

# JOURNAL OF THE FLORIDA SENATE

Friday, May 4, 1973

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—36:

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

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

Almighty God, all power is yours. We thank you for your wise use of it in nature. We see it around us in beauty of form and dynamic of growth and development.

We too, our God, have power. You have allowed us to possess it. We have done many good things with it but there are many ugly and sad things also.

Help us, our God, to follow your example with our power both personal and political. Help us to be creative with it that, at the close of the day, we too may view our work and say, "It is good." In the name of our Lord, Amen.

## REPORTS OF COMMITTEES

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

|        |        |        |         |
|--------|--------|--------|---------|
| SB 49  | SB 516 | SB 381 | SB 553  |
| SB 982 | SB 496 | SB 517 | SB 274  |
| SB 292 | SB 495 | SB 380 | HB 182  |
| SB 518 | SB 494 | SB 556 | SB 1265 |

*Respectfully submitted,  
Dempsey J. Barron, Chairman*

The Committee on Criminal Justice recommends the following pass:

|        |                          |
|--------|--------------------------|
| SB 866 | HB 693                   |
| SB 887 | SB 139 with 3 amendments |

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

SB 1168 with 1 amendment SB 1319 with 2 amendments

The Committee on Judiciary recommends the following pass:

|                         |         |
|-------------------------|---------|
| SB 650                  | SB 500  |
| SB 651                  | SB 1110 |
| SB 572 with 1 amendment | SB 402  |
| SB 677 with 1 amendment |         |

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

The Committee on Judiciary recommends the following pass: SB 532

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

The Committee on Education recommends a Committee Substitute for the following: SB 607

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1321

The Committee on Consumer Affairs recommends a Committee Substitute for the following: Committee Substitute for SB 381

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

The Committee on Education recommends a Committee Substitute for the following: SB 138

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

The Committee on Judiciary recommends the following not pass: SB 726, SB 727

The bills were laid on the table.

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred CS for SB 292 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY, Secretary*

The bill was placed on the calendar on third reading.

Your Engrossing Clerk to whom was referred—

|                                 |                          |
|---------------------------------|--------------------------|
| CS for SB 225 with 4 amendments | SB 611 with 2 amendments |
| SB 563 with 1 amendment         | SB 662 with 3 amendments |
|                                 | SB 684 with 1 amendment  |

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

*ELMER O. FRIDAY, Secretary*

The bills were certified to the House.

By unanimous consent Senator Glisson changed his vote from yea to nay on the passage of CS for HB 85 which passed the Senate May 3.

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

## INTRODUCTION

By Senator Glisson—

SB 1330—AN ACT to abolish the present municipality known as the City of Wildwood, in Sumter County, Florida, and to create, establish and organize a municipality to be known and designated as "The City of Wildwood" situated in Sumter County, Florida; to fix the territorial limits, jurisdiction, and powers of said City and the jurisdiction and powers of its officers; to provide for its government authority, rights, privileges, and franchises; to authorize the imposition of penalties for the violation of the rules, regulations, and ordinances of the City of Wildwood; to repeal all laws and ordinances in conflict herewith.

Evidence of notice and publication was established by the Senate as to SB 1330.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Vogt, SJR 864 was withdrawn from the Committee on Criminal Justice by two-thirds vote and from further consideration of the Senate.

On motion by Senator Vogt, SB 868 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and from further consideration of the Senate.

On motion by Senator Saunders, SB 501 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Deeb, SB 1248 was withdrawn from the Committee on Education by two-thirds vote and referred to the Committee on Rules and Calendar.

Senator Williams was recorded present at 9:05 a.m.

Senator Brantley was recorded present at 9:07 a.m.

Senator Stolzenburg moved that the rules be waived and SB 492 be withdrawn from the Committee on Ways and Means and placed on the calendar. The motion failed.

Senator Barron was recorded present at 9:15 a.m.

On motion by Senator Poston, SB 1093 was withdrawn from the Committee on Transportation by two-thirds vote and from further consideration of the Senate.

On motions by Senator Myers, Senate Bills 988 and 603 were withdrawn from the Committee on Criminal Justice by two-thirds vote and referred to the Committee on Health and Rehabilitative Services.

#### REQUESTS FOR EXTENSION OF TIME

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

|                               |                                      |
|-------------------------------|--------------------------------------|
| SB 277 by Senator Winn        | SB 945 by Senator Childers           |
| SB 832 by Senator Gallen      | SB 946 by Senator Childers           |
| SB 835 by Senator Scarborough | SB 950 by Senator Johnston           |
| SB 843 by Senator Gallen      | SB 951 by Senator Johnston           |
| SB 844 by Senator Gallen      | SB 958 by Senator Lane               |
| SB 845 by Senator Gallen      | (31st)                               |
| SB 846 by Senator Gallen      | SB 964 by Senator Childers           |
| SB 862 by Senator Brantley    | SB 993 by Senator Deeb               |
| SB 870 by Senator Plante      | SB 999 by Senator Poston             |
| SB 896 by Senator Gallen      | SB 1000 by Senator Lane              |
| SB 909 by Senator Trask       | (31st)                               |
| SB 911 by Senator Pettigrew   | SB 1002 by Senator Brantley          |
| SB 914 by Senator Gallen      | SB 1003 by Senator J. Lane           |
| SB 920 by Senator Winn        | SB 1004 by Senator Glisson           |
| SB 925 by Senator Johnston    | SB 1005 by Senator Glisson           |
| SB 929 by Senator Johnston    | SB 1017 by Senator Vogt              |
| SB 930 by Senator Johnston    | SB 1023 by Senator Deeb              |
| SB 932 by Senator Johnston    | HCR 685 by Representative Holloway   |
| SB 933 by Senator Johnston    | HB 707 by Representative Harris      |
| SB 934 by Senator Johnston    | HB 1107 by Representative Birchfield |
| SB 301 by Senator Johnson     |                                      |
| SB 940 by Senator Weber       |                                      |
| SB 942 by Senator Saylor      |                                      |

