

# JOURNAL OF THE FLORIDA SENATE

Thursday, May 3, 1973

The Senate was called to order by the President Pro Tempore 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.

CS for HB 243	CS for SB 581	SB 554	HB 978
SB 424	SB 292	SB 662	SB 49
SB 611	SB 684	SB 633	HB 211
SB 249	SB 563	SB 225	SB 556
SB 274	SB 519	CS for HB 448	SB 553

## INTRODUCTION

By Senator Gillespie—

**SB 1329**—A bill to be entitled An act relating to Volusia County; amending §3(1), chapter 69-1706, Laws of Florida; providing for the selection of the trustees of the Volusia County Law Library; repealing §3 (2) and (3), chapter 69-1706, Laws of Florida; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1329.

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

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Mr. President	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
Gordon	Myers	Stolzenburg	

Excused: Senator Barron, in discharge of duties relating to the Senate.

The Senate Chaplain, Dr. R. M. McMillan, presented Senator Trask who read the following prayer of The Reverend S. Harry Russell, pastor, First United Methodist Church, Fort Meade, Florida which prayer was delivered before the Senate on May 15, 1969:

Good morning God: Welcome to another day in the Senate. Here we are again, reporting for duty. Helping to run a state is beginning to get some of us down. Don't let anyone tell you that this job is easy, because it isn't. That's why we try to get the day off to a flying-good start by checking in with you. Let what we say here today make sense a hundred years from now. Save us from dancing to the tune of the expedient. Teach us to march in step with your cadence. May today's decisions stand the test of years to come. Help us to watch our price tags lest we find we have paid a high price for rusty treasure. When the other fellow is speaking, give us the grace to listen, even when we intend to object. Let our disagreement be made in honor. Let us be "yes" men to no one but you. When the deeds of today catch up with us, may we find that we need look for no place to hide. When today is over, tattered and thumb-worn, give us the courage to look you squarely in the eye as we hand it back to you, and say: "We did the best we could. May we trade this one for a fresh chance at a new tomorrow?" Thank you God for spending these opening moments with us. We want you to know that you are welcome around here all the time. We remain your servants and the servants of the people of the State of Florida. Amen and Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 3, 1973:

SR 1—Reverend Redd Resolution to be considered at 10:00 a.m.

The Committee on Rules and Calendar recommends that the following bills be placed on the Local Calendar for Friday, May 4, 1973:

SB 904 by Senators Gillespie and Glisson	SB 1326 by Senator Poston
SB 422 by Senator Poston	SB 1329 by Senator Gillespie
SB 426 by Senator Poston	SB 1328 by Senator Glisson
SB 536 by Senator Deeb	HB 528 by Representative Craig
SB 544 by Senator Gillespie	HB 527 by Representative Craig
SB 557 by Senator Deeb	HB 331 by Representative Tittle
SB 574 by Senator de la Parte	HB 330 by Representative Craig
SB 575 by Senator de la Parte	HB 329 by Representative Craig
SB 620 by Senators Sayler and Deeb	HB 326 by Representative Craig
SB 797 by Senator Poston	
SB 840 by Senator Gillespie	
SB 908 by Senator Pettigrew	
SB 949 by Senator Gruber	

Respectfully submitted,  
Dempsey J. Barron, Chairman

The Committee on Governmental Operations recommends the following pass:

SB 854 with 3 amendments      SB 1300      HB 603      HB 775

The Committee on Transportation recommends the following pass:

SB 876	SB 1268
SB 1144	SB 1271
SB 1145	SB 1305
SB 1146 with 1 amendment	SB 1306
SB 1147 with 5 amendments	SB 1307
SB 1205	SB 1308

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

SB 910      SB 1082      SB 1130      SB 1264

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources and Conservation recommends the following pass: SB 1131

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

The Committee on Transportation recommends a Committee Substitute for the following: SB 970

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 362

The bill with Committee Substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 235

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Natural Resources and Conservation recommends the following not pass: SB 941, SB 1046

The Committee on Governmental Operations recommends the following not pass: SB 773, SB 1012

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

The Select Curriculum Subcommittee of the Education Committee recommends SB 766, SB 792, SB 901, favorably to the standing committee.

