statewide impact and concern.

The severity of the organized crime problem requires and the people of Florida deserve no less than the realistic approach embodied in this proposal. I urge you to enact, at this session, legislation creating the statewide grand jury described above.

COUNTY GRAND JURY

Creation of a statewide grand jury does not obviate the need to improve our law dealing with county grand juries. In most respects, Chapter 905 of the Florida Statutes which deals with county grand juries has not been revised since 1939. During the intervening thirty-four years, the complexity of crime has increased and the complexion of our criminal justice system has drastically changed.

In keeping with the spirit of criminal code revision, I believe that we should take this opportunity to streamline and clarify Chapter 905 along the lines that I shall set forth in a proposed bill.

IMMUNITY

In complex and wide-ranging investigations, few evidence-gathering tools are as effective as the grant to a witness of immunity from prosecution in exchange for testimony initially refused on the basis of the privilege against self-incrimination. As a tool of evidence-gathering, immunity dates back to 18th Century England. It is founded on the premise that the privilege against self-incrimination, as the well-known expert on evidence, Dean Wigmore, noted, is "merely an option of refusal not a prohibition of inquiry."

Particularly in complex investigations, notably those involving organized crime, a "wall of silence" is created by key potential witnesses. The wall is constructed of two materials. First is the internal discipline of organized criminal groups which make their members well aware of the fate that awaits them if they testify. Second is the privilege against self-incrimination. What many jurisdictions, including the Federal Government, have recognized is that the wall of silence can be penetrated by affording adequate protection to witnesses and by enacting laws which guarantee, by the provisions of immunity statutes, that testimony compelled will not be used against the witness in a criminal proceeding.

Florida now has what is known as a "transactional" immunity statute which cloaks a witness with an absolute insulation from prosecution for any transaction or matter about which he has testified. This immunity from prosecution has been construed to be applicable even if law enforcement investigation subsequently uncovers totally independent and unrelated evidence of the witness' complicity in the offense about which he was compelled to testify, and even if the witness's statement is not used against him.

The problem with transactional immunity has been that if it is applied erroneously or without knowledge of the witnesses' offenses in other jurisdictions, it can seriously impede effective law enforcement and prosecution.

To improve the evidence-gathering capabilities of our State Attorneys, to assure that grants of immunity are made with full knowledge of a witness' background and possible violations in other circuits, and to safeguard the privilege against self-incrimination, I shall propose that you enact a measure that will continue the granting of transactional immunity by State Attorneys, but only after prior approval is obtained from the Governor, as the Chief Magistrate of the State under the Constitution. The Office of Governor would serve primarily as a "clearinghouse" for the necessary information to insure that blankets of immunity are not used to thwart other jurisdictional interests in the defendant.

CRIMINAL CODE REVISION

One of the most far-reaching opportunities before this Legislature is the opportunity to modernize our body of substantive criminal law. We are now in the third phase of Criminal Code Revision. We have already seen the adoption of new rules of criminal procedure by the Florida Supreme Court, and the Legislature recently made great progress in enacting uniform penalties for substantive crimes and in repealing some needless criminal statutes. I commend the Supreme Court and the 1971 Legislature for those great strides. But the major task in Code Revision is still ahead—the revision of Title 44, the Florida Criminal Code.

In recent years, there has been a nationwide, state-by-state effort to modernize the criminal law. According to the latest statistics compiled by the American Law Institute, 18 states have modernized their criminal laws. Delaware, Pennsylvania, North Dakota and Utah have acted within the past year. Sixteen other states, including Florida, have revised criminal code proposals yet to be enacted. Eight states have criminal code projects well under way. In addition, Congress is presently considering two proposals for the revision of Title 18, U. S. Code, the Federal Criminal Code.

In Florida, we have criminal offenses spread throughout the Florida Statutes. Title 44 abounds with inconsistencies and useless anachronisms. It is a conglomerate of separate statutes that are top-heavy with archaic references and short on effectiveness. If one would take time to examine the legislative history of many of the present provisions of Title 44, he would find that most of these provisions were drafted in 1868, and only minor changes have been made since. It seems almost unbelievable that in 105 years, Florida has never mounted a full-scale revision of these statutes. We have the opportunity now to re-establish the credibility of the criminal justice system by adopting a modern criminal code tailored to the challenges of the 1970's.

There are some criminal statutes which may be outdated, not because society condones the moral conduct proscribed, but because experience has taught us that such laws are selectively enforced and many times too expensive to administer. Some of these statutes, moreover, constitute an unjustified burden on the criminal justice system itself. They crowd police blotters and clog court dockets. I am referring to the what have been called "victimless crimes."

In dealing with the "victimless crime" issue, the essential question is whether society has a prevailing interest such as would justify the continued imposition of *criminal* sanctions. Care should be taken to distinguish between crimes which are clearly without a victim and those in which the family or society itself is the victim. I believe that Florida should continue to strengthen its laws prohibiting gambling and prostitution, especially in the case of those who promote such activities as an illicit business. I believe that Florida should strengthen its laws prohibiting sex crimes, particularly those which involve the youth. Sexual offenses committed by force upon children should be subject to severe penalties.

There are certain improvements in the law contained in the "Third Tentative Draft" of the Criminal Code Revision which deserve special mention. For example, the chapter dealing with child abuse and neglect of dependents substantially broadens and strengthens our coverage of this area. The proposed chapter on bribery, corrupt influence and abuse of office sets a new standard in the area of official misconduct which is greatly needed. This coupled with changes previously recommended will improve our entire system of government. The provisions relating to obstruction of justice will effectively aid better law enforcement and give us the tools to combat those who would impede the orderly administration of justice.

Over the years there has been a proliferation of penal statutes because every minor offense, or violation of an administrative statute has been classed as a second degree misdemeanor. Decriminalization of such statutes by providing for a fine, forfeiture, or other adequate civil remedy would effectively relieve the criminal justice system of a huge, unnecessary, and expensive burden, and result in a more effective disposition and thus serve as a more effective deterrent. The Myers Act is an excellent beginning.

An essential goal of Code Revision is to eliminate provisions which do not clearly prescribe criminal conduct. Criminal statutes should be in *plain language*; they should be written so that everyone can understand them. At a time when societal restraints are increasingly complex, so much so that citizens and law enforcement officials alike have great difficulty in correctly interpreting the requirements of law so as to conform their conduct to "acceptable standards," this Legislature could perform a great service by spelling out the basic standards of our state in clear terms.

Among other things, Criminal Code Revision has recommended an overhaul of statutes relating to bribery, corrupt practices, and official misconduct. I recommend this effort. One of the single most important, and yet one of the most fragile, assets that a government can have is the trust of the people it serves. Nothing can shatter that trust as quickly and thoroughly as corruption in public office. We should strengthen these laws.

To make equal the standards applicable to the average person and to the public official, I urge you to enact a bribery and corrupt practices act which is stronger than the one that is presently under consideration by the Code Revision Committees.

The bill which I will propose is modeled in part on the excellent beginning made in Criminal Code Revision, but it borrows from the landmark law enacted by the State of West Virginia in 1970.

The measure I propose would:

- (1) expand the coverage of the bribery statute to include principal political party officials;
- (2) clarify the definitions of "bribery;"
- (3) include threats and retaliation in official and political matters under its terms; and
- (4) make it unlawful for a public servant to solicit or accept a reward or compensation for past behavior.

For these reasons, it is imperative that decisive action be taken this year to modernize our criminal code. The piece-meal approach to reform of years past is no longer adequate. The Criminal Justice Committees, chaired by Senator Richard Pettigrew and Representative Jack Shreve are to be commended for their extremely valuable work towards this goal.

FLORIDA LAW ENFORCEMENT ACADEMY

I urge this Legislature to establish a law enforcement academy program to upgrade the capabilities of law enforcement personnel throughout our state.

A national standard recommended by the National Commission on Criminal Justice Standards and Goals underscores the importance of training and education of law enforcement officers:

"Every state should, by 1978, guarantee the availability of state approved police training to every sworn police employee. Every state should encourage local, cooperative, or regional police training programs to satisfy state training requirements, and, when these cannot satisfy the requirements, criminal justice training centers including police training academies should be established by the state."