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

|                                         |                               |
|-----------------------------------------|-------------------------------|
| SB 449 by Senators Saylor and Deeb      | SB 882 by Senator Graham      |
| SB 453 by Senator McClain               | SB 888 by Senator Graham      |
| HB 603 by Representative Harris         | SB 897 by Senator Glisson     |
| CS for SB 170 by Committee on Education | SB 907 by Senator Childers    |
| SB 837 by Senator Myers                 | SB 912 by Senator Pettigrew   |
| SB 859 by Senator Trask                 | SB 916 by Senator Childers    |
| SB 863 by Senator Johnson               | SB 927 by Senator Peterson    |
| SB 871 by Senator Glisson               | SB 928 by Senator Poston      |
|                                         | SB 935 by Senator Johnson     |
|                                         | SB 938 by Senator de la Parte |
|                                         | SB 939 by Senator Saylor      |

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

|                                                            |                                                                    |
|------------------------------------------------------------|--------------------------------------------------------------------|
| SB 1034 by Senator Smathers                                | SB 1249 by Senator Deeb                                            |
| SB 604 by Senator Glisson                                  | SB 1278 by Senator Gillespie                                       |
| SB 612 by Senator Glisson                                  | SB 1287 by Senator Smathers                                        |
| SB 990 by Senator Glisson                                  | SB 1292 by Senator Ware                                            |
| SB 1119 by Senator Lane                                    | SB 1324 by Committee on Health and Rehabilitative Services, et al. |
| (23rd)                                                     | SB 1325 by Senator Pettigrew                                       |
| SB 1121 by Senator Lane                                    | HB 111 by Representative Hodes                                     |
| (23rd)                                                     | SB 486 by Senator Vogt                                             |
| SB 1123 by Senator Winn                                    | SB 645 by Senator Gordon                                           |
| SB 1143 by Senator Ware                                    | SB 665 by Senator Myers, et al.                                    |
| SB 1160 by Senator Pettigrew                               | SB 670 by Senator Gallen                                           |
| SB 1163 by Senator Myers, et al.                           | SB 673 by Senator Zinkil                                           |
| SB 1171 by Senator Lane                                    | SB 506 by Senator Lane                                             |
| (23rd)                                                     | (31st)                                                             |
| SB 1178 by Senator Poston                                  | SB 560 by Senator de la Parte                                      |
| SB 1219 by Senator Gordon                                  | SCR 740 by Senator Lewis, Weber, et al.                            |
| SB 1233 by Senator Poston                                  |                                                                    |
| SB 1240 by Committee on Health and Rehabilitative Services |                                                                    |

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

|                                                           |                                                   |
|-----------------------------------------------------------|---------------------------------------------------|
| SB 236 by Committee on Natural Resources and Conservation | HCR 1039 by Committee on Environmental Protection |
| SB 721 by Senator Pettigrew                               |                                                   |

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

|                          |                          |
|--------------------------|--------------------------|
| SB 120 by Senator Saylor | SB 869 by Senator Vogt   |
| SB 428 by Senator Gruber | SB 877 by Senator Poston |

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 4, 1973

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

|        |        |        |
|--------|--------|--------|
| SB 241 | SB 352 | SB 366 |
| SB 175 | SB 171 | SB 100 |
| SB 211 |        |        |

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

*The Honorable Mallory E. Horne, President* May 4, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended—  
CS for HB 149.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 3, 1973

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

By the Committee on Business Regulation and Representative Libertore and others—

HB 1388—A bill to be entitled An act relating to Florida land sales registration; amending §478.121(1)(1), Florida Statutes, by providing that applications for registration must contain a statement of the existing provisions for legal and physical access, but if there are no provisions for physical access, a statement to that effect; providing an effective date.

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1389**—A bill to be entitled An act relating to Florida land sales registration; amending §478.121(3), Florida Statutes, by providing that the subdivider will make no material change, alteration or modification of the subdivision offering prior to the time he has written approval of the division director; providing an effective date.

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1390**—A bill to be entitled An act relating to the Florida uniform land sales practice law; amending §478.021(2)(j), Florida Statutes, by adding additional exceptions to communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands; providing an effective date.

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1391**—A bill to be entitled An act relating to land sales advertising; amending §478.021(2)(j), Florida Statutes, by providing for the regulation of vacation certificate promoters, distributors, or any other persons who induce prospective land purchasers to visit this state through the use of vacation certificate advertising irrespective of whether a land sales presentation is required or not; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 3, 1973

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

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1393**—A bill to be entitled An act relating to registration of subdivided land salesmen; amending §478.31(2), Florida Statutes, by providing authority for the division to stagger the annual renewal date of salesmen certification through rule and regulation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 3, 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 Andrews—

**CS for HB 979**—A bill to be entitled An act relating to the land sales industry; amending paragraph (b) of subsection (1) of section 478.121, Florida Statutes, to require that lands offered for registration be platted; providing an effective date.

By the Committee on Business Regulation and Representative Libertore and others—

**HB 1392**—A bill to be entitled An act relating to prohibitions on dispositions of interests in subdivisions; amending §478.23(1), Florida Statutes, by providing punctuation and language to remove ambiguity; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 3, 1973

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

By the Committee on Business Regulation and Representative Tillman and others—

**CS for HB 428**—A bill to be entitled An act relating to Florida land sales; amending section 478.23 Florida Statutes, by adding paragraph (3) prohibiting disposition of interest in subdivisions by utilization of long distance telephone sales except under certain circumstances; providing for restitution and recovery of attorney's fees for violation of section; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 1388, 1389, 1390, 1391, 1393, CS for HB 979, HB 1392 and CS for HB 428 contained in the above messages, were read the first time by title and referred to the Committee on Consumer Affairs.

