

JOURNAL OF THE FLORIDA SENATE

Wednesday, May 2, 1973

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

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

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

Our God and our Father, as children of thine we seek your guidance in areas where our judgement is limited and our wisdom uncertain. Give us goals of achievement in government and in life that are realistic. Teach us that goals well intended are no substitute for tasks well done. May we dream dreams for the betterment of our citizenry, but teach us that until our dreams become flesh and dwell among us we have only slept. So may we serve thee well by serving the people better. In the name of our Lord, Amen.

The Senate pledged allegiance to the flag of the United States of America.

The President announced the appointment of Senator Gallen as a member of the Committee on Natural Resources and Conservation and Senator Plante as a member of the Committee on Governmental Operations.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, May 2, 1973:

SB 436	SB 590	SB 554	HB 978
SB 457	SB 611	SB 662	SB 49
SB 317	SB 684	SB 633	HB 211
HB 1059	SB 563	SB 225	
SB 499	SB 519	CS for HB 448	

SR 1211—Miss Florida Teenager, 1973. To be considered at 3:00 p.m.

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Agriculture recommends the following pass:

SB 728 with 1 amendment	SB 1105
SB 1026	HB 262 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass:

SB 597	CS for HB 448
SB 750 with 1 amendment	HB 1090
SB 753 with 1 amendment	SB 654 with 4 amendments
SB 982 with 8 amendments	SM 795
SB 989	SB 818 with 3 amendments
SB 1097 with 1 amendment	SB 867
SB 1202	HB 826 with 3 amendments
SB 732 with 6 amendments	

The Committee on Transportation recommends the following pass:

SB 582	HB 626 with 1 amendment
SB 616	HB 794
HB 888 with 3 amendments	HB 808
SCR 479 with 1 amendment	HB 810
HB 67	

The Committee on Commerce recommends the following pass:

SB 554	HB 611
SB 590 with 3 amendments	HB 612
SB 626	SB 22 with 2 amendments
SB 627 with 3 amendments	SB 520
SB 633	SB 534
SB 637 with 2 amendments	SB 630 with 1 amendment
SB 662 with 3 amendments	SB 681 with 14 amendments
SB 718 with 2 amendments	SB 847
HB 608	SB 905
HB 610	

The Committee on Consumer Affairs recommends the following pass:

SB 415 with 3 amendments	SB 811 with 4 amendments
SB 553	SB 883 with 4 amendments
SB 638 with 1 amendment	SB 731
SB 639 with 2 amendments	SB 1019
SB 640	

The Committee on Education recommends the following pass:

SB 975	SB 70
SB 991 with 1 amendment	SM 109

The Committee on Governmental Operations recommends the following pass: SB 529, HB 941

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 215	SB 1304	SB 1265
SB 265 with 2 amendments	SB 1317	SB 320
SB 1318	SB 1266	

The Committee on Criminal Justice recommends the following pass: SB 629

The Committee on Judiciary recommends the following pass:

SB 679 with 1 amendment	SB 850 with 2 amendments
HB 332	SB 913
SB 1009	SB 977
SB 1041 with 2 amendments	SB 765
SB 772	SB 1037
SB 926	SB 923
SB 63 with 2 amendments	SB 761
SB 966	SB 322 with 1 amendment
SB 1031	

The Committee on Rules and Calendar recommends the following pass:

SB 675	SB 747 with 1 amendment	SR 751
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The bills contained in the foregoing reports were placed on the calendar.

The Committee on Agriculture recommends the following pass: SB 873 with 1 amendment

The Committee on Commerce recommends the following pass: SB 346 with 3 amendments

The Committee on Health and Rehabilitative Services recommends the following pass:

SB 1095	SB 1096	SB 386
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The Committee on Judiciary recommends the following pass: SB 720

The Committee on Rules and Calendar recommends the following pass: SB 628 with 1 amendment

The Committee on Education recommends the following pass: SB 891, SB 893 with 1 amendment

The Committee on Transportation recommends the following pass: SB 729

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 242

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

The Committee on Judiciary recommends the following pass: SB 740

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 358

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB 599

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following:

SB 1067 SB 1024 SB 1107 SB 523

The Committee on Judiciary recommends a Committee Substitute for the following:

SB 1001 SB 556 SB 296

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 592

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 817

The Committee on Commerce recommends a Committee Substitute for the following: SB 209

The Committee on Education recommends a Committee Substitute for the following: SB 221

The Committee on Transportation recommends a Committee Substitute for the following: SB 140

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB 852

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

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB's 136 and 197

The bills with Committee Substitute attached were referred to the Committee on Ways and Means.

The Committee on Commerce recommends the following not pass: SB 35, SB 785, SB 31, SB 257

The Committee on Education recommends the following not pass: SM 924

The Committee on Natural Resources and Conservation recommends the following not pass: SB 1098

The Committee on Judiciary recommends the following not pass:

SB 321	SB 325	SB 104	SB 595
SB 323	SB 1184	SB 193	SB 937
SB 324	SB 1059	SB 588	

The Committee on Transportation recommends the following not pass: SB 786

The bills contained in the foregoing reports were laid on the table.

BILLS REFERRED TO SUBCOMMITTEE

Judiciary: Judiciary Select Subcommittee—Senate Bills 741 and 700 (10 days to report to standing committee).

The Select General Subcommittee of the Agriculture Committee recommends SB 728 with 1 amendment favorably to the standing committee.

The Select Subcommittee of the Judiciary Committee recommends favorably Senate Bills 180 and 423; Senate Bills 104 and 193 unfavorably to the standing committee.

The Select Subcommittee of the Consumer Affairs Committee recommends SB 634 with 3 amendments and SB 635 with 2 amendments favorably to the standing committee.

Senator Graham announced that the following bills were withdrawn from select subcommittees of the Committee on Education:

Curriculum Select Subcommittee:

Senate Bills 43, 208, 291, 540, 564 and 760. Finance Select Subcommittee: Senate Bills 56, 65, 240, 535, 918, 820 and 841. Management Subcommittee: SCR 36, Senate Bills 75, 186, 207, 596, 804, 819 and 890.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred CS for SB 555 with 1 amendment reports that the Senate amendment has been incorporated and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

CS for SB 555 was placed on the calendar pending roll call.

Your Engrossing Clerk to whom was referred SB 531 with 5 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

The bill was certified to the House.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SB 374 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 2, 1973.

ELMER O. FRIDAY, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCES

On motion by Senator Gallen, SB 558 was withdrawn from the Committee on Transportation by two-thirds vote and from further consideration of the Senate.

On motion by Senator Gallen, SB 510 was withdrawn from the Committee on Commerce by two-thirds vote and from further consideration of the Senate.