The State of Florida cannot, in my judgment, wait until 1978 to provide our law enforcement officers with adequate training.

J. Edgar Hoover, who repeatedly stressed the need for improved police training, said, "The efficiency of law enforcement today is commensurate with the degree of training of

its officers. Only through modern police training can we keep abreast of the times in the unceasing fight against lawlessness."

The proposed Law Enforcement Academy will have two basic functions: (1) a field instruction program, and (2) a resident instruction program.

The field instruction staff program will assist local law enforcement agencies by providing a pool of instructional support for local recruit and specialized training. This field training will complement the efforts of local criminal justice institutes and academies. It will not supplant those efforts. Basic recruit and advanced training programs will continue to be held at the local level for city and county agencies.

The resident instruction program will provide basic recruit training for all state law enforcement agencies, except the Florida Highway Patrol. Moreover, specialized training will be available to all law enforcement agencies in the State.

Cities and counties have gone to great expense and effort to establish local training facilities and programs in coordination with the Florida Police Standards Board. The proposed programs of the Florida Law Enforcement Academy will complement those efforts and capitalize on their experience. Significantly, the Academy will consolidate and improve the state's training capabilities for state law enforcement agencies such as the Florida Highway Patrol, Marine Patrol, Beverage Division, Game and Fish Commission, Florida Department of Law Enforcement, and State Attorney investigators.

Florida is not alone in this approach. According to a 1972 report of the International Association of Chiefs of Police, thirty-four state law enforcement departments have state training facilities which train state and local officers.

In accordance with the certification program of the Police Standards Board, the Florida Law Enforcement Academy will help fill many gaps in our present approach to law enforcement training. It will make available to the state and local agencies: an expert, full-time instructional staff, a resident facility for specialized training and research, a mobile training capability, a staff to support local programs, and a vehicle which will foster standardization and quality control in the state's law enforcement training efforts.

We recognize that the Academy, as with most innovative proposals, has been a cause of controversy. But in its present form, there appears to be significant support for its immediate implementation. The Executive Board of the Florida Police Chiefs Association voted unanimously in favor of the proposed Law Enforcement Academy. The Florida Sheriffs Association in executive session voted in favor of the proposed academy. A recent survey conducted by the Florida Department of Law Enforcement of all sheriffs and police departments in the state indicated that 90% of those departments support a law enforcement academy program which would be staffed and equipped to provide specialized "skills training" for all law enforcement officers.

Because law enforcement effectiveness hinges greatly on training and ability, to send a law enforcement officer forth without providing him with the expert knowledge and skills needed constitutes disservice to the public and to the officer himself.

I urge this Legislature to appropriate the necessary funds, as outlined in my budget recommendations, to implement the proposed Florida Law Enforcement Academy program.

HANDGUN CONTROL

The use of handguns in the commission of crime has become a problem of such magnitude that it can no longer be ignored. While we must consider the individual's right to bear arms, we must also consider the rights of victims against whom these arms are all too frequently used.

In 1971, 51% of all homicides committed in the United States involved the use of handguns. During the same period in Florida, handguns played the major role in 54.6% of all homicides. This percentage of occurrence has risen to 58.1% during the 1972 reporting year. Significantly, the percentage of times handguns used in the commission of robbery, aggravated assault, assault on police officers and the killing of police officers in Florida is equal to, or higher than, the national averages for those crimes.

In addition, so called "Saturday Night Specials" are readily available for purchase and immediate use in Florida for prices ranging from \$12 to \$20, which in many cases includes the cost of ammunition.

Since the shooting of Governor George Wallace and Senator John Stennis, many have felt the need to do something about attempts on the lives of public figures, not to mention the 20,000 less publicized shooting deaths in the United States each year including more than 900 in Florida last year. The National Commission on the Causes and Prevention of Violence estimated that, as of 1968, there were 35 million rifles, 24 million handguns and 31 million shotguns in civilian hands. These weapons were used to commit 65% of all murders and more than 100,000 robberies annually. Moreover, guns are a common cause of accidental deaths and a favorite weapon in suicides.

In 1971, a million shortbarreled handguns were made in America, similar to the ones that were used to kill Senator Robert Kennedy and shoot Governor Wallace, and over 4,000 other citizens. Many of these weapons were fabricated from foreign parts. The Federal Gun Control Act of 1968, enacted in response to the murders of Senator Kennedy and Dr. Martin Luther King, Jr., banned the importation of handguns. As a result, parts are now imported for assembly in our country.

More people have died of civilian gunfire since the year 1900 (800,000) than in all wars since and including the American Revolution. Since 1835, there have been 41 documented assassination attempts against Presidents, governors, senators and representatives. All too many of these attempts have been successful.

While some form of handgun control is needed, a security measure that would protect persons and property from all harm is unattainable. The truth of that is conceded by The National Commission on Violence: "[I]t is difficult to prevent a determined assassin from killing, particularly when a mentally or emotionally distraught person acts alone to avenge some real or imagined wrong."

Accordingly, it has not been seriously proposed that the estimated 90-million firearms in private possession be confiscated. Certainly that is not a responsible position, but one nevertheless which is the apparent fear of the National Rifle Association which opposes any legislation as a step in that direction. The 1968 Gun Control Act banned interstate mail order sales, provided for the recording of purchases so as to trace owners and to limit imports. The Gun Control Act did not prevent Arthur Bremer from legally purchasing a snub-nosed revolver even though he had been arrested previously for carrying a concealed weapon. Last year the United States Senate passed a bill that would restrict sale of easily concealable small handguns to police agencies, the military and to those with lawful sporting purposes.

Our efforts in Florida are now in need of repair. In March of this year, Florida's "Saturday Night Special" law was declared unconstitutional by the Florida Supreme Court. The effect is that the unregulated importation of weapons parts from foreign sources for assembly, distribution and sale in our state is now permitted. We are without an enforceable law to control cheap handguns.

FBI Director J. Edgar Hoover said, "[W]e must eliminate 'Saturday-night specials' if we are to reduce the incidents of homicide". A carefully drafted statute in this area is needed. Additionally, I strongly recommend the enactment of legislation requiring a "cooling off period" between the time of purchase and the time of possession by the buyer.

CONCERN FOR VICTIMS

This year, more than ever before, government has become increasingly aware of the plight of those who are victims of serious crime. I share this concern. According to the President's Crime Commission Report, one of the most neglected subjects in the study of crime is its victims; it is the individual, his household and his business that bear the brunt of crime in the United States.

The United States Senate recently passed a bill which would provide monetary compensation to victims of certain serious crimes. The Florida Legislature will also be considering legislation for victim compensation. Although I have some philosophical reservations regarding the concept of victim compensation, I recommend that a meaningful effort—perhaps a pilot effort—be initiated this year.

PORNOGRAPHY

The rights of free speech and expression are cherished liberties guaranteed by the United States and Florida Constitutions. These cherished liberties must not be compromised. Our efforts to curtail the distribution of hard-core pornography are premised on the generally accepted fact that those rights are not absolute. And as we can be sanctioned for yelling "fire" in a crowded theatre, so may we be proscribed from conduct that could reasonably be expected to result in an increased threat to the personal safety on citizens and well-being of society.

Many Floridians have expressed indignation at the pandering of obscene materials in our State. The availability of hard-core pornography has increased drastically. Lurid advertisements and announcements daily assault the sensibilities of Floridians, young and old. Some drive-in theatres are exhibiting obscene movies in view of surrounding residents or passing motorists.

The primary reason for this proliferation is that Florida has no enforceable statute to control the distribution and sale of hard-core pornography. Enforcement of Florida's present statute has been stayed by the Supreme Court until its constitutionality is determined. When the Supreme Court will act is unclear. The case has been on appeal for almost three years. Meanwhile, Florida has been helpless against the deluge of pornography which has been openly and aggressively pandered in our state.

To stop this deluge, the Legislature should enact legislation that will give our law enforcement officers an effective tool against those who promote, distribute, and pander obscene matter. Such legislation would be a futile gesture, however, without some assurance that it would pass constitutional muster. Careful analysis should be made, therefore, to determine the constitutionally permissible latitude in this area of the law so that cherished constitutional rights are not abridged.