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

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

By Representatives Webb and Tucker—

**HCR 1556**—A Concurrent Resolution to commend The Florida State University Flying High Circus for their achievements in captivating audiences the world over.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HCR 1556, contained in the above message, was read the first time and placed on the calendar.

*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 Elections and Representative Martinez and others—

**CS for HB 466**—A bill to be entitled An act relating to elections; regulating campaign finances; providing definitions; requiring designations of campaign treasurers and depositories; regulating certain political committees; establishing certification of committees of continuous existence and requiring certain reports of such committees; providing for reports and records by candidates and committees; providing limitations and restrictions on contributions and expenditures; establishing procedures for certain expenditures; providing civil and criminal penalties for violations; providing powers and duties of the division of elections of the department of state; creating a state elections commission and providing for its membership, powers, duties, and procedures; providing for hearings by such commission; providing powers and duties of the attorney general; providing limitations on certain actions; requiring reports by political parties; repealing §99.161, F.S., relating to the regulation of campaign finances; repealing §99.183, F.S., relating to the preservation of certain records; repealing §104.27, F.S., relating to violations of certain statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 466, 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 2, 1973

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

By the Committee on General Legislation and Representative Craig—

CS for HB 255—A bill to be entitled An act relating to the state uniform traffic control; creating section 316.003(67), Florida Statutes, 1972 Supplement, defining alcoholic beverages; creating section 316.031, Florida Statutes, prohibiting the consumption of alcoholic beverages in motor vehicles by the operator; providing certain exceptions; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 255, contained in the above message, was read the first time by title and referred to the Committee on Commerce.

### RECONSIDERATION

The motion by Senator Vogt on May 3 that the Senate reconsider the vote by which CS for SB 249 was indefinitely postponed was taken up and the motion failed.

### SPECIAL ORDER

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 taken up with pending amendment to Amendment 1. The amendment to Amendment 1 was withdrawn.

The question recurred on the adoption of the following amendment which was adopted:

**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.

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

**Amendment 2**—On page 1, strike all of lines 6-9 and insert: ; amending subsection (7) of section 324.021, as amended by chapter 72-297, Laws of Florida, decreasing the required limits for proof of financial responsibility; amending §627.727(2), Florida Statutes, providing that uninsured vehicle coverage shall also be underinsured vehicle coverage; providing two effective dates.

On motion by Senator Brantley, by two-thirds vote SB 49 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

|             |             |             |        |
|-------------|-------------|-------------|--------|
| Barron      | Glisson     | McClain     | Trask  |
| Brantley    | Gordon      | Myers       | Vogt   |
| Childers    | Gruber      | Peterson    | Ware   |
| Deeb        | Johnson     | Poston      | Wilson |
| de la Parte | Johnston    | Scarborough | Winn   |
| Firestone   | Lane (31st) | Smathers    | Zinkil |
| Gallen      | Lewis       | Sykes       |        |

Nays—6

|           |             |      |       |
|-----------|-------------|------|-------|
| Gillespie | Lane (23rd) | Sims | Weber |
| Graham    | Pettigrew   |      |       |

By unanimous consent Senator Lane (23rd) changed his vote from nay to yea.

Pursuant to Rule 4.14, Senator Trask gave notice of intention to move to take up out of order CS for SB 555.

SB 982—A bill to be entitled An act relating to the Jacksonville Port Authority; governmental subdivisions, other entities and permittees; granting perpetual easement to parcel of land in Township 2 South, Range 26 East, City of Jacksonville, Duval County, Florida; for public works and uses; dedication of easement; amending section 253.12, Florida Statutes by adding subsections (9), (10) and (11); providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, lines 4 and 5 strike "Port Authority" and insert: port authority

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

**Amendment 2**—On page 1, lines 21, 22 and 26, strike "Port Authority" and insert: port authority

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

**Amendment 3**—On page 1, lines 23 and 28, strike "Port" and insert: port

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

**Amendment 4**—On page 1, line 25, strike "Board" and insert: board

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

**Amendment 5**—On page 2, lines 20 and 21, strike "Board of Trustees of the Internal Improvement Trust Fund" and insert: board of trustees of the internal improvement trust fund

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

**Amendment 6**—On page 2, line 22, strike "Port Authority" and insert: port authority

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

**Amendment 7**—On page 3, lines 3 and 6, strike "Port Authority" and insert: port authority

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

**Amendment 8**—On page 3, line 10, strike "Board of Trustees" and insert: board of trustees

On motion by Senator Brantley the following amendment was adopted:

**Amendment 9**—On page 3, line 6, strike all of subsection (a) and insert: (a) *The Jacksonville port authority is hereby granted authority to issue licenses for the use of the aforementioned designated area for spoil. Such licenses shall be for maintenance spoil only and shall be in conjunction with dredge permits granted in accordance with Chapter 253, Florida Statutes.*

On motion by Senator Brantley, by two-thirds vote SB 982 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

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

Nays—1

Smathers

Senator Barron presiding.

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 petition; 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 hearings; 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.

—was read the third time by title as amended, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

The President Pro Tempore presiding.

On motion by Senator Trask, the rules were waived and Al Baker, Executive Director, Florida Land Sales Division, Department of Business Regulation, was granted privileges of the floor.

LOCAL CALENDAR

On motions by Senator Poston consideration of Senate Bills 422 and 426 was deferred.

On motion by Senator Deeb consideration of SB 536 was deferred.