The Select Management Subcommittee of the Education Committee recommends SB 758, SB 186, SB 819, SB 185, SB 804, SB 805, SB 890, SM 924, SB 894, SB 598 favorably to the standing committee.

The Select Finance Subcommittee of the Education Committee recommends SB 885, SB 586, SB 621, SB 803 with 1 amendment, SB 793, SB 892, SB 781 favorably; SB 711 and SB 917 unfavorably to the standing committee.

### ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SJR 259 with 7 amendments SB 436 with 1 amendment  
SB 317 with 4 amendments

—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.

### REQUESTS FOR EXTENSION OF TIME

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

SB 530 by Senator Sykes

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

SB 631 by Senator Brantley	SB 825 by Senator Trask
SB 632 by Senator Brantley	SB 826 by Senator Trask
SB 646 by Senator Barron	SB 828 by Senator Pettigrew
SB 770 by Senator Gallen	HB 887 by Representative
SB 778 by Senator Gallen	Birchfield
SB 779 by Senator Gallen	

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

SB 780 by Senator Gillespie	SB 860 by Senator Childers
SB 783 by Senator Gordon	SB 880 by Senator McClain
SB 788 by Senator Deeb	SB 886 by Senator Pettigrew
SB 838 by Senator Graham	SB 899 by Senator Gordon
SB 853 by Senator Wilson	

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

SB 485 by Senator Gillespie	HB 326 by Representative
HB 331 by Representative	Craig
Title	SCR 691 by Senator Firestone

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

SB 11 by Senator Henderson	SB 250 by Committee on
SB 60 by Senator Johnson	Natural Resources
SB 66 by Senator Deeb	SB 268 by Senator Brantley
SB 79 by Senator McClain	SJR 266 by Senator Winn
SB 130 by Senator Gallen	SB 307 by Senator Lewis
SB 165 by Senator Gallen	SJR 368 by Senator Johnston
SB 166 by Senator Glisson	SB 371 by Senator Henderson
SB 169 by Senator Poston	SB 372 by Senator Johnson
SB 182 by Senator Deeb	SB 383 by Senator Henderson
SB 204 by Senator Gallen	SB 392 by Senator Scar-
CS for	borough
SB 234 by Committee on	SB 408 by Senator Brantley
Natural Resources	SB 421 by Senator Gordon

SB 552 by Senator Scar-	SB 767 by Senator Pettigrew
borough	SB 768 by Senator Gordon
SB 561 by Senator Deeb	SB 771 by Senator Sykes
SB 437 by Senator Gillespie	SB 777 by Senator Vogt
SB 584 by Senator Lewis	SB 802 by Senator Gordon
SB 375 by Committee on	SB 806 by Senator Gordon
Agriculture	SB 807 by Senator Firestone
SB 752 by Senator Saunders	SB 824 by Senator Zinkil
SB 763 by Senator Vogt	SB 827 by Senator Trask

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

SB 816 by Criminal Justice	SB 784 by Senator Vogt
Committee	

### MESSAGE FROM THE GOVERNOR

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

May 2, 1973

Dear Senator Friday:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the names of persons for whom commissions have been prepared and which are subject to confirmation by the Senate.

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, commissions which are subject to Confirmation by the Senate have been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
J. Carlyle Harvey New Smyrna Beach	Member, Ponce DeLeon Port Authority, Volusia County	February 1, 1977
Ray Eddy Ormond Beach	Member, Ponce DeLeon Port Authority, Volusia County	February 1, 1975
Henry E. Simmons Daytona Beach	Member, Ponce DeLeon Port Authority, Volusia County	February 1, 1977



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

*RICHARD (Dick) STONE*  
Secretary of State

The President referred the foregoing appointments to the Committee on Natural Resources and Conservation.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

By the Committee on General Legislation and Representative Sessums—

CS for HB 217—A bill to be entitled An act relating to alcoholic beverages; amending subsections 561.15(3) and 561.29 (1), Florida Statutes, 1972 Supplement, and creating subsection 561.15(4), Florida Statutes, to provide for mandatory

non issuance of alcoholic beverage licenses for non-age or conviction of offenses which would have required denial of the initial issuance of the license; amending subsection 561.32(1), Florida Statutes, 1972 Supplement, to forbid transfer of a license during pendency of suspension or revocation proceedings and upon conviction of an offense specified in subsection 561.15(2), Florida Statutes, 1972 Supplement; amending section 561.65, Florida Statutes, 1972 Supplement, to provide for enforcement of a mortgagee's interest except during the pendency of suspension or revocation proceedings and upon conviction of an offense specified in subsection 561.15(2), Florida Statutes, 1972 Supplement; and amending section 561.65, Florida Statutes, 1972 Supplement, providing for transfer to lien holder at foreclosure sale or to his qualified transferee; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 217, 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 as amended—

