

# JOURNAL OF THE FLORIDA SENATE

Thursday, May 10, 1973

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—30:

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

Excused: Senator Trask until 9:10 a.m., Senator Scarborough until 10:45 a.m.; Senator Williams at 10:20 a.m. until 11:25 a.m. for the purpose of working with the staff of the Committee on Ways and Means on the general appropriations bill; Senator Lane (31st) due to illness.

Senator Saunders was recorded present at 9:02 a.m., Senator Barron at 9:04 a.m., Senator Gallen at 9:11 a.m., Senator Sykes at 9:12 a.m., Senators Weber and Pettigrew at 9:17 a.m.

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

Almighty God our Father, we continue to seek your help in all that we do.

Our very presence as legislators reminds us that laws are necessary because of human weaknesses. So do we humans protect our better selves from our weaker selves.

By necessity, our Father, we legislators have become judges over the actions of people in society. May we always remember that we too are the people and that in knowing ourselves we can better understand others.

Teach us that though we cannot legislate morality, we can be moral in our legislation.

Continue with us in your grace and mercy.

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 Thursday, May 10, 1973:

SCR 884 To be considered at 10:00 a.m.

SR 1335	SB 606	SB 1187	SB 678
SB 103	SB 608	SB 975	HB 826
SB 681	SB 609	SB 640	
SB 553	SB 901	SB 529	

*Respectfully submitted,  
Dempsey J. Barron, Chairman*

The Committee on Consumer Affairs recommends the following pass:

HB 1423 with 3 amendments	SB 963
SB 353 with 6 amendments	SB 1155 with 2 amendments
SB 754 with 1 amendment	

The Committee on Commerce recommends the following pass:

CS for HB 349	SB 1005 with 2 amendments
SB 469 with 1 amendment	SB 1152
SB 743 with 1 amendment	SB 1299
SB 846	

The Committee on Criminal Justice recommends the following pass:

SB 703	HB 544	SB 716
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The Committee on Natural Resources and Conservation recommends the following pass: HB 232, CS for HB 1075

The Committee on Rules and Calendar recommends the following pass:

SB 387	SCR 691	SCR 756
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The Committee on Education recommends the following pass:

SB 390 with 1 amendment	SB 1085
SB 564 with 1 amendment	

The Committee on Judiciary recommends the following pass:

SB 700 with 3 amendments	SB 956
SB 919 with 1 amendment	SB 1048 with 1 amendment
SB 725 with 1 amendment	SB 985 with 1 amendment
SB 180 with 3 amendments	CS HB 541 SF and 998
SB 403	

The Committee on Transportation recommends the following pass:

SB 1194	SB 1275	SB 1282	HB 556
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The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Commerce recommends the following pass: SB 845

The Committee on Education recommends the following pass:

SB 1226 with 2 amendments	SB 1044
SB 586	SB 1290 with 2 amendments

The Committee on Transportation recommends the following pass: SB 1281 with 1 amendment

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

The Committee on Education recommends a Committee Substitute for the following: SB 443 and 455

The Committee on Judiciary recommends a Committee Substitute for the following: SB 465 with 1 amendment

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 1322

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 1164

The Committee on Transportation recommends a Committee Substitute for the following: SR 1124

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 803

The Committee on Commerce recommends a Committee Substitute for the following: SB 835

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

The Committee on Commerce recommends the following not pass: SB 1115, HB 160

The Committee on Judiciary recommends the following not pass: SB 968

The Committee on Natural Resources and Conservation recommends the following not pass: SB 1238

The Committee on Transportation recommends the following not pass: SB 818

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

**BILL REFERRED TO SUBCOMMITTEE**

Education: SB 1291 referred to a select subcommittee composed of Senator Peterson, Chairman; Senators Smathers and Gordon. Report will be made to the full committee on May 14.

Honorable Mallory E. Horne  
President  
The Florida Senate  
The Capitol

May 10, 1973

Dear Mr. President:

Your Standing Committee on Transportation to which was referred for consideration the following appointments subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
William S. Belcher St. Petersburg	Member, Pinellas County Transportation Authority	Pleasure of the Governor
H. H. Carlisle Clearwater	Member, Pinellas County Transportation Authority	Pleasure of the Governor

—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate do advise and consent, and approve the aforesaid appointments made by the Governor.