SB 544—A bill to be entitled An act relating to Volusia County enlarging the boundaries of the "Deltona Fire District", by amending Chapter 69-1707, to establish the enlarged boundaries of the district, extending all powers and duties of the existing district to the enlarged district, providing for levy and collection of ad valorem taxes, not to exceed two (2) mills on the dollar of assessed value of the real or personal property lying within the enlarged district, providing generally for the government of the enlarged district by the previously elected governing board until the next general election repealing all laws and parts of laws in conflict, providing that this act will not take effect until approved by a majority of the electors of the district voting in a special election and by a majority of the electors who are owners of freeholds in the district not wholly exempt from taxation, voting in a second special election providing for the holding of both elections within the district, providing an effective date.

—was read the second time by title.

On motion by Senator Gillespie the following amendment was adopted:

Amendment 1—On page 6, line 29, strike "is" and insert: as

On motion by Senator Gillespie, by two-thirds vote SB 544 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

SB 557—A bill to be entitled A local act relating to Pinellas County; relating to tax assessments and providing a method of fixing millage; providing that governing bodies of counties, municipalities, school districts, and other taxing districts shall decrease the millage required of such county or district in proportion to the increase of the general level of assessed valuation of property; authorizing a ten (10) percent increase in millage; providing for further millage increases in emergencies subject to limitations and review by the county budget commission; providing for verification of budgets and millage increases; specifying millages to be excluded from the reductions required by this act; providing an effective date.

—was read the second time by title.

Senators Ware, Saylor and Deeb offered the following amendment which was adopted on motion by Senator Deeb:

Amendment 1—On page 2, line 4, strike the period and insert: , unless otherwise required by law to maintain a higher millage level in order to participate in state revenue sharing, maintain the local required effort under the state minimum foundation program or any other matching formula for funding of state or local governmental programs or projects.

On motion by Senator Deeb, by two-thirds vote SB 557 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—2

Saylor Wilson

SB 574—A bill to be entitled An act relating to Hillsborough County, City of Tampa; amending section 1 of chapter 26253, Laws of Florida, 1949, by increasing the amount of pension paid by said city to Dave King, repealing chapter 70-949, Laws of Florida, relating to the amount of pension to be paid said Dave King; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote SB 574 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| Barron      | Graham      | Myers       | Stolzenburg |
| Brantley    | Gruber      | Peterson    | Sykes       |
| Childers    | Henderson   | Pettigrew   | Vogt        |
| Deeb        | Horne       | Plante      | Ware        |
| de la Parte | Johnson     | Poston      | Williams    |
| Firestone   | Lane (31st) | Saylor      | Winn        |
| Gallen      | Lane (23rd) | Scarborough | Zinkil      |
| Glisson     | Lewis       | Sims        |             |
| Gordon      | McClain     | Smathers    |             |

Nays—1

Gillespie

By unanimous consent Senator Trask was recorded as voting yea.

SB 575—A bill to be entitled An act relating to Hillsborough County; providing for legal and secretarial assistants and office expenses of the legislative delegation of Hillsborough County; approving prior expenditures for such purposes; making such expenditures a county purpose; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote SB 575 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

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

Nays—None

SB 620—A bill to be entitled An act relating to Pinellas County; creating a countywide planning council; setting forth the purpose of the council and providing legislative intent; providing a formula for the appointment of its members; providing for terms of office and filling vacancies; providing for the selection of officers and an executive committee and for compulsory monthly meetings; providing for a quorum; providing attendance requirements; providing for the powers and duties of the council; providing for a countywide planning department in Pinellas County; providing a formula for appropriations; providing for other contributions; requiring a budget; requiring annual audits and annual reports; providing for public hearings and a voting procedure for adoption of plans by the council; providing a procedure for the adoption of plans, codes or regulations; providing for the binding effect of plans, codes or regulations and an enforcement procedure; providing for contractual services; providing for severability; repealing Chapter 71-859, Special Acts, 1971, which created the Pinellas Planning Council; providing an effective date.

—was read the second time by title.

Senators Saylor and Deeb offered the following amendment which was adopted on motion by Senator Saylor:

Amendment 1—On page 3, lines 21—26, strike on line 21 strike all after "commissioners." through line 26 and insert: Both such appointees shall be members of said board of county commissioners. One such appointee shall serve a term of three years and one such appointee shall serve a term of two years.

Senators Saylor and Deeb offered the following amendment which was adopted on motion by Senator Saylor:

Amendment 2—On page 7, line 17, strike "authority" and insert: "council"

Senators Saylor and Deeb offered the following amendment which was adopted on motion by Senator Saylor:

**Amendment 3**—On page 7, line 26, after the period insert: The council, by rule, shall determine what constitutes an unexcused absence.

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 4**—On page 8, line 23, strike entire line and insert: existing plans, development policies and proposals of the various local

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 5**—On page 9, lines 27 and 28, strike “; and (m) Other development oriented regulatory controls.” and insert a period

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 6**—On page 10, lines 2 and 3, strike “or development guidance system code;”

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 7**—On page 10, line 4, strike the word “regulation”

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 8**—On page 14, line 18, strike entire line and insert: by all units of local government within the county, said plan, code or regulation

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 9**—On page 15, lines 5 and 6, strike “which have not approved same”

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 10**—On page 15, line 28, strike entire line and insert: proved by all units of local government, such document shall have

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 11**—On page 18, between lines 5 and 6 insert:  
Section 15. Adoption of county charter.—If the voters of Pinellas County adopt the proposed county charter to be voted upon in a referendum election on May 8, 1973, this act, upon taking effect, shall become an ordinance of the county charter government so adopted, subject to modification or repeal as are other ordinances. If said referendum shall fail, this section shall stand repealed on the effective date of this act.

Senators Sayler and Deeb offered the following amendment which was adopted on motion by Senator Sayler:

**Amendment 12**—On page 1, line 27, insert: providing a procedure for the implementation of this act in the event a charter form of government is adopted for Pinellas County;

On motion by Senator Sayler, by two-thirds vote SB 620 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

Consideration of SB 797 was deferred.