Pursuant to Rule 4.6, a point of order was raised by Senator Plante and SB 597 was removed from the Calendar and referred to the Committee on Ways and Means.

On motion by Senator Winn, SB 748 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and from further consideration of the Senate.

On motion by Senator Poston, SB 709 was withdrawn from the Committee on Transportation by two-thirds vote and from further consideration of the Senate.

On motion by Senator Poston, SB 291 was withdrawn from the Committee on Education by two-thirds vote and from further consideration of the Senate.

On motion by Senator Poston, SB 290 was withdrawn from the Committee on Governmental Operations by two-thirds vote and from further consideration of the Senate.

On motion by Senator Poston, SB 818 was removed from the calendar by two-thirds vote and re-referred to the Committee on Transportation.

On motion by Senator Lewis, SB 757 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and from further consideration of the Senate.

On motion by Senator Brantley, SB 637 was removed from the calendar by two-thirds vote and recommitted to the Committee on Commerce.

On motion by Senator Brantley, by two-thirds vote, SB 1069 was also referred to the Committee on Commerce.

On motion by Senator Childers, SB 814 was withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Childers, SB 1006 was withdrawn from the Committee on Governmental Operations by two-thirds vote and re-referred to the Committee on Commerce.

On motion by Senator Scarborough, by two-thirds vote, SB 1008 was also referred to the Committee on Judiciary.

Senator Myers raised a point of order pursuant to Rule 4.6 that SB 317 should be referred to the Committee on Ways and Means. The President stated that the impact of the funds involved on the general revenue fund appeared to be insufficient to require referring the bill to the Committee on Ways and Means and ruled the point not well taken.

Senator McClain moved that SB 817 be removed from the calendar and referred to the Committee on Governmental Operations.

Senator Pettigrew moved as a substitute motion that SB 817 be referred to the Committee on Ways and Means.

An amendment to the substitute motion by Senator McClain that SB 817 be also referred to the Committee on Governmental Operations was adopted.

The substitute motion as amended was adopted by the following vote:

Yeas—28

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

Nays—10

de la Parte	Glisson	Henderson	Winn
Firestone	Gordon	Myers	
Gillespie	Graham	Pettigrew	

By unanimous consent Senators Johnson and Sykes changed their votes from yea to nay.

SB 817 was referred to the Committees on Governmental Operations and Ways and Means.

Senator Myers raised a point of order pursuant to Rule 4.6 that SB 320 should be removed from the calendar and re-referred to the Committee on Ways and Means. The President ruled the point well taken.

On motion by Senator Myers, SB 511 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and re-referred to the Committee on Criminal Justice.

On motion by Senator Myers, SB 902 was withdrawn from the Committee on Ways and Means by two-thirds vote and re-referred to the Committee on Health and Rehabilitative Services.

On motions by Senator Peterson, Senate Bills 1254 and 1255 were withdrawn from the Committee on Ways and Means by two-thirds vote and re-referred to the Committee on Agriculture.

Senator Saunders raised a point of order that pursuant to Rule 4.6 SB 550 should be removed from the calendar and re-referred to the Committee on Ways and Means. The President ruled the point well taken.

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

SB 661 by Senator Lane (23rd)	SB 881 by Senator Poston
HB 1064 by House Agriculture Committee	SB 895 by Senator Pettigrew

REQUESTS FOR EXTENSION OF TIME

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

SB 630 by Senator Glisson	SB 659 by Senator Lane (31st)
SB 631 by Senator Brantley	SJR 663 by Senator Glisson
SB 632 by Senator Brantley	SB 666 by Senator Lane (31st)
SB 646 by Senator Barron	SB 667 by Senator Johnson
HB 887 by Representative Birchfield	SB 681 by Senator McClain
SB 22 by Senator Sayler	SB 688 by Senator Firestone
SB 31 by Senator Deeb	SB 705 by Senator Plante
SB 35 by Senator Deeb	SB 717 by Senator Childers
SB 48 by Senator Horne	SB 723 by Senator Johnston
SB 98 by Senator Gillespie	SB 743 by Senator Lane (31st)
SB 122 by Senator Scarborough	SB 314 by Senator Johnson
SB 143 by Senator Sayler	SB 469 by Senator McClain
SB 209 by Senator Weber	SB 510 by Senator Gallen
SB 216 by Senator Brantley	SB 605 by Senator Poston
SB 232 by Senator Firestone	HB 346 by Representative Birchfield
SB 239 by Senator Childers	HB 347 by Representative Birchfield
SB 247 by Senator Johnston	HB 609 by Representative Birchfield
SB 251 by Senator Myers	HB 736 by Representative Birchfield
SB 351 by Senator Brantley	HB 737 by Representative Birchfield
SB 361 by Senator Lane (23rd)	
SB 407 by Senator Brantley	
SB 433 by Senator Sayler	
SB 566 by Senator Lane (31st)	

The Committee on Consumer Affairs requests an extension of 10 days for the consideration of the following:

SB 192 by Senator Saylor
 SB 195 by Senator Henderson
 SB 353 by Senator Gruber
 SB 398 by Senator Lewis
 SB 404 by Senator Winn
 SB 414 by Senator Lane (31st)
 SB 281 by Senators Glisson and Ware
 SB 509 by Senator Deeb

SB 600 by Senator Henderson
 SB 702 by Senator Trask
 SB 748 by Senator Winn
 SB 754 by Senator Sykes
 SB 757 by Senator Lewis
 SB 836 by Senators Deeb, Myers, Zinkil and Winn
 SB 931 by Senator Johnston

SB 322 by Senator Gordon
 SB 323 by Senator Gordon
 SB 325 by Senator Gordon
 SB 324 by Senator Gordon
 SB 333 by Senator Pettigrew
 SB 369 by Senator Johnston
 SB 402 by Senator Gordon
 SB 403 by Senator Gordon
 SB 423 by Senator Smathers
 SB 465 by Senator Firestone
 SB 500 by Senator Lane (31st)
 SB 503 by Senator McClain
 SB 532 by Senator Pettigrew
 SB 542 by Senator Gillespie
 SB 556 by Senator McClain

SB 440 by Senator Wilson
 SB 460 by Senator McClain
 SB 572 by Senator Lewis
 SB 113 by Senator Glisson
 SB 650 by Senator Wilson
 SB 651 by Senator Wilson
 SB 672 by Senator Gordon
 SB 677 by Senator Deeb
 SB 700 by Senator Scarborough
 SB 690 by Senator Gillespie
 SB 725 by Senator Zinkil
 SB 726 by Senator Wilson
 SB 727 by Senator Wilson
 SB 741 by Senator Brantley