Respectfully submitted,

*RALPH R. POSTON, Chairman*     *ALAN TRASK, Vice Chairman*  
*GEORGE FIRESTONE*             *TOM JOHNSON*  
*JULIAN B. LANE*                 *WALTER SIMS*  
*CHESTER W. STOLZENBURG*     *RUSSELL E. SYKES*  
*JOHN T. WARE*

On motion by Senator Poston, the report of the Committee was adopted, and the Senate in open session advised and consented to and approved the appointments set forth in the foregoing report. The vote was:

Yeas—38

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

Nays—None

**ENGRASSING REPORT**

Your Engrassing Clerk to whom was referred CS for SB 103 with 2 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY, Secretary*

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Wilson, SB 853 was withdrawn from the Committee on Judiciary by two-thirds vote and from further consideration of the Senate.

Senator Glisson raised a point of order pursuant to Rule 4.6 that SB 604 had fiscal impact and should also be referred to the Committee on Ways and Means. The Presiding Officer ruled the point well taken.

On motion by Senator Brantley, SB 1107 was removed from the calendar by two-thirds vote and referred to the Committee on Commerce.

On motion by Senator Childers, HB 208 was withdrawn from the Committee on Transportation by two-thirds vote and placed on the calendar.

On motion by Senator McClain, SB 285 was removed from the calendar by two-thirds vote and from further consideration of the Senate.

On motions by Senator Poston, SB 1195 was withdrawn from the Committees on Transportation and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Firestone, SB 807 was withdrawn from the Committee on Governmental Operations by two-thirds vote and from further consideration of the Senate.

On motions by Senator Barron, SB 797 and HB 329 were removed from the local calendar by two-thirds vote and recommended to the Committee on Rules and Calendar.

**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 925 by Senator Johnston
SB 301 by Senator Johnson	SB 929 by Senator Johnston
SB 646 by Senator Barron	SB 930 by Senator Johnston
HCR 685 by Representative Holloway	SB 932 by Senator Johnston
HB 707 by Representative Harris	SB 933 by Senator Johnston
SB 778 by Senator Gallen	SB 934 by Senator Johnston
SB 779 by Senator Gallen	SB 940 by Senator Weber
SB 825 by Senator Trask	SB 942 by Senator Sayler
SB 826 by Senator Trask	SB 945 by Senator Childers
SB 828 by Senator Pettigrew	SB 946 by Senator Childers
SB 832 by Senator Gallen	SB 950 by Senator Johnston
SB 843 by Senator Gallen	SB 951 by Senator Johnston
SB 844 by Senator Gallen	SB 958 by Senator D. Lane
SB 862 by Senator Brantley	SB 964 by Senator Childers
SB 870 by Senator Plante	SB 999 by Senator Poston
HB 887 by Representative Birchfield	SB 993 by Senator Deeb
SB 896 by Senator Gallen	SB 1000 by Senator D. Lane
SB 909 by Senator Trask	SB 1002 by Senator Brantley
SB 911 by Senator Pettigrew	SB 1003 by Senator J. Lane
SB 914 by Senator Gallen	SB 1004 by Senator Glisson
SB 920 by Senator Winn	SB 1017 by Senator Vogt
	SB 1023 by Senator Deeb
	HB 1107 by Representative Birchfield