On motion by Senator Graham, by two-thirds vote SB 840 was removed from the calendar and referred to the Committee on Education.

**SB 904**—A bill to be entitled An act relating to Volusia County, taxation of real property; repealing section 13 of chapter 31343, Laws of Florida, 1955, which provides exemption from such taxation for facilities of the Daytona Beach racing and recreational facilities district; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 904 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—1  
Zinkil

**SB 908**—A bill to be entitled An act pertaining to Monroe County, Florida; repealing authorization of the Board of County Commissioners to clear lands in unincorporated areas and assessing a lien for cost of clearance; repealing Chapter 63-1629, Laws of Florida, 1969, and Chapter 72-618, Laws of Florida, 1972, providing an effective date.

—was read the second time by title. On motion by Senator Pettigrew, by two-thirds vote SB 908 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

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

Nays—None

**SB 949**—A bill to be entitled An act relating to lower Florida keys hospital district, Monroe County; providing for liens in favor of operators of hospitals in the district, upon causes of action, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon judgments, settlements, and settlement agreements, on account of illness or injuries of such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries; providing for method of perfecting and enforcing such liens, and recovery of costs, attorney's fees, and expenses, and where suits thereon may be maintained; providing for no recovery of damages for hospital care, treatment, and maintenance, unless claimant therefor has paid costs thereof except in certain cases; providing for intervention by lienholder and verdict and judgment in favor of lienholder in certain cases; requiring claims for lien to be recorded and fees for recording; providing that no release or satisfaction shall be valid as against lien unless lienholder joins therein or executes release; providing that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement in absence of release or satisfaction of lien shall prima facie constitute impairment of such lien, and giving lienholder right of action

at law for damages on account of such impairment, and providing for recovery from one accepting release or satisfaction or making settlement; exempting from provisions of this act matters within purview of the workmen's compensation law of this state; authorizing and empowering the board of commissioners of the district to establish an employees' pension, annuity and retirement plan for officers and employees employed by the districts and qualifying therefor, and to pay the cost, or any portion thereof, from funds available to the districts from their authorized sources; providing for judicial review of decisions by the board of commissioners of the district to refuse, revoke, or suspend membership on the staff, or privileges attendant thereto; providing for jurisdiction thereof by the district court of appeal, or the supreme court of Florida, as provided by the Florida appellate rules; amending §2, chapter 67-1724, Laws of Florida, as amended by §1, chapter 69-1322, Laws of Florida, to provide residency requirements for the board of commissioners of the district; providing an effective date.

—was read the second time by title. On motion by Senator Gruber, by two-thirds vote SB 949 was read the third time by title, passed and certified to the House.

The vote was:

Yeas—39

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

Nays—None

SB 1326—A bill to be entitled An act relating to Monroe County; authorizing the District School Board of said county to erect, construct, repair, alter and improve any school building in Monroe County on a day labor basis, and to pay for the same with any funds from authorized sources when such erection, construction, repair, alteration or improvement costs do not exceed Nine Hundred Fifty Thousand Dollars (\$950,000.00) for any one (1) such project, after plans for such work have been approved by the Department of Education and have been advertised according to law and no responsive bid is submitted or the resulting lowest bid is ten per cent (10%), or more, in excess of the architect's estimate and requiring approval of State Department of Education before proceeding in accordance with the provisions of this Act; amending all laws or parts of laws, whether general or special, particularly Section 235.31, Florida Statutes, and Chapters 70-812, Acts of 1970, in conflict with this act, to the extent of such conflict; providing an effective date, and an expiration date.

—was read the second time by title.

On motion by Senator Poston the following amendment was adopted:

Amendment 1—On page 2, line 29, after the word "Education." insert the following: The total cost of any and all extras to the plan for such erection, construction, repair, alteration or improvement shall not exceed five (5) per cent of the cost of the initial plan unless approved by the State Department of Education.

On motion by Senator Poston, by two-thirds vote SB 1326 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

|             |           |           |             |
|-------------|-----------|-----------|-------------|
| Barron      | Firestone | Graham    | Johnston    |
| Brantley    | Gallen    | Gruber    | Lane (31st) |
| Childers    | Gillespie | Henderson | Lane (23rd) |
| Deeb        | Glisson   | Horne     | Lewis       |
| de la Parte | Gordon    | Johnson   | McClain     |

|           |             |       |          |
|-----------|-------------|-------|----------|
| Myers     | Sayler      | Sykes | Williams |
| Peterson  | Scarborough | Trask | Wilson   |
| Pettigrew | Sims        | Vogt  | Winn     |
| Plante    | Smathers    | Ware  | Zinkil   |
| Poston    | Stolzenburg | Weber |          |

Nays—None

SB 1328—A bill to be entitled An act to amend Section 2, of Article II, of Chapter 72-541, Laws of Florida, Special Acts of 1972; relating to the boundaries of the City of Eustis, Lake County, Florida; providing for re-definition of the corporate limits of said city; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote SB 1328 was read the third time by title, passed and certified to the House.

The vote was:

Yeas—35

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

Nays—None

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.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 1329 was read the third time by title, passed and certified to the House.

The vote was:

Yeas—39

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

Nays—None

HB 528—A bill to be entitled An act relating to Putnam County; repealing chapter 67-1959, Laws of Florida, which authorizes the district school board of said county to enter into contracts for purchase of materials, supplies, or services without requiring competitive bidding when the amount does not exceed one thousand dollars (\$1,000); providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 528 was read the third time by title, passed and certified to the House.