By the Committee on Judiciary and Representative Hartnett—

CS for HB 495—A bill to be entitled An act relating to marketable record titles to real property; amending §712.03(2), (4) and (5), Florida Statutes; providing for exceptions to marketability as to claims and charges preserved by the filing of proper notice and as to claims and charges arising out of a title transaction which has been recorded subsequent to the effective date of the root of title; providing that recorded or unrecorded easements or rights, interest or servitude in the nature of easements, rights of way and terminal facilities, shall not be affected or extinguished by a marketable record title; providing that no notice need be filed to preserve certain liens encumbering these rights; providing that the preservation of any such lien shall not be construed as preserving to the holder of any such lien any greater rights than the rights encumbered; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 495, 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*      **May 1, 1973**

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

By Representative Holloway—

HB 686—A bill to be entitled An act relating to traffic control; amending §316.081, Florida Statutes, by adding a new subsection (4) providing that trucks drive on the right hand side of roadways with certain exceptions; providing an effective date.

By the Committee on Health & Rehabilitative Services and Representative Hazelton—

CS for HB 57—A bill to be entitled An act relating to drugs and prescriptions therefor; amending §500.15(13)(b), Florida Statutes, 1971, to require that the label of a prescribed drug bear the proprietary name of the substance prescribed and its quantitative composition as well as its national drug code number; amending §465.22(1)(c), Florida Statutes, 1971, authorizing suspension or revocation of permit of any pharmacy violating provisions of §500.15(13)(b), Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 686, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

CS for HB 57, 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*      **May 1, 1973**

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

By Representative Holloway—

HB 455—A bill to be entitled An act relating to motor vehicle safety inspection; amending §325.12, Florida Statutes, exempting motor vehicles, sale of which constitutes an occasional or private sale from the provision of this section for a period of twenty-four hours; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 455, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

## RECONSIDERATION

The motion by Senator Scarborough on May 2 that the Senate reconsider the vote by which—

SB 551—A bill to be entitled An act relating to claims bills; repealing §215.425, Florida Statutes, which prohibits the payment of certain claims except upon enactment of a bill passed by two thirds (2/3) of the members elected to each house of the legislature; providing an effective date.

—passed on April 26, was taken up and adopted; and the Senate reconsidered the vote.

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

Amendment 1—On page 1, line 15, strike everything after the enacting clause and insert: Section 1. Extra compensation claims prohibited.—No extra compensation shall be made to any officer, agent, employee, or contractor after the service shall have been rendered, or the contract made; ~~nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by preexisting laws unless~~ such compensation or claim be allowed by bill passed by two-thirds of the members elected to each house of the legislature.

Section 2. This act shall take effect upon becoming law.

On motion by Senator Williams, further consideration of SB 551 as amended was deferred.

On motion by Senator Pettigrew the rules were waived and the Senate reverted to the order of motions relating to committee reference.

On motion by Senator Pettigrew, SB 1322 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and referred to the Committee on Criminal Justice.

## SPECIAL ORDER

SR 1—A Senate Resolution in Memoriam Rev. Henry Jefferson Redd

—was read the second time in full. On motion by Senator Peterson, SR 1 was unanimously adopted.

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.

—was read the second time by title.

On motion by Senator Johnson the following amendment was adopted:

**Amendment 1**—Section 1, line 21, after “parents.” insert: The adopted child shall be regarded as the natural brother or sister of the natural children and other adopted children of the adopting parents for the purpose of inheritance from or by them.

On motion by Senator Smathers, by two-thirds vote CS for HB 243 as amended was read the third time by title, passed and certified to the House. The vote was:

**Yeas—37**

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

**Nays—1**

Glisson

**SB 424**—A bill to be entitled An act relating to Chapter 470, Florida Statutes; directing the statutory revision department to change certain terminology in the funeral directors and embalmers law; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 424 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—38**

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

**Nays—None**

By unanimous consent Senator Johnston was recorded as voting yea.