I will propose legislation that would effectively curtail the dissemination of hard-core pornography. It would be supplemental to the statutes now under court challenge. The major thrust of this legislation is aimed at those who promote obscene material. Carefully drawn definitions from other successful state statutes, such as those of Georgia, have been included.

The proposed legislation consists of three bills.

- (1) A criminal statute enforceable against wholesalers, distributors, retailers, promoters, and manufacturers.
- (2) A civil statute enabling a citizen to obtain injunctive relief or civil compensatory damages.
- (3) A statute by which a prior adversary hearing would be held if it is finally determined that such a hearing is a constitutional requirement.

This program is designed to include a comprehensive, but enforceable criminal statute consistent with the Constitutions that will be an effective tool against the hard-core pornography in Florida. Under these proposals, the private citizen would be authorized to initiate civil action (either by injunction or by a suit for damages). In this way, each citizen would be able to assist in the control of obscene material in their own community.

BAIL REFORM

The present system of "money bail" in Florida discriminates against the indigent and poor.

The bail system is intended to assure an individual's attendance at trial, but the manner in which it is administered does not take into account the pertinent social, family or character traits which may indicate the probability of a person's appearance at trial. The present system simply measures one's ability to pay without regard to the potential threat to society which may be presented when the accused is returned to the streets, to his home or his job.

It is estimated by the Florida Department of Administration, from recent studies on bail and detention, that in 1971 at least 48% of the accused who were charged with bailable felonies and 20% of those charged with misdemeanors could not post the required money bail. This resulted in the pretrial incarceration in 1971 of approximately 38,255 persons in Florida jails at an average cost of \$4.04 per day, per person.

The cost is staggering. The utility of the system in its present form is questionable, at best. Although it is not known how many of these persons were incarcerated on any given day, it is evident that substantial savings could result from changes in the system. This, of course, does not take into account the dollar cost to the public for welfare support to assist the dependant family or the economic and psychological cost to the families affected. This problem is further exacerbated by the damage done to the accused's work record and to his employability while he is awaiting trial.

The Department of Administration estimates that an adequate "release on recognizance investigation" costs approximately equal to the cost of incarcerating the individual for two weeks in the county jail. Considering the fact that accused persons are not infrequently incarcerated for periods of 8 to 12 weeks prior to trial, or other disposition, a tremendous savings of public money could potentially be derived by releasing on their own recognizance those accused who are found to be a potential threat to society. Bail reform would not only represent a savings in tax dollars, but it would also help to eliminate the serious overcrowding in Florida jails.

National studies conducted in areas where bail reform programs have been enacted demonstrate that of all those persons released on recognizance less than 1% have failed to appear for their court hearing or trial. Furthermore, these studies show that the rehabilitative process is significantly enhanced for those offenders who are ultimately convicted and placed on probation and who do not spend the time prior to trial, in jail. Finally, for those innocent persons who were accused and later acquitted of a crime, the release on recognizance system does not impose irreparable damage to their lives, families and occupations and sometimes forcing these families onto the welfare cycle. It is essential, therefore, that we modify our bail system in order to require the trial judge to release an offender on his own recognizance unless it is shown that the offender's employment record, family ties or past experience indicate a strong probability that he may not appear at trial or hearing.

In summary, reforming the bail bonding system in Florida would (1) eliminate the injustice imposed upon indigent and poor offenders, (2) save substantial tax dollars, and (3) maintain an assurance that the accused person will appear in court. Such reform is overdue.

One final comment on bail reform. The President's Crime Commission advises that more "strictly enforced criminal penalties for willful non-appearance should provide a deterrent to flight." I agree. Bail reform in Florida should include swift and sure penalties for those who fail to appear.

PRE-TRIAL DIVERSION

The unmanaged flow of offenders through the state corrections system is the most critical problem facing Florida's correction system.

One of the reasons for the present overcrowding problem is that approximately 27.6% of the felony dispositions result in a prison commitment. That rate exceeds by approximately one-half the prevailing rate throughout the country. The Division of Corrections is currently housing in excess of 10,000 inmates, and it has had to "close its doors" to new admissions twice during recent months. Many county jails are overcrowded, court dockets are congested, and in many areas no relief is in sight.

Based on a preliminary analysis of the 1972 Florida Uniform Crime Reports, Crime in Florida, nearly 46% of all Florida offenders are under the age of 25; this represents approximately 180,000 individuals. With recidivism rates ranging anywhere from 60% to 90%, it is obvious from these rates that the cost in wasted human lives, in property, and in tax dollars is appalling.

One alternative to the traditional approach rehabilitation is "pre-trial diversion". Pre-trial diversion affords for treatment immediately following apprehension, at the time when rehabilitative efforts should begin. A pre-trial diversion program makes available services such as comprehensive diagnosis and evaluation, intensive counseling and supervision, psychiatric treatment, vocational training, and job placement. These services are provided immediately after arrest and continue usually for periods of from three to six months. Satisfactory completion of the program results in the final discharge of the offender without the damaging stigma of a criminal record.

A survey of pre-trial diversionary programs indicates that present efforts in other states are demonstrating their value. A limited experience of seven major U. S. cities indicates a "success rate" ranging up to 87% when working with youthful offenders.

Based on a cost-benefit analysis of a pilot pre-trial program in Dade County, the costs of handling 125 cases by the method of diverting an offender to a pre-trial program in comparison to the traditional means of incarceration, trial and disposition may be summarized as follows:

Pre-Trial Intervention Costs (125 cases)	\$ 86,925
Incarceration Costs (125 cases)	\$309,443

Based on this limited comparison, it can be concluded that it may be significantly less costly to divert a case to a pre-trial program than to process it, in the traditional manner, through disposition in the criminal courts.

Circuit Judge Ben F. Overton, Chairman, Conference of Circuit Judges, advised a report on the recent National Conference of Criminal Justice, that of the "proposed standards affecting the courts, this (pre-trial diversion) should be examined closely for possible full implementation in Florida." Clearly, then, new approaches working within recognized standards and goals for rehabilitating offenders, such as pre-trial diversion, should be thoroughly considered without delay.

Having recognized the importance of the pre-trial intervention treatment approach, my budget recommendations includes \$156,000 from the U. S. Department of Labor and \$377,500 from Law Enforcement Assistance Administration to be utilized for pre-trial diversionary programs. I invite the Legislature to study these proposals for possible expansion of this useful concept.

YOUTH CRIME AND DELINQUENCY

Nearly six years ago, the President's Commission on Law Enforcement and Administration of Justice stated that "... America's best hope for reducing crime is to reduce juvenile delinquency and youth crime. . ." It said that the best preventive medicine to the problems encountered in the adult correctional system was a more viable and effective rehabilitation services to youth.

In Florida the problem of delinquency and youth crime is particularly significant. School age youth, of ages between five and eighteen, represent less than one-fourth of our population, but account for more than one-half of all arrests for serious crimes.

Recognizing these facts, we must continue to strengthen our juvenile justice system, not only because neglect of the problem fosters careers of crime, but also because our youth are our most valuable natural resource. The juvenile justice objectives of this administration include policies and programs:

1) To proceed to implement a state-operated system of juvenile detention services.

2) To prohibit the use of jails in detaining children and to administratively restrict the detention of children under 12 years of age, except in the most rare and justified circumstances;

3) To expand the juvenile jurisdiction of circuit courts to include 17 year olds, phasing out this age group from our adult institutions to help reduce overcrowding and to provide more individualized treatment for youth of that age;

4) To establish a "youthful offender" statute, improved probation and parole supervision, and to increase the use of diversionary alternatives for non-capital offenders of ages between 18 and 25;

5) To continue development of community-based treatment facilities including foster-family group homes for delinquent children in order to offer more individualized attention, and to provide for more flexible transfer procedures within the Department of Health and Rehabilitative Services from one division to another to assure the most appropriate treatment of juvenile offenders.