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

SCR 36 by Senator Deeb
 SB 43 by Senator Scarborough
 SB 56 by Senator Trask
 SB 65 by Senator Trask
 SB 75 by Senator Saylor
 SB 185 by Senator Plante
 SB 186 by Senator Plante
 SB 207 by Senator Deeb
 SB 208 by Senator Gallen
 SB 240 by Senator Saylor
 SB 272 by Senator Gordon
 SB 291 by Senator Poston
 SB 310 by Senator McClain
 SB 390 by Senator de la Parte
 SB 443 by Senator de la Parte

SB 455 by Senator de la Parte
 SB 525 by Senator Vogt
 SB 535 by Senators Ware, Deeb, Saylor
 SB 540 by Senator Deeb
 SB 564 by Senator Gallen
 SB 586 by Senator Lewis
 SB 596 by Senator Gruber
 SB 598 by Senator Deeb
 SB 607 by Education Committee
 SB 621 by Senators Peterson and Trask
 SB 625 by Senator Johnston
 SB 683 by Senator Lewis
 SB 711 by Senator Gillespie
 SB 713 by Senator Trask

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

SB 476 by Senator Poston
 SB 480 by Senator Firestone
 SB 483 by Senator Glisson relating to motor vehicles and trailers
 SB 42 by Senator Scarborough relating to punishment for capital felonies
 SB 90 by Senator McClain
 SB 96 by Senator Zinkil relating to conduct of trials
 SB 121 by Senator McClain relating to rape/capital felony
 SB 139 by Senator Gallen relating to Florida Uniform Traffic Control Law
 SB 141 by Senator Firestone relating to weapons and firearms
 SB 167 by Senator Gallen relating to obscene materials
 SB 168 by Senator Poston relating to DWI
 SB 178 by Senator McClain relating to Uniform Narcotic Drug Law
 SB 187 by Senator Plante relating to arrest without warrant
 SB 194 by Senator Glisson relating to probation and parole costs
 SB 202 by Senator Brantley relating to illegal sale of narcotic drugs
 SB 261 by Senator McClain relating to breaking and entering
 SB 278 by Senator McClain relating to mileage allowance/off duty officers

SB 315 by Senator Johnson relating to criminal law
 SB 364 by Senator Sims relating to witnesses
 SB 365 by Senator Henderson relating to game and fresh water fish
 SB 382 by Senator Gallen relating to food stamps
 SB 401 by Senator Winn relating to lodging fraud
 SB 123 by Senator Lane (31st) relating to armed crimes
 SB 474 by Senator Pettigrew relating to grand juries
 SB 445 by Senator Johnson relating to grand juries
 SB 446 by Senator Johnson relating to grand juries
 SB 448 by Senator Johnson relating to grand juries
 SB 490 by Senator Johnson relating to grand juries
 HB 133 by Representative Gautier relating to statute of limitations
 HB 166 by Representative Gautier relating to execution
 SB 583 by Senators Deeb and Myers
 SB 587 by Senator Glisson
 SB 466 by Senator Firestone
 SB 6 by Senator McClain
 SB 887 by Senator Pettigrew
 SB 866 by Senator Pettigrew
 SB 865 by Senator Gordon
 SB 864 by Senator Vogt
 HB 252 by Representative Blackburn

The Committee on Governmental Operations requests an extension of 10 days for the consideration of the following:

SB 470 by Senator Poston
 SB 472 by Senator Brantley
 SB 487 by Senator Poston
 SB 656 by Senator Scarborough
 SB 668 by Senators Johnson and Poston
 SB 671 by Senator Firestone
 HB 192 by Representative Steinberg
 CS for HB 378 by Committee on Community Affairs
 SB 493 by Senator Vogt
 SB 497 by Senator D. Lane
 SB 502 by Senator Pettigrew
 SB 505 by Senator Pettigrew

SB 513 by Senator Myers
 SB 514 by Senator Glisson
 SB 522 by Senator Deeb
 SB 687 by Senator Saylor
 SB 693 by Senator Pettigrew
 SB 694 by Senator Pettigrew
 SJR 695 by Senator Pettigrew
 SB 698 by Senator Johnson
 SB 699 by Senator Johnson
 SB 710 by Senator Pettigrew
 SB 715 by Senator Pettigrew
 SB 533 by Senator Lane (31st)
 SB 543 by Senator Deeb
 SB 737 by Senator Gillespie
 SB 738 by Senator Winn
 SB 746 by Senator Pettigrew

The Committee on Health and Rehabilitative Services requests an extension of 10 days for the consideration of the following:

SB 45 by Senator Deeb
 SB 55 by Senator Deeb
 SB 58 by Senator Johnson
 SB 59 by Senator Johnson
 SM 61 by Senator Johnson
 SB 67 by Senator Deeb
 SB 69 by Senator Deeb
 SJR 89 by Senator McClain
 SB 155 by Senator Gordon
 SB 159 by Senator Glisson
 SB 183 by Senators Johnson and Lewis
 SB 253 by Senators Poston and Lane (31st)
 SB 297 by Senator Johnson
 SB 320 by Senator Gordon
 SB 385 by Senator Glisson
 SB 486 by Senator Vogt
 SB 506 by Senator Lane (31st)
 SB 511 by Senator Firestone
 SB 523 by Senator Gordon

HB 111 by Representative Hodes
 SB 665 by Senator Myers
 SB 670 by Senator Gallen
 SB 673 by Senator Zinkil
 SB 769 by Senator Vogt
 SB 774 by Senator Vogt
 SB 808 by Senator Johnson
 SB 810 by Senator Vogt
 SB 787 by Senator Lewis
 SB 776 by Senator Vogt
 SB 775 by Senator Vogt
 SB 560 by Senator de la Parte
 SB 21 by Senator Myers
 SB 831 by Senators Pettigrew and Myers
 SB 833 by Senator Gordon
 SB 842 by Health and Rehabilitative Services Committee
 SB 855 by Senator Plante
 SB 868 by Senator Vogt

The Committee on Natural Resources and Conservation requests an extension of 10 days for the consideration of the following:

SB 593 by Senator Poston
 SB 597 by Senator Johnson

SCR 619 by Senator Graham

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

SB 63 by Senator Johnson
 SB 104 by Senator Gallen
 SB 180 by Senator Poston

SB 193 by Senator Pettigrew
 SB 319 by Senator Johnston
 SB 321 by Senator Gordon

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

SB 284 by Senator Zinkil
 HB 808 by Committee on Transportation

HB 810 by Committee on Transportation
 SB 498 by Senator Stolzenburg

The Committee on Rules and Calendar requests an extension of 10 days for the consideration of the following:

SB 574 by Senator de la Parte	SB 620 by Senator Saylor
SB 575 by Senator de la Parte	HB 527 by Representative Craig
SR 585 by Senator Deeb	HM 95 by Representative Malloy
SB 282 by Senator Glisson	HB 329 by Representative Craig
SB 387 by Senator Glisson	SB 669 by Senator Lane(23rd)
SB 422 by Senator Poston	
SB 426 by Senator Poston	

MESSAGES FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 326, 335, 337, 339 and 341 which he had approved April 27, 1973.