**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 taken up pending roll call.

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

**Amendment 1**—On page 8, line 23, 24 and 25, strike “Section 95.02, Florida Statutes, relating to limitations of actions and with regard to”

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

**Amendment 2**—On page 2, line 16, strike “is hereby” and insert: may be

SB 611 as amended was read by title, passed and ordered engrossed. The vote was:

**Yeas—31**

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

**Nays—7**

Brantley	Sayler	Weber	Zinkil
Gallen	Stolzenburg	Williams	

On motion by Senator Lane (31st), the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 499 passed on May 2.

Pending further consideration of CS for SB 499, on motion by Senator Lane (31st), by two-thirds vote CS for HB 800 was withdrawn from the Committee on Governmental Operations and placed on the calendar. On motion by Senator Lane (31st) by two-thirds vote—

**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.

—a companion measure to CS for SB 499 was substituted therefor and read the second time by title. On motion by Senator Lane (31st), by two-thirds vote CS for HB 800 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—34**

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

**Nays—None**

CS for SB 499 was laid on the table.

SB 249 was taken up, together with:

By the Committee on Governmental Operations—

**CS for SB 249**—A bill to be entitled An act relating to marriage counseling; requiring the licensing of certain individuals who carry on the practice of marriage counseling in Florida for a fee or remuneration; providing exceptions; creating a board to be known as the state board of marriage counselors assigned to the division of professions of the department of professional and occupational regulation; prescribing the duties and powers of said board; fixing penalties for the violation of this act; providing for privileged communication; providing fees; providing an effective date.

—which was read the first time by title and SB 249 was laid on the table.

On motion by Senator Poston, by two-thirds vote CS for SB 249 was read the second time by title.

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

**Amendment 1**—On page 5, line 12, strike period at end of sentence and insert: ; provided that no member of the board shall have been divorced or his marriage dissolved.

The vote was:

Yeas—10

Childers	Gordon	Plante	Trask
Gallen	Henderson	Saylor	
Glisson	Johnston	Sims	

Nays—25

Mr. President	Lane (31st)	Poston	Williams
Brantley	Lane (23rd)	Scarborough	Wilson
Firestone	Lewis	Smathers	Winn
Gillespie	McClain	Sykes	Zinkil
Graham	Myers	Vogt	
Gruber	Peterson	Ware	
Johnson	Pettigrew	Weber	

Senator Childers moved the adoption of the following amendment:

**Amendment 2**—On page 6, between lines 23 and 24 insert:  
(4) Shall not have been divorced or had his marriage dissolved more than three times.

Senator Sims moved that CS for SB 249 be withdrawn from further consideration of the Senate. The motion failed.

Amendment 2 was adopted by the following vote:

Yeas—22

Childers	Henderson	Plante	Vogt
de la Parte	Johnson	Scarborough	Ware
Gallen	Johnston	Sims	Weber
Gillespie	Lane (31st)	Smathers	Winn
Glisson	McClain	Sykes	
Gordon	Peterson	Trask	

Nays—14

Mr. President	Gruber	Pettigrew	Wilson
Brantley	Lane (23rd)	Poston	Zinkil
Firestone	Lewis	Saylor	
Graham	Myers	Williams	

On motion by Senator Gillespie the following amendment was adopted:

**Amendment 3**—On page 5, line 23, strike the period and insert: or is a clergyman or licensed attorney.

On motion by Senator Gillespie the following amendment was adopted:

**Amendment 4**—On page 8, strike lines 13, 14 and 15 and insert: Section 15. No person licensed herein shall in any way involve himself in any proceeding under Chapter 61 F.S. unless he first obtains consent of the court in which the proceeding is pending.

Renumber the Section 15 as Section 16.