6) To increase our attention to the needs of school-age youth, by encouraging citizen interest and involvement and developing preventive and diversionary alternatives and innovative programs to reduce juvenile delinquency and youth crime;

7) To undertake assessment of program accountability and cost effectiveness of our correctional efforts. Quality of service is as important as quantity of service, and efforts should be commenced to provide for maximum staff development and training, research, evaluation, and coordinated long-range planning for a more effective and just system.

Finally, we should also explore the advisability of revising the jurisdiction of circuit courts over school truants, runaways, incorrigible children and other "children in need of supervision" (CINS) and placing these children under the supervision of an administrative body that would prescribe appropriate preventive and diversionary action. I believe it is desirable to develop the capacity where only those "delinquent" acts considered a crime if committed by adults should require formal judicial action.

ADULT CORRECTIONS REFORM

In March, 1972, I initiated the Governor's Adult Corrections Reform project as an interagency planning effort involving the Department of Health and Rehabilitative Services, Parole and Probation Commission, Governor's Council on Criminal Justice and Department of Administration. The purpose of this effort was to focus on the long-range need for an effective and efficient adult corrections program and design a model system which would be capable of meeting those needs.

The "model" correctional system was developed over a one-year period through examination of nearly all major studies, other state systems, and commission reports, incorporating the best known evidence and practices into a viable and cohesive system. The model defines in detail what the goals and objectives of our correctional system should be as well as the activities and structure necessary to satisfy those goals and objectives.

Our approach to be employed will be a well developed, agency-based planning and evaluative mechanism which will continue to improve on the model system by deferring its activities and thoroughly testing and evaluating its programs and concepts, as a prerequisite to improvement of corrections programs. This mechanism will provide the basis for an improved management process which integrates the planning and budgeting activities into a two-stage annual decision-making process, whereby we can examine plans on their contributive merit, prior to a detailed analysis of cost. Consequently, we will be in a stronger position to examine the growth and development of offender rehabilitations programs and monitor the long-range reform effort.

The corrections reform project has also produced a Problems and Needs Report, which is a complete analysis of where we are in corrections today, including our major problem areas, why they exist, and what to do about them. This document served as a guide for our FY 73-74 Budget recommendations, which were specifically directed at three major problem areas.

First, the ever-present problem of an unmanaged flow of offenders through our system, manifested by the fact that decisions as to who will enter the system, what will happen to them while they are there, and when they will leave the system has in the past escaped accountability, forcing us to merely accommodate ever-increasing populations rather than manage them.

To this end we have recommended that we attempt once more to accommodate our corrections population in a humane manner and provide the funds necessary for temporary facilities to ease institutional overcrowding immediately as well as funds to construct new facilities for future needs which will conform to the guidelines of our model system. However, the major emphasis within this problem area will continue to rest on our community-based programs and the alternatives they offer to mass incarceration. To this end I am recommending pilot projects in intensive supervision and pre-trial diversion with stringent evaluation in order to explore the actual benefits of such programs. We must also continue our Community Correctional Center program and expand its concept to one of small, community-based treatment centers as alternatives to full-scale imprisonment.

In the "State of the State" address to the 1971 Legislature, I stated that:

"... [C]riminal Justice has suffered in this state because of a lack of coordination between the professional staffs of the Division of Corrections and the Probation and Parole Commission. I urge you to explore the possibility of

removing the field staff from the Parole Commission and placing it within the Department of Health and Rehabilitation Services."

The removal of the field staff was explored, but no definitive action was taken. Opponents to the concept suggested that the management problem could be resolved by increased funding. Each year since 1971 I have recommended substantial budget increases in the field services component of the Parole and Probation Commission, not only to keep pace with the ever-increasing workload demands but, more importantly, to foster the development of the rehabilitative and efficiency potential of our community-based supervision programs.

Efficiency and cost-savings are not insignificant considerations. The design of the present system breeds, if not requires, unnecessary duplication because of the maintenance of separate management and field staffs. The duplication of records and information systems maintained by the two agencies is reason alone to further explore the possibility of transferring the Parole Commission field staff or otherwise integrating the functions of these important agencies.

In view of the foregoing, I would support full consideration by this Legislature of all alternatives available which would more effectively coordinate our fragmented adult corrections services, with particular emphasis on the offender-flow problems of the system.

Second, is the critical need to develop a capability to evaluate our correctional programs and plan effectively toward future needs. We have been neglectful of this task in the past and as a consequence are confronted each year with spending vast amounts of money without knowing what the benefits will be, or even if there will be any. To this end I am recommending the creation of a basic planning and research capability within our corrections agencies to perform the much needed task of program evaluation and planning. Furthermore, I am recommending the transfer of the Governor's Council on Criminal Justice to the Department of Administration to function within the total state planning responsibilities of the Department. This will ensure the establishment of a comprehensive planning program for criminal justice by coordinating and supporting the planning activities of criminal justice agencies.

Third, is our tremendous task of providing an effective treatment program to offenders in order to ensure that upon release from our system, they do not again resort to crime and violence. In the past we have not fully recognized that a large percentage of offenders are people with serious problems which either deny them the means to pursue legitimate goals or incline them toward abnormal behavior generally. We cannot pretend to understand the complex psycho-social dynamics of criminal behavior, but if criminals are to be effectively dealt with, then our programs and services must reflect a conscientious attempt at redirecting their lives toward legitimacy and self-sufficiency. Consequently, our programs must address the psychological, social, and vocational needs of offenders and be measured by their ability to correct criminal behavior. To this end I am recommending the establishment of special treatment facilities on a pilot basis to explore these means as potentially more effective ways of delivering services to offenders and dealing with their problems. It is also necessary that we begin to separate offenders with severe psychological problems so as to more effectively bring treatment resources to bear on that potentially dangerous group.

The incarceration and treatment of the "criminally insane" inmate causes unique security problems. Recently, these problems have become acute in some segments of the corrections-mental health system. To alleviate this problem, I have submitted a supplemental budget recommendation calling for an appropriation of \$3 million to construct a facility in which to maintain these inmates in a custodial environment which will minimize the possibility of escape or similar security breach, and also enhance the rehabilitative treatment of these inmates. I urge your support of this appropriation.

**Summary of Recommendations
Areas of Major Concern
Parole and Probation**

- 1. To implement a pretrial intervention program and continue expansion of the Multi-Phasic Diagnostic and Treatment Program\$ 357,131

2. To improve the current staffing ratio by excluding certain supervisors from the staffing formula	424,516
3. To continue operation of the Intensive Supervision Programs (Parole and Probation) and reduce staffing ratio	530,011
4. To provide a planning and research capability	110,324
5. To provide a centralized Staff Development Center	110,443
6. To develop and improve management information systems and interface with FCIC	279,473
7. To provide attorneys' fees for parole violators (as required by the courts)	25,000
8. To maintain current client/staff ratio and provide for increased workload	1,973,160
TOTAL	3,808,058

Summary of Recommendations
Areas of Major Concern
Division of Corrections

1. To increase discharge allowance from \$50 to \$75	\$ 94,800
2. To expand planning and research capabilities	152,034
3. To improve recreational and food services	367,434
4. To establish a pre-release training program	282,732
5. To establish one Special Client Treatment facility and four special vocational training centers	1,742,123
6. To maintain current client/staff ratio and provide for increased workload	2,572,945
7. To provide for a comprehensive staff development program	555,074
8. To provide temporary facilities for 1200 additional inmates	6,000,000
9. To improve inmate housing capability (renovations and repairs - bed space related)	9,788,000
10. Lump sum allocation for 1200 new beds by 1976	24,000,000
11. Renovations and new construction for voc/ed facilities	2,349,000
12. Additional Appropriation for criminally insane program	3,000,000
TOTAL	50,949,142

I have made additional recommendations within the areas of staff development and management information systems, as well as necessary increases in staffing to keep pace with rapidly growing workloads. These recommendations, combined with other requests for continuation funding, I believe, provides a very balanced attack on the problems confronting our adult corrections system and sets the stage for an all out effort of reform.

I urge each of you to study the Adult Corrections Reform document; it is available to you and to your committees upon request. I hope you will work with us in realizing not only its implications for reform but the continued utilization and development of the interagency, knowledge-based planning mechanism.