The vote was:

Yeas—39

|             |           |             |           |
|-------------|-----------|-------------|-----------|
| Barron      | Gallen    | Henderson   | Lewis     |
| Brantley    | Gillespie | Horne       | McClain   |
| Childers    | Glisson   | Johnson     | Myers     |
| Deeb        | Gordon    | Johnston    | Peterson  |
| de la Parte | Graham    | Lane (31st) | Pettigrew |
| Firestone   | Gruber    | Lane (23rd) | Plante    |

Poston  
Saylor  
Scarborough  
Sims

Smathers  
Stolzenburg  
Sykes  
Trask

Vogt  
Ware  
Weber  
Williams

Wilson  
Winn  
Zinkil

Gordon  
Graham  
Gruber  
Henderson  
Horne  
Johnson  
Lane (31st)

Lane (23rd)  
Lewis  
McClain  
Myers  
Peterson  
Pettigrew  
Plante

Poston  
Saylor  
Sims  
Smathers  
Sykes  
Trask  
Vogt

Ware  
Weber  
Williams  
Wilson  
Winn  
Zinkil

Nays—None

Nays—None

On motion by Senator Williams consideration of HB 329 was deferred.

HB 527—A bill to be entitled An act relating to Putnam County; repealing chapter 29467, Laws of Florida, 1953, which authorizes the district school board of said county to apply the surplus in any school district sinking fund to the funded debt of any other school district of the county or of said board; providing an effective date.

HB 326—A bill to be entitled An act relating to St. Johns County, Anastasia Mosquito Control District; removing the requirement that members of the board of commissioners of the district reside within certain portions of the district; voiding contrary provisions of chapter 61-2745, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote HB 527 was read the third time by title, passed and certified to the House. The vote was:

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 326 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Barron  
Brantley  
Childers  
Deeb  
de la Parte  
Firestone  
Gallen  
Gillespie  
Glisson  
Gordon

Graham  
Gruber  
Henderson  
Horne  
Johnson  
Johnston  
Lane (31st)  
Lane (23rd)  
Lewis  
McClain

Myers  
Peterson  
Pettigrew  
Plante  
Poston  
Saylor  
Scarborough  
Sims  
Smathers  
Stolzenburg

Sykes  
Trask  
Vogt  
Ware  
Weber  
Williams  
Wilson  
Winn  
Zinkil

Nays—None

Yeas—34

Barron  
Brantley  
Childers  
de la Parte  
Firestone  
Gallen  
Gillespie  
Glisson  
Gordon

Graham  
Gruber  
Henderson  
Horne  
Johnson  
Lane (31st)  
Lane (23rd)  
Lewis  
McClain

Myers  
Peterson  
Pettigrew  
Plante  
Poston  
Saylor  
Sims  
Smathers  
Sykes

Trask  
Vogt  
Ware  
Weber  
Williams  
Wilson  
Winn

HB 331—A bill to be entitled An act relating to Monroe County; amending §10 of chapter 67-1724, Laws of Florida, as amended by chapter 69-1322, Laws of Florida, increasing the bond limitation of the Lower Florida Keys Hospital District to ten million dollars (\$10,000,000) for the establishment and maintenance of hospitals in the district; continuing regulation of board hospitals under sections 381.493 through 381.497, F.S.; providing an effective date.

Nays—1

Zinkil

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 331 was read the third time by title, passed and certified to the House. The vote was:

The Senate resumed—

SPECIAL ORDER

SB 517—A bill to be entitled An act relating to prohibitions on dispositions of interests in subdivisions; amending §478.23(1), Florida Statutes, by providing punctuation and language to remove ambiguity; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 517 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Barron  
Brantley  
Childers  
Deeb  
de la Parte  
Firestone  
Gallen  
Gillespie  
Glisson  
Gordon

Graham  
Gruber  
Henderson  
Horne  
Johnson  
Johnston  
Lane (31st)  
Lane (23rd)  
Lewis  
McClain

Myers  
Peterson  
Pettigrew  
Plante  
Poston  
Saylor  
Scarborough  
Sims  
Smathers  
Stolzenburg

Sykes  
Trask  
Vogt  
Ware  
Weber  
Williams  
Wilson  
Winn  
Zinkil

Nays—None

Yeas—36

Barron  
Brantley  
Childers  
Deeb  
de la Parte  
Firestone  
Gallen  
Glisson  
Gordon

Graham  
Gruber  
Henderson  
Horne  
Johnson  
Lane (31st)  
Lane (23rd)  
Lewis  
McClain

Myers  
Peterson  
Pettigrew  
Plante  
Poston  
Scarborough  
Sims  
Smathers  
Stolzenburg

Sykes  
Trask  
Vogt  
Ware  
Weber  
Williams  
Wilson  
Winn  
Zinkil

SB 426 was laid on the table.

HB 330—A bill to be entitled An act relating to St. Johns County; amending section 2 of chapter 69-1536, Laws of Florida, relating to additional court fees collected for the care of a library, and the maintenance and clerical staff for the circuit court chambers in St. Augustine; designating the application of such fees to cases docketed in the county court and circuit court; providing an effective date.

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 330 was read the third time by title, passed and certified to the House.

On motion by Senator Zinkil, the rules were waived and SB 517 was ordered immediately certified to the House.

The vote was:

Yeas—35

Barron  
Brantley

Childers  
de la Parte

Firestone  
Gallen

Gillespie  
Glisson

SB 518—A bill to be entitled An act relating to Florida land sales registration; amending §478.121 (1) (1), Florida Statutes, by providing that applications for registration must

contain a statement of the existing provisions for legal and physical access, but if there are no provisions for physical access, a statement to that effect; providing an effective date.

—was read the second time by title.