On motion by Senator Weber the following amendment was adopted:

**Amendment 5**—On page 5, line 9, strike "professions" and insert: occupations

The vote was:

Yeas—15

Childers	Lewis	Saylor	Vogt
Gordon	McClain	Scarborough	Weber
Johnson	Peterson	Sims	Wilson
Lane (31st)	Plante	Sykes	

Nays—14

Mr. President	Glisson	Poston	Williams
Brantley	Graham	Smathers	Zinkil
de la Parte	Gruber	Trask	
Firestone	Myers	Ware	

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

**Amendment 6**—On page 1, line 10, strike "professions" and insert: occupations

Senators Wilson and Saylor offered the following amendment which was moved by Senator Wilson:

**Amendment 7**—On page 3, strike "a family counselor," "a child or family guidance counselor," "a family relations counselor," "family counseling" "family guidance" "family relations services," "family problems service or" "family relations" "or family problem" "services of like import or effect" wherever it appears; and on page 2 lines 16, 17 and 18, strike: , "and family counseling which emphasizes the spousal relationship as a key to successful family living"

On motion by Senator Weber, CS for SB 249 as amended was indefinitely postponed.

The vote was:

Yeas—21

Childers	Johnson	Myers	Vogt
Gallen	Johnston	Peterson	Weber
Gillespie	Lane (31st)	Plante	Wilson
Gordon	Lane (23rd)	Sims	
Graham	Lewis	Sykes	
Henderson	McClain	Trask	

Nays—16

Mr. President	Glisson	Saylor	Ware
Brantley	Gruber	Scarborough	Williams
Deeb	Pettigrew	Smathers	Winn
Firestone	Poston	Stolzenburg	Zinkil

On motion by Senator Scarborough, consideration of SB 274 was deferred.

SB 581 was taken up, together with CS for SB 581 which was read the first time by title and SB 581 was laid on the table.

Pending further consideration of CS for SB 581, on motion by Senator Firestone—

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.

—a companion measure to CS for SB 581 was substituted therefor and read the second time by title. On motion by Senator Firestone by two-thirds vote CS for HB 85 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

CS for SB 581 was laid on the table.

SB 292 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 292—A bill to be entitled An act relating to juveniles; amending section 39.20, Florida Statutes, relating to purpose, and renumbering it section 39.001, Florida Statutes; amending section 39.01, Florida Statutes, 1972 Supplement, as amended by sections 4 and 5, chapter 72-179 and sections 19 and 30, chapter 72-404, Laws of Florida, providing definitions; amending section 39.02, Florida Statutes, 1972 Supplement, as amended by section 6, chapter 72-179, Laws of Florida, relating to jurisdiction; amending section 39.03(1)-(5), (6)(d), (7), Florida Statutes, providing the authority and the procedures for taking a child into custody and for the detention of a child; amending section 39.04, Florida Statutes, providing for preliminary screening of juvenile cases by the department of health and rehabilitative services; amending section 39.05, Florida Statutes, providing for petitions; amending section 39.06, Florida Statutes, providing for process and service; amending section 39.07, Florida Statutes, providing for an answer or pleading in response to a petition; amending section 39.08, Florida Statutes, relating to medical, psychiatric, and psychological examination and treatment; amending section 39.09, Florida Statutes, relating to hearing; amending section 39.10, Florida Statutes, relating to powers of adjudication; amending section 39.11, Florida Statutes, relating to powers of disposition; amending section 39.12, Florida Statutes, 1972 Supplement, as amended by sections 8, 9, chapter 72-179 and section 20, chapter 72-404, Laws of Florida, relating to oaths, records, and privileged information; amending section 39.13, Florida Statutes, relating to contempt; amending section 39.14, Florida Statutes, providing appeal procedures; repealing sections 39.16, 39.17, Florida Statutes, and section 39.18, Florida Statutes, 1972 Supplement, as amended by section 21, chapter 72-404, Laws of Florida, relating to juvenile court personnel and court expenses; repealing section 39.181, Florida Statutes, relating to laws not affected; amending section 39.19, Florida Statutes, providing for court and witness fees; providing an effective date.

—which was read the first time by title and SB 292 was laid on the table.

On motion by Senator de la Parte, by two-thirds vote CS for SB 292 was read the second time by title.

On motion by Senator Deeb the following amendment was adopted:

**Amendment 1**—On page 34, between lines 15 and 16 insert: *(5) In all cases where one or both of the parents of a child is unable or unfit to be awarded custody and where the child has a close relative who is fit, ready, able and willing to be awarded such custody, the court shall award the custody of the child to such close relative and not to any foster home or agency of the state.*

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

**Amendment 2**—On page 18, line 2, strike the period and insert: except when a child is charged with a felony in the first degree, a life felony or a capital felony, provided however no child shall be placed in the same cell with any other adult or child alleged to have committed or who has been adjudged to have committed a crime

Senator Firestone presiding.