Honorable Elmer O. Friday, Jr. April 30, 1973
Secretary of the Senate
The Capitol

Dear Senator Friday:

Attached hereto is a certificate listing a commission prepared today which is subject to Senate Confirmation.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) Dorothy W. Glisson
Director, Division of Elections

I, Richard (Dick) Stone Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112-071 (1), (b), Florida Statutes, a commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Marlene M. Smith Tampa	Member, Board of Trustees, Hillsborough Community College	May 31, 1974



Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Thirtieth day of April, A. D., 1973.

RICHARD (DICK) STONE
Secretary of State

—which appointment was referred to the Committee on Education.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 30, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 329.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 1, 1973

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

SB 338

SB 539

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 26, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 354.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 26, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 857.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 27, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 224.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President April 26, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as further amended CS for HB 248.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 25, 1973

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

By the Committee on Environmental Protection and Representative Spicola and others—

CS for HB 173—A bill to be entitled An act relating to environmental protection; amending section 403.412, Florida Statutes; providing that persons may maintain an action for declaratory and equitable relief; providing standing requirements; providing that the prevailing party may be entitled to costs and attorney's fees; providing authority for a bond in an action for temporary injunction; providing that the court may make orders to avoid multiplicity of actions; eliminating special venue requirements; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 173, contained in the above message, was read the first time by title and referred to the Committees on Commerce, Natural Resources and Conservation and Judiciary.

The Honorable Mallory E. Horne, President April 24, 1973

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

By the Committee on Finance & Taxation—

HB 1331—A bill to be entitled An act relating to ad valorem taxation; creating chapter 195, Florida Statutes, as the property assessment administration and finance law; amending and transferring 195.111, Florida Statutes, to recognize the state responsibility for just and uniform assessment; amending and transferring section 195.042, Florida Statutes, to require regulations relating to computer standards, audits, parcel numbering systems, and delivery of information to the assessor relating to transfers of interests in real property; amending section 195.062, Florida Statutes, to require a current manual with standard procedures; creating section 195.072 to require classification of

property on the tax roll by use; amending section 195.022, Florida Statutes, relating to standard forms; creating section 195.084 to provide for an information exchange; creating section 195.085 creating a trust fund for assessor's budget review in the department of revenue; creating section 195.094, 195.095, 195.096, 195.097, 195.098, 195.099 and 195.100 to provide for an assessor loan fund, approved bidder lists standardized contracts, post certification audit of tax rolls, notices of intent to disapprove, appeals from department orders, creating an assessment administration review commission, and a review of fee schedules by the department; amending subsection (1) and (4) of section 192.091, Florida Statutes, providing a fee schedule; amending subsection (6) of section 193.114, Florida Statutes, relating to approval of tax rolls; amending section 193.122, Florida Statutes, providing for submission of fundings by the board of tax adjustment; creating a new section in chapter 200 to provide a procedure for millage levies; amending section 145.10 to provide for tax assessor compensation; amending section 145.12(4), Florida Statutes, to provide for disposition of excess fees; repealing subsection (1) of section 192.102 relating to assessors commission, subsection (3) of section 192.012, relating to the use of ratio studies; repealing all resolutions under section 145.022 relating to tax assessors; repealing all local acts and general acts of local application relating to assessor compensation; making appropriation; repealing section 193.035 (3), Florida Statutes, 1971, relating to county expenditures for tax assessors; providing effective dates.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1331, 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 25, 1973

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

By Representative Andrews—

HB 160—A bill to be entitled An act relating to alcoholic beverages; amending §565.05 and §565.10, Florida Statutes, allowing certain beverages to be sold in one-half gallon containers; providing an effective date.

By Representative Spicola—

HB 232—A bill to be entitled An act relating to air and water pollution control; amending section 403.088 (1), (2), (3) and (4), Florida Statutes; providing that persons presently discharging or intending to discharge pollutants into the air or water of the state shall obtain an operation permit; requiring certain permit holders to maintain monitoring equipment; providing for advertisement in a newspaper of general circulation; providing an effective date.

By Representative Mixson—

HB 1078—A bill to be entitled An act relating to the Farm Labor Registration Law; amending §450.28(1), Florida Statutes, to clarify the definition of farm labor contractor and the exclusions from said definition; repealing §450.29, Florida Statutes, which relates to exclusions from said law; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 160, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

HB 232, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

HB 1078, 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 25, 1973

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

By the Committee on Environmental Protection and Representative Spicola and others—

CS for HB 622—A bill to be entitled An Act relating to pollution control; creating Section 403.048, Florida Statutes, providing for disclosure of income by pollution control board members; providing for filing a statement with the secretary of state; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 25, 1973

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

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

CS for HB 800—A bill to be entitled An act relating to traffic control; amending Section 316.016(3), Florida Statutes, 1971, to authorize the police department of a chartered municipality to employ as traffic accident investigation officers graduates of the selective traffic enforcement program (STEP) as approved by the Police Standards Council or a similar program which may be approved, and who do not otherwise meet uniform minimum standards for police officers to issue certain traffic citations; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 622 and CS for HB 800, contained in the above messages, were read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 25, 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 and others—

HB 1181—A bill to be entitled An act relating to transportation; amending sections 163.565 through 163.572, Florida Statutes, the regional transportation authority law; providing for the organization of regional transportation authorities; providing purposes and powers of the authorities for public transportation systems in and throughout Florida; providing exemptions to the authority from regulation and taxation; providing special district ad valorem taxing; providing for issuance of bonds, pledging of assets and revenue; defining the transportation area and providing for operation and expansion; providing a severability clause; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1181, 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 25, 1973

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

By Representative Hodes—

HB 675—A bill to be entitled An act relating to public printing and stationery; amending section 287.102 and subsection (1) of section 283.10, Florida statutes; providing for competitive bids on all purchases in excess of five hundred dollars; providing an effective date.

By Representative Hodes—

HB 672—A bill to be entitled An act relating to purchasing; amending subsections (1) and (3) of section 287.062, Florida statutes, providing for competitive bids; providing for exceptions; and providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 675 and 672, contained in the above message, were read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 25, 1973

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

By Representative Easley—

HB 556—A bill to be entitled An act relating to state uniform traffic control; adding subsection (5) to §316.184, Florida Statutes, 1971; providing for enforcement of school speed zones; providing an effective date.