STATE ATTORNEYS AND PUBLIC DEFENDERS

In January of this year, Florida's judicial system began operating under a revised judicial article which made drastic and innovative improvements over the judicial system which had existed previously. Under our new judicial structure, Florida can be second to no other state in fair and prompt administra-

tion of justice. Indeed, Florida may be studied as a model by those states who hope to achieve excellence of structure in their own judiciary.

The Florida Supreme Court furnished great leadership not only in assisting in the adoption of our revised judicial article, but in implementing the new court system with a vast and progressive revision of the criminal rules of procedure. The new criminal rules complement the other judicial reform improvements.

The new challenge which you have before you is to allow this great system to achieve its ultimate potential by properly funding those who are directly charged with the responsibility of implementing the new procedures.

In an effort to determine the total impact of these changes on our state attorneys and public defenders, we are in the process of creating a new management information data system based upon case information reports submitted by each state attorney and public defender. This reporting system was developed as a result of a series of meetings of a committee composed of representatives from the Governor's Council on Criminal Justice, the Department of Administration, the Florida Department of Law Enforcement Data Center, the Auditor General's Office, the State Court Administrator's Office, and representatives of the state attorneys and public defenders.

A reporting system will be operational, on a test basis, April 16, and the system hopefully will be fully operational by June 1st of this year.

One of the greatest additional responsibilities which was not considered in the original budget request for state attorneys is that of total responsibility for all criminal justice intake. Criminal justice intake is at the "threshold" of the entire system. Criminal intake involves a thorough screening of all citizen complaints and reports of offenses to determine whether there is an adequate basis upon which to proceed. This intake function was previously done by the justices of the peace and county judges.

The new rules of criminal procedure mandate many functions which were previously not performed by the state attorney and public defenders. Under the new rules, advisory or "first appearance" hearings must be held daily, necessitating prosecutors and public defenders staffing these hearings on Saturdays and Sundays as well as during the week.

Under the revised system, state attorneys are now charged with the responsibility of prosecuting in the juvenile courts. The intake and prosecution in these courts has increased significantly the volume of work performed by each state attorney's office.

As a result of a recent Supreme Court decision (*Argersinger v. Hamlin*), indigent defendants charged with any offense for which conviction could result in imprisonment are entitled to legal services provided by the state. As a result the state now has the responsibility of representing those who are charged with most misdemeanors.

The complexities of handling any given case from its inception until its conclusion have also increased significantly. The prosecution and defense functions have been unusually dynamic in recent years, and they stand today as one of the most sophisticated functions of state government.

When my budget recommendations were submitted for state attorneys and public defenders, they were based upon budgets prepared with reference to the demands as they existed under the old system. State attorneys and public defenders did not, and could not have anticipated the tremendous change and increase in work load wrought by the revisions of Article V and the Florida Rules of Criminal Procedure.

As a former Chairman of the Senate Appropriations Committee, I am not unmindful of the many years of hard, conscientious work of past Legislatures and their staffs in an attempt to devise an equitable basis for funding state attorneys and public defenders. Since being Governor, I have encouraged the Department of Administration, working in conjunction with the offices, to explore all reasonable funding formulae. The Management Information System, referred to above, is an attempt to devise an objective, data-based rationale for funding purposes. I am advised that the state attorneys and public defenders have made significant progress toward these goals and have presented workable formulae to the respective legislative committees. I

sincerely hope that a formula can be agreed upon within the next few weeks for the funding of these important offices which would make a more equitable distribution of funds to the various circuits than has been possible under the per capita based formula used in past years.

APPELLATE REVIEW OF SENTENCES

One of the most striking ironies of the law is the manner in which sentences are imposed. The guilt-determining process of our criminal justice system is safeguarded by many procedural rules, by many rules of evidence, and by a carefully structured system of appellate review designed to expose error and injustice. However, in the great majority of criminal convictions in this country, the issue of guilt is not disputed. What is disputed, and what is becoming an ever increasing problem in our criminal justice system, is the question of the appropriate punishment.

After determination of guilt or innocence, an issue stipulated in more than 90% of criminal cases, the most important decision for the criminal offender, and the public itself, is the sentence. However, by comparison to the care with which the less-frequent problem of guilt is resolved, the protections afforded in the majority of jurisdictions to the sentencing process are indeed disproportionate. In short, the intricate protections and safeguards afforded to offenders during the pre-trial and trial stages, give way to the widest latitude of judicial discretion at the point of sentencing. In the majority of jurisdictions, the sole responsibility for this vital function rests in a single judge. Arbitrary sentencing decisions can be detrimental to the entire rehabilitation or correctional process. An offender who believes he has been sentenced unfairly in relation to other offenders will not be receptive to reformatory efforts on his behalf. Additionally, as sentencing decision-making becomes more complex, the likelihood of disparate sentence increases.

In a recent study conducted by the Southeastern Correctional and Criminological Research Center, it was found that black men adjudged guilty of forcible rape are sentenced to terms of seven years longer than white men convicted for the same crime. For armed robbery, the disparity between blacks and whites is almost four years, for unarmed robbery, it is two years and for aggravated assault, one year. On the other hand, whites receive longer sentences than blacks for the crimes of grand larceny, auto theft, burglary and escape. In these cases, however, the discrepancy is *never* more than *one* year. When age is the comparative factor, the study found that, in general, blacks of all ages receive higher sentences than whites for crimes of personal violence.

Several jurisdictions, in an attempt to provide better safeguards at the sentencing stage, are implementing sentencing review techniques to reduce disparate and irrational sentencing. The American Bar Association Project on Minimum Standards for Criminal Justice examined the major ends to be served by a sentence review process. The project concluded that the most apparent benefit of sentence review is that it would provide the criminal justice system with a means by which the grossly excessive sentence can be corrected. Additionally, sentence review would force the sentencing decision much more into the open, thereby exposing for correction many of the mistakes that need not be made. Finally, sentence review would also induce respect for law in that a convicted offender who has an opportunity to air his grievance is much more likely to approach rehabilitation with a positive attitude than an offender who is convinced that one man did him wrong and concludes that he can do nothing about it.

Presently, a defendant in Florida cannot have his case reviewed if he feels that he is the victim of a legal, but excessive sentence. Absent legislative authority, the Florida Supreme Court has held on at least four occasions that an appellate court is not concerned with the term of the sentence imposed so long as it is within the lawful limits set by the Legislature. Additionally, the Supreme Court has held that the appellate court should refuse to consider whether the jury should have recommended leniency. Accordingly, it is within the province of the Legislature to initiate a sentence review procedure to address disparate and/or irrational sentencing.

A number of our sister states have instituted and maintain sentence review procedures. For example, in Hawaii the state supreme court may affirm, reverse or modify the order, judgment or sentence of the trial court. If in its opinion the sentence is illegal or excessive it may correct the sentence to correspond with the verdict or finding or reduce the same, as

the case may be. Massachusetts has an appellate division of the superior court for review of sentences which consist of three judges. The appellate division has jurisdiction to consider an appeal with or without a hearing, review the judgment so far as it relates to the sentence imposed when the sentence appealed from was imposed and has jurisdiction to amend the judgment by ordering a different appropriate sentence or sentences or any other disposition of the case. No sentence can be increased without giving the defendant an opportunity to be heard.

New York statutes empower the appellate court to reverse, affirm or modify the judgment, or sentence and order a new trial. The appellate court can reduce the sentence imposed to a sentence not lighter than the minimum penalty provided by law.

The American Bar Association has recommended that, in principle, judicial review should be available for all sentences imposed in cases where provision is made for review of the conviction. This is specifically meant to include review of sentences imposed after a guilty plea, and of a resentence in the same class of cases.

Although review of every such sentence ought to be available, it is recognized that it may be desirable at least for an initial experimental period to place a reasonable limit on the length and kind of sentence that should be subject to review. I encourage your review of this subject with the hope that progress can be made this year toward implementing an effective review process.

COURTS

Florida enjoys an enviable position among other states. Thanks to the recent revision of the judicial article of our state constitution, our court system is unified and the administration of criminal justice streamlined and reformed. All of those who labored so hard for the reform of our court system are to be commended.