On motion by Senator de la Parte, CS for SB 292 as amended was deferred.

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 second time by title. On motion by Senator Childers, by two-thirds vote SB 684 was read the third time by title.

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

**Amendment 1**—On page 1, line 14, after the word “vessel”—insert: as defined by maritime law

SB 684 as amended passed and was ordered engrossed. The vote was:

Yeas—36

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

Nays—None

SB 563—A bill to be entitled An act relating to sale of securities; amending Chapter 517, Florida Statutes, by amending subsections (4) and (6) of §517.02, Florida Statutes, to delete the term “in this state” and to include within (6) acting as an investment adviser; amending subsections (4), (7), (8), (11) and (18) of §517.06, Florida Statutes, to provide that subsection (4) shall also include trusts and partnerships, amending subsection (7) to provide substantial requirements for notes secured by mortgages including a limit on the amount which can be loaned of eighty per centum of the value of the securing property, amending subsection (8) to provide requirements for mortgages, including within subsection (11) sales made pursuant to any other subsection, and amending subsection (18) to include exemptions for stock purchase plans; amending subsection (1) of §517.12, Florida Statutes, to require registration of dealers or salesmen who sell securities to residents of this state from offices outside the state by mail or otherwise; 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 Trask:

**Amendment 1**—On page 6, line 13, strike “July 1” and insert: October 1

On motion by Senator Trask, by two-thirds vote SB 563 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

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

Nays—None

Senator Vogt moved that the Senate reconsider the vote by which CS for SB 249 was indefinitely postponed this day.

On motion by Senator Childers, consideration of SB 519 was deferred.

SB 554—A bill to be entitled An act relating to limited partnerships; amending §620.31 (as amended by chapter 72-195, Laws of Florida), Florida Statutes; specifying time when department of state publishes notice of limited partnership delinquent in annually renewing their certificates; removing duty and expense of publishing notice of certificate reinstatement from department to the renewing limited partnership; providing for severability; providing for an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 554 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

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

Nays—2

Lane (31st)      Ware

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 second time by title.

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

**Amendment 1**—On page 1, lines 16 and 17 insert: Directory line should read subsection (3) of section 658.08, Florida Statutes is amended to read:

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

**Amendment 2**—On page 1, line 9 strike “repealing existing” and insert: amending

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

**Amendment 3**—On page 3, line 4, strike “hereby repealed and new section 656.22 is added to read:” and insert: amended to read: *(Substantial rewording of section. See §656.22, Florida Statutes, for present text.)*

On motion by Senator Brantley, by two-thirds vote SB 662 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—29

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

Nays—4

Johnston      Stolzenburg      Williams      Zinkil

SB 633—A bill to be entitled An act relating to Savings and Loan Associations, amending Chapter 665, Florida Statutes, by renumbering section 665.031, Florida Statutes, repealing section 665.031(2)(b), Florida Statutes, and enacting new section 665.032, Florida Statutes, to impose fees and assessments on certain applications and examinations; providing the time within which the fees and assessments shall be paid; providing that the fees and assessments will be credited to the banking and trust company trust fund to be used by the department to administer Chapter 665, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 633 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—1

Stolzenburg

SB 225 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 225—A bill to be entitled An act relating to public officers; providing that elected public officers shall have a listed or published residential telephone number provided by the telephone company without cost; providing an effective date.

—which was read the first time by title and SB 225 was laid on the table.

On motion by Senator Childers, by two-thirds vote CS for SB 225 was read the second time by title.