By Representative Rude and others—

HB 812—A bill to be entitled An act relating to estrays; repealing §707.22, Florida Statutes, 1971, which relates to stud-horses and asses running at large, and §707.23, Florida Statutes, 1971, which relates to proceedings when studhorses and asses are not gelded; providing an effective date.

By Representative Conway—

HB 110—A bill to be entitled An act relating to the regulation of municipally-owned electric, water, sewer, and gas utilities; adding subsection (5) to §172.081, Florida Statutes, and subsection (6) to §180.191, Florida Statutes, to provide a definition of the term "consumer"; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 556, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

HB 812, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 110, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 25, 1973

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

By Representative Martinez and others—

HCR 1901—A concurrent resolution commending Miss Marlene Maseda on being designated Queen of the Latin American Fiesta of Tampa and wishing her success as an emissary of good will.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HCR 1901, contained in the above message, was read the first time and placed on the calendar.

The Honorable Mallory E. Horne, President April 26, 1973

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

By the Committee on Insurance and Representatives M. L. Singleton and Williamson—

CS for HB 658—A bill to be entitled An act relating to financial responsibility; amending section 320.06(1), Florida Statutes, 1971; requiring the furnishing of proof of financial responsibility as a prerequisite for receiving a motor vehicle license plate; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 658, 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 30, 1973

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

By Representative Fechtel—

HB 1051—A bill to be entitled An act relating to the game and fresh water fish commission; repealing §372.022, Florida Statutes, 1971, relating to the power of the commission to sell and trade commission lands in Lake and Marion Counties; providing an effective date.

By the Committee on Natural Resources and Representative Craig and others—

CS for HB 1075—A bill to be entitled An act relating to salt water conservation; amending §370.08, Florida Statutes, adding subsection (10) thereto; prohibiting the use of chemicals unless a permit is obtained from the division of marine resources; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1051 and **CS for HB 1075** contained in the above message, were read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Mallory E. Horne, President April 30, 1973

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

By the Committee on Insurance—

HB 1245—A bill to be entitled An act relating to insurance; amending section 628.401(1), Florida Statutes, 1971; increasing the authorized annual interest rate from six percent (6%) to eight percent (8%) that may be charged on money borrowed by a domestic stock or mutual insurer for any purpose of its business; providing an effective date.

By the Committee on Insurance—

HB 1504—A bill to be entitled An act relating to group life insurance; amending Chapter 627, Part V, Florida Statutes,

1971, by adding new section 627.573 to provide that when master group life policies are replaced the new policy must cover all participants covered under the replaced policy; providing an effective date.

By the Committee on Insurance and Representative Mattox—

HB 1505—A bill to be entitled An act relating to insurance; amending sections 627.455, 627.506, 627.560, 627.607(2), and 627.681, Florida Statutes, 1971; decreasing the incontestability period provision contained in certain insurance policies from two (2) years to one (1) year from the date of issue; decreasing the time limit for defenses as a result of statements in the application for disability insurance from two (2) years to one (1) year; requiring that credit life insurance or credit disability insurance policies contain a provision limiting the incontestability period to one (1) year from the date of issue; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 1245, 1504 and 1505, contained in the above message, were read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 30, 1973

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

By the Committee on Retirement, Personnel & Claims and Representatives Harris and Tucker—

CS for HB 606—A bill to be entitled An act relating to public officers and employees; adding paragraph (e) to subsection (3) of §112.061, Florida Statutes, 1972 Supplement, and amending paragraph (a) and (b) subsection (5) of §112.061, Florida Statutes, 1972 Supplement relating to per diem and traveling expenses, to provide reimbursement for certain expenses incurred within the traveler's official headquarters where supervision of students is involved; eliminating the out of state rate of per diem, providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 606, 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 30, 1973

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

By the Committee on Insurance—

CS for HB 349—A bill to be entitled An act relating to insurance windstorm apportionment plans; amending section 627.351(6), Florida Statutes; limiting an insurer's liability for catastrophe losses during one year to 5% of its policyholder's surplus allocable to its Florida operations; providing an effective date.

By Representative Harris—

HB 706—A bill to be entitled An act relating to insurance; amending section 624.522, Florida Statutes, by adding a new subsection (6) and renumbering subsequent subsection to provide that all funds deposited in liquefied petroleum gas administrative trust fund, municipal firemen's pension trust fund, municipal police officers' retirement trust fund, state fire marshal trust fund, and publications trust fund shall be transferred to the insurance commissioner's regulatory trust fund; providing an effective date.

By the Committee on Insurance—

HB 1503—A bill to be entitled An act relating to group, blanket and franchise disability insurance; amending chapter 627, part VII, Florida Statutes, 1971; by adding new section 627.665 to provide that when master group disability policies are replaced the new policy must cover under the replaced policy; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 349, House Bills 706 and 1503, contained in the above message, were read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 27, 1973

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

By Representative Tittle—

HB 156—A bill to be entitled An act relating to legislative expenses; amending §11.13(4), Florida Statutes, to add to the list of intradistrict expenses for which a legislator may be reimbursed; authorizing the joint legislative management committee to approve additional types of district expenses; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 156, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President April 26, 1973

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

By the Committee on Insurance and Representatives Ogden and Whitson—

CS for HB 1222—A bill to be entitled An act relating to insurance; amending section 626.729, Florida Statutes, 1971; increasing the policy amount for an industrial fire insurance policy on one risk from \$5,000.00 to \$10,000.00; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1222, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 26, 1973

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

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

CS for HB 115—A bill to be entitled An act relating to weapons and firearms; amending §790.23, Florida Statutes; providing that it shall be a felony of the second degree for persons convicted of certain crimes to have a firearm or other weapon; providing that it shall be a felony of the third degree for persons convicted of other felonies to have a firearm or other weapon; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 115, 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 26, 1973

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

By the Committee on General Legislation and Representative Johnson—

CS for HB 754—A bill to be entitled An act relating to alcoholic beverages; amending section 562.13, Florida Statutes, 1972 Supplement, providing that persons under seventeen years of age may be employed as actors, actresses, or musicians in bona fide food service establishments in which alcoholic beverages are served; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 754, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 27, 1973

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

By Representatives Redman and Wilson—

HB 182—A bill to be entitled An act relating to the Auditor general; creating §11.401, Florida Statutes, to provide for annual audits of the legislative auditing committee and auditor general; providing an effective date.