The Committee on Consumer Affairs offered the following amendment which was moved by Senator Zinkil and failed:

**Amendment 1**—On page 1, strike lines 21-29 and insert: (1) If the subdivided lands offered for registration are located in this state, a proposed plat which meets the criteria required by applicable law or ordinance and which must be recorded prior to the sale of any lands; if located outside the state, a legal description of such lands, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units or interests; in either case, a showing of the relation of the subdivided lands to existing streets, roads and other off-site improvements, and a showing that such lands meet or will meet at a specified time all requirements of the local governing bodies in effect on the date of registration as to public roads and streets, drainage, telephone and electric utilities, domestic water supplies and sanitary sewage disposal provided, however, for lands that are subdivided in lots or parcels that are larger than the maximum size lot for which platting is required by local ordinance, special act or general act of local application, the subdivider shall be required to comply only with the pertinent provisions of chapter 177, Florida Statutes, and not with the requirements of such local ordinance, special act or general act of local application;

Pending further consideration of SB 518, on motion by Senator Trask, by two-thirds vote, HB 1388 was withdrawn from the Committee on Consumer Affairs and placed on the Calendar. On motion by Senator Trask—

**HB 1388**—A bill to be entitled An act relating to Florida land sales registration; amending §478.121(1)(1), Florida Statutes, by providing that applications for registration must contain a statement of the existing provisions for legal and physical access, but if there are no provisions for physical access, a statement to that effect; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Trask, by two-thirds vote HB 1388 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—34**

|             |             |             |          |
|-------------|-------------|-------------|----------|
| Barron      | Gruber      | Plante      | Vogt     |
| Brantley    | Henderson   | Poston      | Ware     |
| Childers    | Horne       | Sayler      | Weber    |
| Deeb        | Johnson     | Scarborough | Williams |
| de la Parte | Lane (23rd) | Sims        | Wilson   |
| Firestone   | Lewis       | Smathers    | Winn     |
| Gillespie   | McClain     | Stolzenburg | Zinkil   |
| Gordon      | Myers       | Trask       |          |
| Graham      | Peterson    |             |          |

**Nays—None**

By unanimous consent Senators Glisson and Johnston were recorded as voting yea.

SB 518 was laid on the table.

On motion by Senator Trask, HB 1389 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and placed on the calendar.

SB 516 was taken up and on motion by Senator Trask—

**HB 1389**—A bill to be entitled An act relating to Florida land sales registration; amending §478.121(3), Florida Statutes, by providing that the subdivider will make no material change, alteration or modification of the subdivision offering prior to the time he has written approval of the division director; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Trask, by two-thirds vote HB 1389 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    | Henderson   | Pettigrew   | Trask    |
| Childers    | Horne       | Plante      | Vogt     |
| Deeb        | Johnson     | Poston      | Ware     |
| de la Parte | Lane (31st) | Sayler      | Weber    |
| Firestone   | Lane (23rd) | Scarborough | Williams |
| Gallen      | Lewis       | Sims        | Wilson   |
| Glisson     | McClain     | Smathers    | Winn     |
| Graham      | Myers       | Stolzenburg | Zinkil   |
| Gruber      | Peterson    | Sykes       |          |

**Nays—None**

By unanimous consent Senators Barron, Gillespie and Johnston were recorded as voting yea.

SB 516 was laid on the table.

On motion by Senator Trask, HB 1390 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and placed on the calendar.

SB 496 was taken up and on motion by Senator Trask—

**HB 1390**—A bill to be entitled An act relating to the Florida uniform land sales practice law; amending §478.021(2)(j), Florida Statutes, by adding additional exceptions to communications addressed to and relating to the account of any persons who have previously executed a contract for the purchase of the subdivider's lands; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Trask, by two-thirds vote HB 1390 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—33**

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

**Nays—None**

By unanimous consent Senators Barron, Gillespie and Johnston were recorded as voting yea.

SB 496 was laid on the table.

On motion by Senator Trask, HB 1391 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and placed on the calendar.

SB 495 was taken up and on motion by Senator Trask—

**HB 1391**—A bill to be entitled An act relating to lands sales advertising; amending §478.021(2)(j), Florida Statutes, by providing for the regulation of vacation certificate promoters, distributors, or any other persons who induce prospective land purchasers to visit this state through the use of vacation certificate advertising irrespective of whether a land sales presentation is required or not; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Trask, by two-thirds vote HB 1391 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    | Gallen  | Henderson   | Lewis     |
| Childers    | Glisson | Horne       | McClain   |
| Deeb        | Gordon  | Johnson     | Myers     |
| de la Parte | Graham  | Lane (31st) | Peterson  |
| Firestone   | Gruber  | Lane (23rd) | Pettigrew |

|             |          |          |        |
|-------------|----------|----------|--------|
| Plante      | Sims     | Vogt     | Wilson |
| Poston      | Smathers | Ware     | Winn   |
| Saylor      | Sykes    | Weber    | Zinkil |
| Scarborough | Trask    | Williams |        |

Nays—None

By unanimous consent Senators Barron, Gillespie and Johnston were recorded as voting yea.

SB 495 was laid on the table.

On motion by Senator Trask, HB 1393 was withdrawn from the Committee on Consumer Affairs by two-thirds vote and placed on the calendar.

SB 494 was taken up and on motion by Senator Trask—

HB 1393—A bill to be entitled An act relating to registration of subdivided land salesmen; amending §478.31(2), Florida Statutes, by providing authority for the division to stagger the annual renewal date of salesmen certification through rule and regulation; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Trask, by two-thirds vote HB 1393 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    | Graham      | Myers       | Trask    |
| Childers    | Gruber      | Peterson    | Vogt     |
| Deeb        | Henderson   | Pettigrew   | Ware     |
| de la Parte | Horne       | Plante      | Weber    |
| Firestone   | Johnson     | Poston      | Williams |
| Gallen      | Lane (31st) | Saylor      | Wilson   |
| Gillespie   | Lane (23rd) | Scarborough | Winn     |
| Glisson     | Lewis       | Smathers    | Zinkil   |
| Gordon      | McClain     | Sykes       |          |

Nays—None

By unanimous consent Senators Barron and Johnston were recorded as voting yea.