On motion by Senator Gillespie the following amendment was adopted:

**Amendment 1**—On page 1, line 17, strike the period and insert: and if he has a telephone in his home.

Senator Sykes moved the adoption of the following amendment:

**Amendment 2**—On page 1, line 16, strike “Residence” and insert: office

Amendment 2 was adopted by the following vote:

Yeas—20

Brantley	Gruber	Poston	Trask
Deeb	Henderson	Saunders	Ware
de la Parte	Johnson	Smathers	Weber
Firestone	Lane (31st)	Stolzenburg	Winn
Gillespie	McClain	Sykes	Zinkil

Nays—17

Childers	Johnston	Pettigrew	Williams
Gallen	Lane (23rd)	Plante	Wilson
Glisson	Lewis	Sayler	
Gordon	Myers	Sims	
Graham	Peterson	Vogt	

Senator Pettigrew moved the adoption of the following amendment:

**Amendment 3**—Line 18, strike all of Section 2

**The President presiding.**

On motion by Senator Wilson the following substitute amendment was adopted:

**Amendment 4**—On page 1, line 13, strike all after enacting clause and insert: Section 1. All elected public officers of the state or of a county, municipality, school district or any other political subdivision, shall have a listed or published telephone number, provided telephone service is available.

Section 2. The telephone company shall provide without cost a listing by governmental entity with name of official and office held.

Section 3. This act shall take effect October 1, 1973.

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

**Amendment 5**—On page 1, line 6, strike "residential"

On motion by Senator Childers, by two-thirds vote, CS for SB 225 as amended was read the third time by title, passed and ordered engrossed. The vote was:

**Yeas—32**

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

**Nays—7**

Mr. President	Johnson	Saunders	Williams
Henderson	Lewis	Sykes	

CS for HB 448—A bill to be entitled An act relating to salt water fisheries and conservation; creating §370.135, Florida Statutes; providing for regulation of blue crab by the department of natural resources; requiring permit numbers on buoys; specifying method for displaying numbers on buoys; providing for the exemption of specified individuals from this law; repealing laws in conflict; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote CS for HB 448 was read the third time by title, passed and certified to the House. The vote was:

**Yeas—33**

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

**Nays—None**

On motion by Senator Childers HB 978 was indefinitely postponed.

On motion by Senator Zinkil HB 211 was indefinitely postponed.

SB 49—A bill to be entitled An act relating to minimum requirements for proof of financial responsibility under Chapter 324, Florida Statutes; providing for the repeal of Chapter 72-297, Laws of Florida, providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Brantley:

**Amendment 1**—On page 1, lines 14—17, strike all after enacting clause and insert:

Section 1. Subsection (7) of section 324.021, Florida Statutes, as amended by chapter 72-297, Laws of Florida, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(7) Proof of Financial Responsibility.—That proof of ability to respond in damages for liability, on account of accidents arising out of the use of a motor vehicle, in the amount of ~~ten~~ ~~twenty-five~~ thousand dollars because of bodily injury to or death of one person in any one accident and subject to said limits for one person, in the amount of twenty thousand dollars because of bodily injury to or death of two or more persons ~~or more persons~~ in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident.

Section 2. Subsection (2) of section 627.727, Florida Statutes, 1971, is amended to read:

(Substantial rewording of section. See section 627.727 for present text.)

627.727 Automobile liability insurance; uninsured vehicle coverage; insolvent insurer protection.—

(2) For the purpose of this coverage the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof;

(a) Is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency; or

(b) Has provided limits of bodily injury liability for its insured which are less than the limits applicable to the injured person provided under his uninsured motorist's coverage.

Section 3. Subsection (7) of Section 324.021, Florida Statutes, 1972 Supplement, as amended by Section 1 of Chapter 72-297, Laws of Florida, which would have become effective July 1, 1972, is hereby repealed.

Section 4. Section 2 of this act shall take effect October 1, 1973, and shall be applicable to policies delivered, issued for delivery or renewed in this state with an inception date on or after October 1, 1973.

Section 5. This act shall take effect June 30, 1973.

Senator Pettigrew moved the adoption of the following amendment to Amendment 1:

**Amendment 1a**—On page 2, insert: Section 5. The increased coverage provided herein shall be provided by insurers without additional cost to insureds of this state.

Renumber Section 5 as Section 6.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to change its meeting from 5:00 p.m. to 7:00 p.m. this day.

Pursuant to Rule 4.6, a point of order was raised by Senator Saunders and SB 140 was removed from the calendar and referred to the Committee on Ways and Means in view of the fact that the Committee Substitute reported by the Committee on Transportation had fiscal impact.

Senator Glisson moved that Senate Bills 49, 556 and 553 be placed on the special order calendar for May 4. The motion was adopted without objection.

The Journal of May 2 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene May 4, 1973.