By Representative Redman—

HB 539—A bill to be entitled An act relating to planning and budgeting; amending §216.102, Florida Statutes, 1971, relating to state agency balance sheets, to provide for filing of statements of operation and to provide for withholding of agency funds for failure to comply; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President April 27, 1973

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

By the Committee on Retirement, Personnel & Claims and Representative Redman—

CS for HB 354—A bill to be entitled An act relating to state employees; prohibiting the payment of membership in any organization or the payment of professional dues for any state employee; providing exception for memberships in the name of a state department, agency, bureau, commission or other component with the approval of the Administration Commission; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 182 and 539 and CS for HB 354, contained in the above messages, were read the first time by title and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 27, 1973

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

By Representative Fortune—

HB 206—A bill to be entitled An act relating to forestry; authorizing participation by the state, through the division of forestry of the department of agriculture and consumer services, in federally funded fire protection assistance programs; authorizing cooperation by participating counties or fire departments; providing an effective date.

By Representative Conway—

HB 715—A bill to be entitled An act relating to community colleges; amending §230.760, 1972 Supplement to Florida Statutes; deleting requirement for certification of persons employed in an administrative or instructional position; providing an effective date.

By Representative Conway—

HB 719—A bill to be entitled An act relating to education; amending §236.02(4), Florida Statutes; authorizing supervisors of instruction to perform instructional-related administrative duties; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 206, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

House Bills 715 and 719, contained in the above message, were read the first time by title and referred to the Committee on Education.

The Honorable Mallory E. Horne, President April 30, 1973

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

By Representative Fulford and others—

HB 249—A bill to be entitled An act relating to aquatic weed control; amending §213.11, Florida Statutes, relating to the transfer of certain gasoline tax revenues to the department of natural resources, to restrict the dollar limitation on the amount of such revenues which are subject to the provisions of said section to the first gas tax; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 249, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

The Honorable Mallory E. Horne, President April 27, 1973

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

By the Committee on Judiciary and Representative Crabtree and others—

HB 1423—A bill to be entitled An act relating to residential landlord and tenant relationships; creating §83.001 and part II of chapter 83, Florida Statutes; providing a short title; providing for application of the act; providing for exclusions from application of the act; providing definitions; providing for an obligation of good faith; providing for the limitation of unconscionable rental agreements; providing for authorized and prohibited provisions in rental agreements; providing for attorney's fees; providing for disclosure to tenants; providing for landlord's obligation to maintain premises; providing for tenant's obligation to maintain dwelling unit; providing for landlord's access to dwelling unit; providing for remedies and procedures; prohibiting retaliatory conduct; creating §§713.691 and 48.183, Florida Statutes; providing for landlord's lien for rent and abolishing distress for rent with regard to residential ten-

ancies; providing for service of process; amending and renumbering section 83.261, Florida Statutes, relating to deposit money and advance rent; amending sections 713.67, 713.68, and 509.141(1), Florida Statutes, to limit their applicability to transient rentals; amending sections 85.011(5) and 85.051, Florida Statutes; creating section 92.40, relating to admissibility in evidence of reports of building, housing and health code violations; repealing sections 82.02, 82.04, 82.081(2) and 821.31, Florida Statutes; providing for notice by the department of business regulations; providing effective dates.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1423, contained in the above message, was read the first time by title and referred to the Committee on Consumer Affairs.

The Honorable Mallory E. Horne, President April 30, 1973

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

By the Committee on Elections and Representative Tolton and others—

CS for HB's 541 SF and 998—A bill to be entitled An act relating to elections; amending §100.011(1), Florida Statutes, relating to the hours of opening and closing the polls; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB's 541 SF and 998, 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 30, 1973

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

By the Committee on Environmental Protection and Representative Spicola and others—

CS for HB 149—A bill to be entitled An act relating to electrical power plant siting; creating the Florida electrical power plant siting act; creating sections 403.501—403.516, Florida Statutes; providing legislative intent; providing definitions; establishing powers of the department of pollution control and the division of state planning; providing that this act shall apply to all steam electrical generating plants and associated transmission lines; providing procedures for certification; providing for an application fee; requiring the filing of a ten-year site plan by electric utilities; providing for studies and public hearings; providing that applications shall be acted upon within twelve months of application; providing that the regulation of electric utilities is preempted by the state; providing that certification by the pollution control board is final state approval for the utility; providing for revocation of certification; providing for judicial review; providing for enforcement and penalties; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 149, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President May 2, 1973

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

By the Committee on Criminal Justice and Representative Savage—

CS for HB 85—A bill to be entitled An act relating to criminal justice; creating sections 901.27, 901.28, 901.29, 901.30,

901.31, and 901.32, Florida Statutes, providing a definition; providing authorization to issue a notice to appear for misdemeanors or for violations of municipal or county ordinances triable in the county court; providing for an investigation; providing authorization to take person to medical facility; providing for service of notice; providing penalty for failure to appear; providing for issuance of warrant; repealing sections 901.06 and 901.23, Florida Statutes, relating to the duty of an officer to take a person before a committing magistrate; providing for an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 85, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

On motion by Senator Firestone, CS for HB 85 was withdrawn from the Committee on Criminal Justice by two-thirds vote and placed on the calendar.

COMMUNICATIONS FORMALLY FILED

Honorable Mallory Horne, President April 30, 1973
The Senate
The Capitol

Dear President Horne:

Enclosed herewith please find Amendment One to Certificate Filed April 2, 1973 which the Chief Justice has directed that I transmit to you.

Most cordially,
Sid J. White
Clerk, Supreme Court

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A. D., 1973
MONDAY, APRIL 30, 1973

IN RE: AMENDMENT ONE TO CERTIFICATE
FILED APRIL 2, 1973.

CASE NO. 43,592

PER CURIAM.

This Court on April 2, 1973, published its Certificate setting forth recommendations on the number of additional judges needed during fiscal 1973-1974 for both the Circuit Courts and the County Courts. Additional information having been received and the previous recommendations having been reviewed accordingly, the Certificate is revised and amended to read as follows:

Circuit Courts:

10th	1
19th	1
TOTAL	2 Circuit Judges

**County Courts:*

Dade	3
Hillsborough	1
Palm Beach	1
St. Johns	1
Marion	1
Osceola	1
Leon	1
Escambia	1
Alachua	1
TOTAL	11 County Judges

*The changes from the initial Certificate are a reduction of the judges recommended for Dade County from 7 to 3; reduction of the judges recommended for Hillsborough County from 2 to 1; deletion of a recommendation for Seminole County; addition of a recommendation for 1 additional county judge in Escambia County; addition of a recommendation for 1 additional county judge in Alachua County.

The Court's recommendation appearing in the Certificate regarding the expiration of terms is deleted.