SB 494 was laid on the table.

CS for SB 381 was taken up, together with:

By the Committee on Consumer Affairs—

CS for CS for SB 381—A bill to be entitled An act relating to the land sales industry; amending paragraph (b) of subsection (1) of section 478.121, Florida Statutes, to require that lands offered for registration be platted; amending section 478.121, Florida Statutes, by providing that all permits required under chapter 253, Florida Statutes, and chapter 403, Florida Statutes, be obtained prior to sale of subdivided lands and for extending length of permits under chapter 253, Florida Statutes, for not longer than five (5) years; amending section 478.25, Florida Statutes, by adding subsection (4) providing that upon failure of the state to act upon applications filed pursuant to subsections (4) and (5) of section 478.121, Florida Statutes, within one hundred twenty (120) days of the filing of the application, the land sales division shall enter an order registering the subdivided lands for sale, setting forth the form of agency action required; amending chapter 253; Florida Statutes, by adding section 253.1291, providing for automatic issuance of permits for improvements promised or projects commenced in lands registered for sale pursuant to chapter 478, Florida Statutes, prior to April 3, 1970, upon the payment of a one hundred dollar (\$100) fee; amending chapter 403, Florida Statutes, by adding section 403.0881, providing for a consolidated permit application for construction and operating permits, and federal water pollution control certification, requiring written notice to an applicant for a permit, approval, or certification, within thirty (30) days, of the application completeness; providing for the issuance of federal certification and state permits for projects under construction prior to April 3, 1970, on lands registered for sale under chapter 478, Florida Statutes, where the registrant has acted in reliance on the registration by selling the land registered to bona fide purchasers; providing that parties aggrieved by any action of the department under subsection 403.0881, may seek judicial review in the circuit court of their

residence or principal place of business; providing requirements imposed when application for registration is filed after April 1, 1973; providing an effective date.

—which was read the first time by title and CS for SB 381 and SB 381 were laid on the table.

On motion by Senator Trask, by two-thirds vote, CS for CS for SB 381 was read the second time by title.

On motion by Senator McClain the following amendment was adopted:

Amendment 1—On page 3, lines 5 through 14 strike: "If the subdivided lands offered for registration are located in this state, a proposed plat which meets the criteria required by applicable law or ordinance and which must be recorded prior to the sale of any lands; if located outside the state, a legal description of such the subdivided lands offered for registration, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units or interests; and in either case, a showing of the relation of the subdivided lands to existing streets, roads and other off-site improvements";

If the subdivided lands offered for registration are located within or without this state, a proposed plat which meets the criteria required by applicable law or ordinance and which must be recorded prior to the sale of any lands."

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

Amendment 2—On page 5, lines 12 through 21 strike "either:" and all of paragraphs (a) and (b) and insert: failed to act on such permit, approval or certification.

On motion by Senator Trask the following amendment was adopted:

Amendment 3—On page 1, line 30 strike "April 3, 1970" and insert: July 14, 1967

On motion by Senator Horne the following amendment was adopted:

Amendment 4—On page 8, between lines 4 and 5 insert: Section 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provision or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

On motion by Senator Horne the following amendment was adopted:

Amendment 5—On page 2, line 24 after "April 1, 1973;" insert: providing severability;

On motion by Senator Horne the following amendment was adopted:

Amendment 6—On page 8, line 5 renumber Section 7 as Section 8

On motion by Senator Graham the following amendment was adopted:

Amendment 7—On page 3, strike lines 19-26 and on line 18 after the word "disposal" insert a period (.)

Senator Graham moved the adoption of the following amendment:

Amendment 8—On pages 5-6, strike Section 4. and renumber remaining sections

Senator Horne moved that the Senate reconsider the vote by which Amendment 7 was adopted.

On motion by Senator Trask, CS for CS for SB 381, as amended, with pending amendment was deferred.

Notice having been given pursuant to Rule 4.14, on motion by Senator Trask, unanimous consent was obtained to take up out of order—

CS for SB 555—A bill to be entitled An act relating to land sales exemptions; amending §478.221, Florida Statutes, by providing that as to certain exemptions, a subdivider must sustain the burden of proof and demonstrate that he qualifies for such exemptions; repealing subsection (1)(b) of §478.221, Florida Statutes, providing an exemption for the sale of fewer than fifty lots within a twelve month period; repealing subsection (7) of §478.041, Florida Statutes, which provides a one hundred lot local exemption every twelve month period; providing an effective date.

—was taken up, having been read the third time and amended April 26.

CS for SB 555 passed as amended and was ordered certified to the House. The vote was:

**Yeas—31**

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

**Nays—1**

Stolzenburg

On motion by Senator Zinkil CS for SB 555 was ordered immediately certified to the House.

On motion by Senator Barron, by two-thirds vote, the session of the Senate scheduled for Wednesday afternoon, May 9, 1973, was cancelled; the Committees on Criminal Justice, Commerce and Consumer Affairs previously scheduled to meet May 8 were rescheduled to meet Wednesday afternoon, May 9, and the Committee on Ways and Means rescheduled to meet May 8 from 2:00 p.m. until midnight.

Senator Plante moved that the Senate reconsider the vote by which SB 424 passed on May 3.

Senator Saunders announced cancellation of the Ways and Means Committee meeting scheduled for 2:00 p.m. this day.

The Journal of May 3 was corrected as follows and approved:

Page 335, counting from the bottom of column 1, line 14, strike: "622" and insert: 662

**CO-INTRODUCER**

By permission Senator Wilson was recorded as a co-introducer of SB 582.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to convene at 8:30 a.m., May 7, 1973.