But, as pointed out in the preceding section, the effort and commitment to improve our judicial system cannot stop with the adoption of Article V. The new court system must be implemented and adequately funded if we are to keep our pledge to the electorate whose vote gave birth to the new system.

My budget message acknowledged these considerations by recommending increases in general revenue funding of 87.3% for the Supreme Court, from 12.8% to 30.2% for the District Courts of Appeal, approximately 50% for circuit courts, and 99.8% for county courts. I am confident that these recommendations, coupled with those of Chief Justice Vassar Carlton as set forth in his recent address to this Legislature, adequately demonstrate the needs of the Judicial Branch. I commend these recommendations to your thoughtful consideration.

I would like to express my appreciation to the House and Senate Criminal Justice Committees and their staffs and to Attorney General Robert L. Shevin for their advice and assistance in the preparation of parts of this message.

In conclusion, if we are to make our homes and our streets safe and if we are to be able to meet the myriad other challenges wrought by crime and delinquency, we must take bold and positive steps to improve our criminal justice system. The views and recommendations set forth in this message are not the *sine qua non* of meaningful reform and improvement in the system. These recommendations, with few exceptions, are intended as a catalyst and a point of departure, if you will, for further legislative consideration. As Governor, I pledge the continued cooperation of the Executive Branch so that meaningful improvements in the criminal justice system, as outlined above—and others which you have under consideration—will be enacted at this legislative session.

Respectfully,
REUBIN O'D. ASKEW
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 16, 1973

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

By Representative Kiser and others—

HB 434—A bill to be entitled An act relating to taxation; amending §210.01(1), Florida Statutes, 1971, relating to taxes on cigarettes, to redefine the term cigarette in terms of weight; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 434, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

The Honorable Mallory E. Horne, President April 16, 1973

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

By Representative M. L. Singleton and others—

HB 544—A bill to be entitled An act relating to sentencing for criminal offenses; creating §921.185, Florida Statutes; providing that in imposing sentences for felonies or misdemeanors involving property but not injury or opportunity for injury to persons, courts shall consider restitution a mitigation of the severity of an otherwise appropriate sentence; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 544, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Transportation and Representative Holloway—

HB 810—A bill to be entitled An Act relating to the Florida uniform traffic control law as created by chapter 71-135, Laws of Florida, chapter 316, Florida Statutes, amending sections 316.124(3)(b)3, 316.210(1), 316.221(1), 316.222(3), and 316.280, F. S., relating to vehicles standing on a highway, obstruction of windshields, turn signals, and vehicles hauling loads, for the purposes of clarity and implementation; adding a new section 316.2291, F. S., providing for vehicular hazard warning signals, providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 810, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Community Affairs and Representative Johnson—

CS for HB 378—A bill to be entitled An act relating to county government, amending section 125.39 of Chapter 125, Florida Statutes, relating to nonapplicability to county lands acquired with reversionary clauses; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 378, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Natural Resources—

HB 978—A bill to be entitled An act relating to salt water fish; amending §370.11(2)(a) and (3)(e), Florida Statutes, 1971, relating to the taking of fish, to provide for limits on the size of specified fish, including bonefish, which may not be taken or possessed in specified areas and to provide restrictions on the taking of shad; providing an effective date.

By Representative Savage and others—

HB 296—A bill to be entitled An act relating to arrest powers; granting arrest powers to agents of the United States Secret Service; providing that trial jurisdiction shall remain with the governmental agency having jurisdiction at the scene of an arrest; providing certain restrictions; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 978, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

HB 296, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 17, 1973

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

By Representative Steinberg and others—

HB 192—A bill to be entitled An act relating to state parks; changing the name of the Cape Florida State Park on Key Biscayne to the Bill Baggs Cape Florida State Park; providing for the erection of an appropriate plaque by the division of recreation and parks; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 192, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Transportation and Representative Holloway—

HB 808—A bill to be entitled An act relating to loads on vehicles, amending section 316.196, F. S., by adding subsection (6); providing for the transportation of rowing shells; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 808, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Judiciary and Representatives Hector and Craig—

CS for HB 243—A bill to be entitled An act relating to the Florida probate law; amending §731.30, Florida Statutes, providing that an adopted child shall be considered the natural issue of his adopting parents for the purposes of inheritance under the Florida probate law; providing an effective date.

By the Committee on Judiciary and Representative Gautier—

HB 977—A bill to be entitled An act relating to interception of communications; creating §934.091, Florida Statutes, prohibiting the publishing of the names of parties to intercepted communications; prescribing punishment for violation of §934.091, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 243, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 977, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 17, 1973

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

By Representative Hodes—

HB 111—A bill to be entitled An act relating to the department of health and rehabilitative services, division of retardation; amending §402.13(7), Florida Statutes, providing authority to the division of retardation to accept gifts and grants for programs for persons with cerebral palsy, epilepsy, or other neurological disabilities; creating §402.13(9), Florida Statutes, authorizing the division of retardation to administer funds specifically appropriated by the legislature to the division of retardation for persons with cerebral palsy, epilepsy or other neurological disabilities; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 111, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Agriculture & Citrus—

HB 801—A bill to be entitled An act relating to eggs; amending sections 583.01 (4), (7), (9) and (12), 583.02, and 583.10 (1) and (2), Florida Statutes; defining shell eggs, egg yolks, graded eggs and egg whites; requiring labeling and proper identification; repealing section 583.01 (18), Florida Statutes, which provides a definition of "classifications"; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 801, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

The Honorable Mallory E. Horne, President April 17, 1973

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

By Representative Redman—

HB 535—A bill to be entitled An act relating to legal holidays; creating §683.12, Florida Statutes, making parade day of the county fair a legal holiday in Hillsborough County; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 535, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable Mallory E. Horne, President April 17, 1973

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

By the Committee on Natural Resources and Representative Craig—

CS for HB 450—A bill to be entitled An act relating to salt-water fisheries and conservation; amending §370.13(1)(b), Florida Statutes, to redefine the size limit in terms of the claw alone; amending §370.13(1)(c), Florida Statutes, to prohibit transportation of stone crab bodies, dead or alive; amending §370.13(2)(b), Florida Statutes, to require seizure of traps in the water out of season in excess of stated periods; amending §370.13(2)(d) and adding a new paragraph thereto, Florida Statutes, to require permanent marking of traps, buoys and boats and to prohibit molesting traps; amending §370.13(3), Florida Statutes, providing penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 450, 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 Lewis, the rules were waived and Senate Bills 335, 337, 339 and 341 were immediately certified to the House.

SPECIAL ORDER

SCR 479—A concurrent resolution urging Congress to enact the Surface Transportation Act of 1971.

—was read the second time.

On motion by Senator Lewis further consideration of SCR 479 was deferred.

SB 285—A bill to be entitled An act relating to collection of judgments in civil actions; revising Chapter 56, Florida Statutes; amending Section 30.30(5), Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 285 was read the third time by title.

On motion by Senator McClain, further consideration of SB 285 was deferred.

SM 615—A memorial to the Congress of the United States objecting to the granting of amnesty to deserters and draft evaders from the armed services of the United States.

—was read the second time in full. On motion by Senator Lane (31st), SM 615 was adopted and certified to the House. The vote was:

Yeas—31

Childers	Gruber	Plante	Trask
Deeb	Henderson	Poston	Vogt
de la Parte	Johnson	Sayler	Weber
Firestone	Johnston	Scarborough	Williams
Gallen	Lane (31st)	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Glisson	McClain	Stolzenburg	Zinkil
Graham	Myers	Sykes	

Nays—1

Gordon

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

SB 286—A bill to be entitled An act relating to guardianship; amending Section 745.15(2)(a), (3)(b) and (4), Florida Statutes; eliminating references to the right of the husband to join in conveyances of his wife's separate estate; providing that the spouse who is not incompetent shall join in the sale, transfer, conveyance or encumbrance of any property sold, transferred, conveyed or encumbered; providing that when both spouses are incompetent, the property, including homestead, or any interest in it, may be sold, transferred, conveyed or encumbered by the guardians of the incompetent spouses; providing for disposition of the proceeds and income from the property; providing that a court may appoint a sole guardian for both incompetent spouses; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator McClain:

Amendment 1—On page 2, line 18, strike "including homestead,"

On motion by Senator McClain, by two-thirds vote SB 286 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Childers	Gruber	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Sayler	Weber
Firestone	Lane (31st)	Scarborough	Williams
Gallen	Lewis	Sims	Wilson
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	
Graham	Pettigrew	Trask	

Nays—None

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

HCR 359—A concurrent resolution commending the Miami Dolphins professional football team, Coach Don Shula, and members of his staff for their outstanding representation of the State of Florida at the 1973 Super Bowl game and throughout the 1972 season.