The Court's recommendation as to the county judges presently paid by their respective counties is revised as follows:

- Collier: The position currently held by Lynne Hixon Holley, Naples, should be made permanent and funded by the State.
- Martin: The position currently held by David Harper, Stuart, should be made permanent and funded by the State.
- St. Lucie: The position currently held by Wm. G. Tye, Ft. Pierce, should be made permanent and funded by the State.
- Walton: The Court now recommends that the position held by Odell O. Thompson, DeFuniak Springs, not be made permanent; however, this position should be funded by the State.

CARLTON, C.J., ROBERTS, ERVIN, ADKINS, BOYD, McCAIN and DEKLE, J.J., concur

A TRUE COPY

Attest:

SID J. WHITE, Clerk
Supreme Court of Florida

RECONSIDERATION

The motion by Senator Sims on April 26 that the Senate reconsider the vote by which—

SJR 259—A joint resolution proposing the repeal of section 2 of article IV, an amendment to section 17 of article III and amendments to sections 3, 5 and 6 of article IV of the state constitution, abolishing the office of lieutenant governor and providing for succession to the office of governor.

—as amended failed to pass on April 26 was taken up and adopted.

On motion by Senator Scarborough, by two-thirds vote SJR 259 was placed on the Special Order Calendar.

SPECIAL ORDER

On motion by Senator Lane (23rd) that a committee be appointed to escort Miss Denise Watts, Miss Florida Teen-ager for 1973, to the rostrum, the President appointed Senators McClain, de la Parte and Lane (23rd). Miss Watts was escorted to the rostrum where she was received by the President.

SR 1211—A Senate Resolution honoring Miss Denise Watts, Miss Florida Teen-ager 1973.

—was read the second time in full. On motion by Senator Lane (23rd), SR 1211 was unanimously adopted.

On motions by Senator de la Parte, consideration of SB 436, SB 457, SB 317, HB 1059, SB 499, SB 590, SB 611, SB 684, SB 563, SB 519, SB 554, SB 662, SB 633, SB 225, CS for HB 448, HB 978, SB 49 and HB 211 was deferred.

SJR 259—A joint resolution proposing the repeal of section 2 of article IV, an amendment to section 17 of article III and amendments to sections 3, 5, and 6 of article IV of the state constitution, abolishing the office of lieutenant governor and providing for succession to the office of governor.

—as amended was taken up pending roll call.

Senator Henderson moved that debate be limited to ten minutes per side.

Senator Sims moved as a substitute motion that debate be limited to not more than five minutes per person.

Senator Poston moved as an amendment to the substitute motion that debate be limited to one minute per person and ten minutes per side. The amendment failed.

The substitute motion failed and the motion by Senator Henderson failed.

Senator Williams moved the adoption of the following amendment:

Amendment 10—On page 1, lines 20-22, strike the words, "the general election to be held in November 1974, or, if authorized by three-fourths of the membership of each house of the legislature, at"

Senator Williams raised a point of order that the amendment to SJR 259 to provide that the adoption or rejection of the proposed Constitutional amendment be presented to the electors at a special election to be held on October 2, 1973, was out of order for the reason that it was violative of Section 5 of Article XI of the Constitution of Florida.

Mr. President: Section 5 of Article XI of the Constitution provides in effect that a proposed amendment to the Constitution shall be submitted to the electors at the next general election to be held not later than 90 days after the Joint Resolution proposing the amendment is filed with the Secretary of State, unless pursuant to law enacted by $\frac{3}{4}$ of the membership of each house it is submitted at an earlier special election.

The phrase "pursuant to law", contemplates the passage of an act by the legislature subject to the review and veto power of the Governor under the separation of powers doctrine of government.

The Joint Resolution is not subject to review and veto by the Governor thus, if the legislature were to provide for the special election as a part of the Joint Resolution then in that event the Governor's right to the review of law would be subverted in contravention of the obvious intent of the framers of the Constitution.

The point of order is well taken.

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

Amendment 11—On line 23, strike the ":" and insert: , to take effect January 1, 1979:

The vote was:

Yeas—14

Firestone	Lewis	Plante	Williams
Gallen	McClain	Saylor	Wilson
Henderson	Myers	Sykes	
Johnson	Pettigrew	Weber	

Nays—24

Mr. President	Gillespie	Lane (23rd)	Smathers
Barron	Glisson	Peterson	Trask
Brantley	Gordon	Poston	Vogt
Childers	Graham	Saunders	Ware
Deeb	Gruber	Scarborough	Winn
de la Parte	Johnston	Sims	Zinkil

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

Amendment 12—On page 1, strike the comma (,) on line 20 and all of lines 21, 22 and 23 and insert: a period (.)

Senator Pettigrew moved that SJR 259 be recommitted to the Committee on Judiciary.

Senator Wilson moved that consideration of SJR 259 be postponed until the date the House of Representatives reaches

a final decision and concludes on questions of Articles of Impeachment of the Lieutenant Governor. The motion failed.

The motion by Senator Pettigrew failed.

The Senate stood in silent tribute and prayer in memory of former Senator Beth Johnson of Orlando whose funeral was held at 4:00 p.m. this day.

SJR 259 as further amended was read in full as follows:

SJR 259—A joint resolution proposing the repeal of section 2 of article IV, an amendment to section 17 of article III and amendments to sections 3, 5 and 6 of article IV of the state constitution, abolishing the office of lieutenant governor and providing for succession to the office of governor.

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

That the repeal of section 2, article IV, the following amendment to section 17, article III, and the amendments to sections 3, 5 and 6, article IV, of the state constitution, are hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1974.

**ARTICLE III
LEGISLATURE**

SECTION 17. Impeachment.—

(a) The governor, ~~lieutenant governor~~, members of the cabinet, justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by him, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

**ARTICLE IV
EXECUTIVE**

(Substantial rewording of section 3. See section 3, article IV of the state constitution for present text.)

SECTION 3. Succession to office of governor; acting governor.—

(a) Upon vacancy in the office of governor, the secretary of state shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of the trial thereof, or during his physical or mental incapacity, the secretary of state shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion

thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the secretary of state by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

SECTION 5. Election of governor, ~~lieutenant governor~~ and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a ~~lieutenant governor~~ and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. ~~In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.~~

(b) When elected, the governor, ~~lieutenant governor~~ and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

SECTION 6. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, ~~the lieutenant governor~~, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

SJR 259 as further amended passed with the required constitutional three-fifths vote of the membership and was ordered engrossed. The vote was:

Yeas—24

Mr. President	Gillespie	Lane (23rd)	Smathers
Barron	Glisson	McClain	Trask
Brantley	Gordon	Peterson	Vogt
Childers	Graham	Saunders	Ware
de la Parte	Gruber	Scarborough	Winn
Gallen	Johnston	Sims	Zinkil

Nays—16

Deeb	Lane (31st)	Plante	Sykes
Firestone	Lewis	Poston	Weber
Henderson	Myers	Sayler	Williams
Johnson	Pettigrew	Stolzenburg	Wilson

Explanation of vote

I have voted no on SJR 259 because I believe this is the worst possible time to vote on this issue. If the House brings impeachment charges against the Lt. Governor then I as a member of the Senate must sit as an impartial juror in his trial.

Russell E. Sykes, 26th District

On motion by Senator Sayler, HB 182 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Scarborough, by two-thirds vote SB 274 was placed at the end of the special order calendar.

Senator Barron presiding.

SB 436—A bill to be entitled An act relating to the uniform narcotic drug law; repealing section 398.07(1)(c)4, Florida Statutes, relating to the refilling of narcotic prescriptions; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 15 and 16 and insert:

This act shall become effective October 1, 1973.

On motion by Senator Childers, by two-thirds vote SB 436 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Gallen, HB 1073 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 457 was taken up and on motion by Senator Gallen—

HB 1073—A bill to be entitled An act relating to dog racing; periods of operation generally; amending subsection (1) of section 550.083, Florida Statutes, by substituting the words "racing season" for the words "fiscal year" and defining "racing season"; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 1073 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

By unanimous consent Senators Graham and Lewis were recorded as voting yea.

SB 457 was laid on the table.

SB 317—A bill to be entitled An act relating to governmental reorganization; amending §20.19(2) and (14), Florida Statutes; creating a division of crippled children; 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 Henderson:

Amendment 1—On page 2, lines 3, 7 and 8 strike the words "division of crippled children" and insert: division of children's medical services

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

Amendment 2—On page 1, line 6 (Title) strike the words "division of crippled children" and insert: division of children's medical services

Senators de la Parte and Graham offered the following amendment which was moved by Senator de la Parte:

Amendment 3—On page 2, line 3, insert: (k) Division of aging

Amendment 3 was adopted by the following vote:

Yeas—28

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

Nays—5

Barron	Peterson	Plante	Trask
Johnston			

By unanimous consent, Senator Firestone was recorded as voting yea; Senator Trask changed his vote from nay to yea.

On motion by Senator Graham the following title amendment was adopted:

Amendment 4—On page 1, line 6 after the semi-colon (;) insert: creating a Division of Aging;

On motion by Senator Henderson, by two-thirds vote SB 317 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Williams was recorded as voting yea.

On motion by Senator Henderson, the rules were waived and SB 317 was ordered immediately certified to the House after engrossing.

HB 1059—A bill to be entitled An act relating to the legislative office buildings; amending §272.16, Florida Statutes, to provide that certain portions of those buildings are under the control of their respective houses; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 1059 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—1

Henderson

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

SB 499 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 499—A bill to be entitled An act relating to traffic control; amending Section 316.016(3), Florida Statutes, 1971, to authorize the police department of a chartered municipality to employ as traffic accident investigation officers graduates of the selective traffic enforcement program (STEP) as approved by the Police Standards Council or a similar program which may be approved, and who do not otherwise meet uniform minimum standards for police officers to issue certain traffic citations; providing an effective date.

—which was read the first time by title and SB 499 was laid on the table.

On motions by Senator Lane (31st), by two-thirds vote CS for SB 499 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

On motion by Senator Sykes, CS for HB 149 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 590 was taken up and on motion by Senator Sykes—

CS for HB 149—A bill to be entitled An act relating to electrical power plant siting; creating the Florida electrical power plant siting act; creating sections 403.501 — 403.516, Florida Statutes; providing legislative intent; providing definitions; establishing powers of the department of pollution control and the division of state planning; providing that this act shall apply to all steam electrical generating plants and associated transmission lines; providing procedures for certifications; providing for an application fee; requiring the filing of a ten-year site plan by electric utilities; providing for studies and public hearings; providing that applications shall be acted upon within twelve months of application; providing that the regulation of electric utilities is preempted by the state; providing that certification by the pollution control board is final state approval for the utility; providing for revocation of certification; providing for judicial review; providing for enforcement and penalties; providing for severability; providing an effective date.

—a similar measure was substituted therefor. On motions by Senator Sykes, by two-thirds vote CS for HB 149 was read the second time by title and by two-thirds vote was read the third time by title.

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

Amendment 1—On page 8, line 17, strike "site" and insert: Plan

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

Amendment 2—On page 9, line 2 strike "or major transmission line"

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

Amendment 3—On page 15, line 18, strike Section 2 in its entirety and insert: Section 2. In the event the Legislature reorganizes the agencies dealing with environmental programs into a single agency the powers and the duties of the board set forth in this act shall be transferred to said agency.

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

Amendment 4—On page 6, lines 7-8, strike "and transmission line routes"

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

Amendment 5—On page 6, lines 10-11, strike "and, major transmission line routes"

CS for HB 149 as amended passed and was certified to the House. The vote was:

Yeas—36

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

Nays—None

SB 590 was laid on the table.

Senator Scarborough moved that the Senate reconsider the vote by which SB 551 passed on April 26.

The Presiding Officer introduced the doctors of the day, Dr. Victor Martinez, cardiovascular surgeon, Tampa, Dr. William J. Young, general surgeon, New Port Richey and Dr. Carlisle Hewitt, radiologist.

SB 611—A bill to be entitled An act relating to the public health; authorizing the governing body of each county to create a governmental unit known as a public health trust; providing for a board of trustees of the public health trust, and the manner of selection, removal or replacement; providing for the transfer of designated facilities to the trust; providing for the manner of operation of the facilities; preserving the rights of public employees under existing retirement systems; prohibiting the power of taxation and imposing other restrictions; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 611 was read the third time by title.

On motion by Senator Sykes, the rules were waived and CS for HB 149 was immediately certified to the House.

On motion by Senator Graham rule 2.5 was waived and Subcommittee B of the Committee on Ways and Means was granted permission to meet at 8:00 p.m. this day in Senate committee room B.

Senator Saunders raised a point of order pursuant to Rule 4.6 that SB 616 should be removed from the calendar and re-referred to the Committee on Ways and Means. The Presiding Officer ruled the point well taken.

The Journals of May 1, April 30 and April 27 were corrected and approved.

The Journal of April 26 was corrected as follows and approved:

Page 304, counting from the bottom of column 1, line 17, strike "250" and insert: 259

The Journal of April 24 was further corrected as follows and approved:

Page 246, counting from the bottom of column 2, line 30, strike "H" and insert: S

CO-INTRODUCER

By permission Senator Gillespie was recorded as a co-introducer of Senate Bills 1157 and 710.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:01 p.m. to convene at 8:30 a.m., May 3, 1973, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.