—was read the second time in full. On motion by Senator Poston, HCR 359 was adopted and certified to the House. The vote was:

Yeas—36

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

Nays—None

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

On motion by Senator Plante, the rules were waived and the Senate immediately reconsidered the vote by which—

HB 262—A bill to be entitled An act relating to conservation; amending §370.041(2), Florida Statutes, to provide that possession of sea oats or sea grapes shall constitute prima facie evidence of violation of said section, which provides that unlawful cutting, harvesting, removal, or eradication of said plants is a misdemeanor; providing an effective date.

—passed on April 17.

Senator Peterson moved the adoption of the following amendment:

Amendment 1—On page 2, line 3, strike the period and insert: , provided that licensed, certified nursery men who grow any of the native plants listed in this section from seeds or by vegetative propagation are specifically permitted to sell these commercially grown plants and shall not be in violation of this section of the law if they do so, as it is the intent of the law to preserve and encourage the growth of these native plants which are rapidly disappearing from the state.

Senator Stolzenburg moved as a substitute motion that HB 262 be removed from the calendar and recommitted to the Committee on Natural Resources and Conservation.

Senator Peterson moved as an amendment to the substitute motion that HB 262 be re-referred to the Committee on Agriculture which was adopted. The substitute motion as amended was adopted.

SB 288 was taken up and on motion by Senator McClain—

HB 439—A bill to be entitled An act relating to probate procedure; creating Section 733.225, Florida Statutes; specifying that court orders are not required for sales made pursuant to a general power to sell contained in a will and that the sales need not be justified by any necessity; validating sales heretofore made under a general power of sale contained in a will; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator McClain, by two-thirds vote HB 439 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Barron	Graham	Peterson	Trask
Childers	Gruber	Pettigrew	Vogt
de la Parte	Henderson	Poston	Ware
Firestone	Johnson	Sayler	Williams
Gallen	Johnston	Sims	Wilson
Gillespie	Lewis	Smathers	Winn
Glisson	McClain	Stolzenburg	Zinkil
Gordon	Myers	Sykes	

Nays—None

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

SB 288 was laid on the table.

The Presiding Officer introduced to the Senate the following members of the family of the late Harry Onis Stratton, former member of the Senate: Mrs. Paula Stratton, wife; Mary Stratton and Lisa Stratton, daughters; Joel Stratton, son, and Betty Edwards, friend of the family.

SCR 347—A Concurrent Resolution in Memoriam Harry Onis Stratton.

—was read the second time in full. On motion by Senator Scarborough, SCR 347 was adopted and certified to the House. The vote was:

Yeas—38

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

Nays—None

The Senate resumed consideration of—

SCR 479—A concurrent resolution urging Congress to enact the Surface Transportation Act of 1971.

On motion by Senator Lewis the following amendment was adopted:

Amendment 1—On page 2, line 4, strike “and” and insert: provided that Congress ~~keep uppermost~~ recognize and continue to give priority to completion of the Interstate Highway System.

Senator Wilson moved that SCR 479 be removed from the calendar and referred to the Committee on Transportation.

Senator Sykes moved as a substitute motion that debate on SCR 479 be limited to 2 minutes per side and the motion was adopted by two-thirds vote.

On motion by Senator Poston, SCR 479 as amended was read in full and failed. The vote was:

Yeas—14

Barron	Henderson	Scarborough	Ware
Brantley	Johnson	Smathers	Wilson
Glisson	Lane (23rd)	Stolzenburg	
Gruber	Poston	Sykes	

Nays—21

Childers	Johnston	Pettigrew	Williams
de la Parte	Lane (31st)	Plante	Winn
Firestone	Lewis	Sayler	Zinkil
Gillespie	McClain	Sims	
Gordon	Myers	Trask	
Graham	Peterson	Vogt	

SB 410—A bill to be entitled An act relating to environmental land and water management amending subsection (4) of section

380.05, Florida Statutes to provide that notice be sent to individual land owners whenever land is being considered as a possible area of critical state concern.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Henderson:

Amendment 1—On page 1, line 20, after the word “notice” insert: by certified mail

Senator Weber moved the adoption of the following amendment to the amendment which failed:

Amendment 1a—On page 1, line 20, after “notice” insert: by certified mail Return Receipt Requested

Amendment 1 failed by the following vote:

Yeas—17

Childers	Lewis	Scarborough	Weber
Deeb	McClain	Sims	Zinkil
de la Parte	Peterson	Stolzenburg	
Gallen	Plante	Vogt	
Glisson	Poston	Ware	

Nays—17

Firestone	Henderson	Sayler	Wilson
Gillespie	Johnson	Smathers	Winn
Gordon	Johnston	Sykes	
Graham	Lane (31st)	Trask	
Gruber	Pettigrew	Williams	

On motion by Senator Henderson, by two-thirds vote SB 410 was read the third time by title.

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

Amendment 2—On page 1, line 21, after “affected,” insert: such notice shall be sufficient for the purpose of this act but shall not waive any requirement of law for notice to land owners of governmental action affecting said property.

SB 410 as amended passed and was ordered engrossed. The vote was:

Yeas—31

Brantley	Johnson	Poston	Vogt
Childers	Johnston	Sayler	Ware
Deeb	Lane (31st)	Scarborough	Weber
de la Parte	Lewis	Sims	Williams
Firestone	McClain	Smathers	Wilson
Gallen	Peterson	Stolzenburg	Winn
Gruber	Pettigrew	Sykes	Zinkil
Henderson	Plante	Trask	

Nays—5

Gillespie	Graham	Lane (23rd)	Myers
Gordon			

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

On motion by Senator Childers, the rules were waived and SB 410 was ordered immediately certified to the House after engrossing.

SB 300—A bill to be entitled An act relating to motor vehicle licenses; amending §320.08(3), Florida Statutes, 1972 Supplement, adding paragraph (e) to said subsection; providing for an antique pickup truck license and tax; defining “antique pickup truck”; providing an effective date.

—was read the second time by title.

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

SCR 347—A Concurrent Resolution In Memoriam of Harry Onis Stratton

WHEREAS, there moved in legislative halls for a time a man of keen perception, strong conviction and indomitable courage—a dedicated public servant, and

WHEREAS, throughout his career he served the people of his chosen county and state with distinction and honor to himself and his fellowman in such a manner as to merit him the esteem and endearment of all who knew him as one “the elements so mix’d in him that Nature might stand up, and say to all the world “This was a man!””, and

WHEREAS, we would honor his memory and record our condolence upon his demise, NOW, THEREFORE,

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

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

**IN MEMORIAM
HARRY ONIS STRATTON**

—who was born at Tellico Plains, Tennessee, on March 23, 1912, and educated in the public schools of Chattanooga and the University of Tennessee. In “Cracker Politics”, 1959, Hon. Allen Morris painted an indelible picture of the all-round Tennessee athlete and his arrival in Florida: “‘Dusty’ was the tag delighted fans of the Southern and Sally Leagues hung on Harry Stratton for his spikes-up baseball, sliding into stolen bases . . . Getting hit on the head by a wild ball changed (his) life for the league-leading slugger suffered the injury on the very day in ’34 that Birmingham had sold him to the Yankees, then searching for someone to step into Babe Ruth’s big shoes. (His) travel orders switched him to Florida for . . . recuperation.”

Callahan, Nassau County, became his home and he married Miss Lois Hodges of that locale. Theirs was a happy life and to them were born two sons and a daughter, Harry, Jr., Michael and Mary.

He served as a member of the House of Representatives from Nassau County in 1953 and in 1954 was elected to the Senate from the 16th District, comprised of Nassau County. His period of service in the Senate extended through 6 regular sessions, two of which were extended—1957 and 1963; 2 Courts of Impeachment, and 9 extra sessions all called for the purpose of reapportionment with the exception of 3 which dealt with the Fabisinski Committee Report and Appropriations, Constitutional Revision and Congressional Redistricting, respectively.

Regardless of tragedy—in the heyday of legislative achievement his wife Lois Stratton died and his son Mike was killed in a car wreck—he gave to the interminable sessions an unfaltering and able service. He was Chairman of the Committee on Labor and Industry throughout his Senate tenure. “Cracker Politics” (1959) painted a vivid picture of him as “no velvet-gloved Warwick” presiding over this Committee, closely watched by labor groups, obviating committee argument by requiring labor and management to agree on programs before proposing laws and by his understanding of problems of both sides, still holding his membership card in the AFL-Machinists Union obtained while working for the “Jacksonville-based but many-faceted Merrill-Stevens Dry Dock and Repair Company”, where he worked up from helper to dry dock superintendent to public relations director, shepherding about Florida people engaged in foreign shipping—his belief that 1959 legislation had raised Florida from 50th to 15th in the nation on unemployment benefits, with never an argument in committee; and that the state would benefit by persuading international shipping to call at Florida ports.

He saw his last legislative service in the March 2-March 9, 1966 Extra Session called for the purpose of reapportionment. House Bill 17-X(66), passed at that Session, carried an anomalous provision for the creation of 4 Senatorial Districts, the 5th, 6th, 8th and 25th, each to be comprised of the same 24 counties—one of which was Nassau.

He was a member of the Baptist Church, the York Rite Bodies, Masons, Shrine, Lions, Cattlemen’s Association, Callahan Chamber of Commerce, Past President Florida Fair Association and Northeast Florida Fair. Business: Nurseryman, General Insurance Agency. Recreation: hunting, fishing and golf.

A second marriage to attractive Paula Kickliter, daughter of a Senate colleague, brought a daughter and son, Lisa and Joel.

Following legislative service his endeavors continued in the areas of his unusual talents. 1966-1968 he was director of the Florida Division of Mediation and Conciliation Services during which time he is credited with playing a major role in the settlement of the four-year-old St. Joe Paper Company strike and the nine-year-old Florida East Coast Railway strike. At the time of his demise, August 6, 1972, he was Assistant Chief of the Florida Bureau of Workmen’s Compensation.

BE IT FURTHER RESOLVED that a copy of this resolution, duly attested by the President and the Secretary of the Senate and by the Speaker and the Clerk of the House of Representatives, under the Great Seal of the State of Florida, be forwarded to Miss Mary Stratton, Callahan, Mr. Harry Stratton, Jr., Lake City, Lisa and Joel Stratton, Tampa, daughters and sons, respectively, of our esteemed former colleague, together with the condolences of these legislative bodies.

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

Amendment 1—On page 1, line 22 strike Entire Line and insert: (e) "Q" Series: Antique pickup trucks: \$7.50 flat.

On motion by Senator Childers, by two-thirds vote SB 300 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—31

Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Sayler	Weber
de la Parte	Johnston	Sims	Williams
Firestone	Lane (23rd)	Smathers	Wilson
Gallen	Myers	Stolzenburg	Winn
Gordon	Peterson	Sykes	Zinkil
Graham	Pettigrew	Trask	

Nays—4

Gillespie	Lane (31st)	Lewis	McClain
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SCR 231—A concurrent resolution proposing the appointment of a select legislative committee on aging.

—was read the second time in full. On motion by Senator Firestone, SCR 231 was adopted and certified to the House. The vote was:

Yeas—34

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

Nays—None

By permission, Senators Sayler, Lewis, Graham, Glisson, Gruber, Plante, Johnson, Ware, de la Parte, Childers and Sykes were recorded as co-introducers of SCR 231.

On motion by Senator Sayler, SB 128 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and from further consideration of the Senate.

SB 345—A bill to be entitled An Act relating to probate, estates of decedents and expenses and compensation of personal representatives; amending subsection (1) of Section 734.01, Florida Statutes; providing for the allowance of expenses and compensation of personal representatives; clarifying the composition and determination of the amount of the estate accounted for by a personal representative; and providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator McClain:

Amendment 1—On page 2, line 12, strike "County Judge" and insert: circuit judge

On motion by Senator McClain, consideration of SB 345 with pending amendment was deferred.

SB 309—A bill to be entitled An act relating to acknowledgments; creating Section 695.03(4); Florida Statutes; prescribing the form of acknowledgments; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote SB 309 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

On motion by Senator Plante, consideration of SB 223 was deferred.

SB 526—A bill to be entitled An act relating to motor vehicle licenses; amending §320.72, Florida Statutes, to authorize the department of highway safety and motor vehicles to issue special license plates to cabinet members; 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, line 18, immediately following the " " insert: *The designation on the second plate shall be followed by the stamped numeral one (1) such that the two plates may be distinguished.*

Senator Graham moved the adoption of the following amendment:

Amendment 2—On page 1, line 12, strike everything after the enacting clause and insert: Section 320.72, Florida Statutes, is amended, repealing sections (5) and (6), and adding a new section (5) to read:

320.72 Specially Selected Numbers.—

(5) No other special automobile license plate shall be authorized or created by the department.

On motion by Senator Ware by two-thirds vote debate on the amendment was limited to 2 minutes per side.

On motion by Senator Poston further consideration of SB 526 as amended was deferred, the bill retaining its place on the calendar.

Pursuant to Rule 4.6, a point of order was raised by Senator Plante and SB 184 was removed from the calendar and referred to the Committee on Ways and Means.

SB 223—A bill to be entitled An act relating to the State Career Service System; amending Chapter 110, Florida Statutes, by adding a provision in Section 110.021(2), for meritorious service awards to employees for increasing state revenues; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was adopted on motion by Senator Weber:

Amendment 1—On page 1, strike all of lines 13 through and including line 28 and insert:

Section 1. Subsection (4) of section 110.022, Florida Statutes, is amended to read:

110.022 Powers and duties of department of administration in personnel matters.—The department of administration, through the division of personnel, shall have the following powers and duties in connection with personnel matters:

(4) To adopt and implement a program of meritorious service awards to employees who propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures, *increasing revenues* or improving operations; provided such proposals are placed in effect, or by their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in the operations of the state government. No award granted under the provisions of this subsection shall exceed \$2,000 or 10 percent of the first year's gross savings or

The Committee on Governmental Operations offered the following amendment which was adopted on motion by Senator Weber:

Amendment 2—In title, strike all of lines 5 through and including line 7 and insert: System; amending §110.022(4), Florida Statutes, to provide for meritorious service awards to employees for ideas

On motion by Senator Gallen the following amendment was adopted:

Amendment 3—On page 1, line 22 after "revenues" add: except new taxes or fees

On motion by Senator Weber, further consideration of SB 223 as amended was deferred. The bill was ordered engrossed.

The Journal of April 17 was corrected as follows and approved:

Page 179, column 1, line 8, strike "20" and insert: 21

Page 186, column 2, line 27, strike "of the" and insert: after

The Journal of April 16 was further corrected and approved as follows:

Page 148, column 2, strike lines 4 and 5 and insert: board of education to develop guidelines; providing an effective date.

Page 148, counting from the bottom of column 2, strike line 28 and insert: —was read the first time by title and referred to the Com-

Page 149, counting from the bottom of column 1, line 17, strike "538" and insert: 583

CO-INTRODUCERS

By permission, Senator Saylor was recorded as a co-introducer of SM 615, SJR 359 and SB 360; Senators Gillespie, Vogt, Smathers and Wilson as co-introducers of SB 350; Senator Gruber as a co-introducer of SB 252; and Senator Zinkil as a co-introducer of SB 92.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon 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., April 19, 1973.