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

SB 533 by Senator Lane (31st)	SB 11 by Senator Henderson
SB 543 by Senator Deeb	SB 60 by Senator Johnson
SB 737 by Senator Gillespie	SB 66 by Senator Deeb
SB 738 by Senator Winn	SB 79 by Senator McClain
SB 746 by Senator Pettigrew	SB 130 by Senator Gallen
SB 493 by Senator Vogt	SB 165 by Senator Gallen
SB 497 by Senator Lane (31st)	SB 166 by Senator Glisson
SB 505 by Senator Pettigrew	SB 169 by Senator Poston
SB 513 by Senator Myers	SB 182 by Senator Deeb
SB 514 by Senator Glisson	SB 204 by Senator Gallen
SB 522 by Senator Deeb	CS for SB 234 by Committee on Natural Resources and Conservation
SB 687 by Senator Sayler	SB 250 by Committee on Natural Resources and Conservation
SB 693 by Senator Pettigrew	SJR 266 by Senator Winn
SB 694 by Senator Pettigrew	SB 268 by Senator Brantley
SJR 695 by Senator Pettigrew	SB 307 by Senator Lewis
SB 698 by Senator Johnson	SJR 368 by Senator Johnston
SB 699 by Senator Johnson	SB 371 by Senator Henderson
SB 710 by Senator Pettigrew	
SB 715 by Senator Pettigrew	
SB 437 by Senator Gillespie	
SB 584 by Senator Lewis	

SB 372 by Senator Johnson  
 SB 383 by Senator Henderson  
 SB 392 by Senator Scarborough  
 SB 408 by Senator Brantley

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

HB 166 by Representative Gautier	SB 202 by Senator Brantley
HB 133 by Representative Gautier	SB 261 by Senator McClain
SB 42 by Senator Scarborough	SB 278 by Senator McClain
SB 90 by Senator McClain	SB 315 by Senator Johnson
SB 96 by Senator Zinkil	SB 364 by Senator Sims
SB 121 by Senator McClain	SB 365 by Senator Henderson
SB 141 by Senator Firestone	SB 382 by Senator Gallen
SB 167 by Senator Gallen	SB 401 by Senator Winn
SB 168 by Senator Poston	SB 123 by Senator Lane
SB 178 by Senator McClain	SB 474 by Senator Pettigrew
SB 187 by Senator Plante	SB 445 by Senator Johnson
SB 194 by Senator Glisson	SB 446 by Senator Johnson
	SB 448 by Senator Johnson
	SB 490 by Senator Johnson

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

SB 1222 by Senator Saunders	SB 669 by Senator Lane
SB 1129 by Senator Poston	(23rd)
SB 1270 by Senator Pettigrew	HM 95 by Representative Malloy
SB 485 by Senator Gillespie	

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

SB 284 by Senator Zinkil

The Committee on Ways and Means requests an extension of 10 days for the consideration of the following:

SB 5 by Senator McClain	SB 164 by Senator de la Parte
SB 9 by Senator Brantley	SB 176 by Senator Deeb
SB 24 by Senator McClain	SB 184 by Senator Plante
SB 25 by Senator McClain	SB 189 by Senator Henderson
SB 27 by Senator Childers	SB 190 by Senator Henderson
SB 28 by Senator Saylor	SB 196 by Senator Zinkil
SB 29 by Senator Childers	CS for SB 197 by Consumer Affairs Committee
SB 32 by Senator Deeb	SB 200 by Senator Glisson
SB 33 by Senator Childers et al	SB 201 by Senator Henderson et al
SB 37 by Senator Childers	SB 203 by Senator Lane
SB 46 by Senator Deeb	(23rd)
SB 62 by Senator Johnson	SB 212 by Senator Stolzenburg
SB 68 by Senator Deeb	SB 218 by Senator Saylor
SB 74 by Senator Saylor	SB 226 by Senator Childers
SB 77 by Senator de la Parte	SB 238 by Senator Childers
SB 83 by Senator Plante	CS for SB 246 by Committee on Transportation
SB 84 by Senator Poston	CS for SB 248 by Committee on Natural Resources and Conservation
SB 85 by Senator Deeb	SB 262 by Senator de la Parte
SB 88 by Senator Saylor	SB 263 by Senator de la Parte
SB 91 by Senator McClain	SB 264 by Senator de la Parte
SB 93 by Senator Brantley	SB 304 by Senator Johnson
SB 105 by Senator de la Parte	CS for SB 306 by Committee on Governmental Operations
SB 106 by Senator Saylor	SB 308 by Senator Lane
SB 108 by Senator Glisson	(23rd)
SB 134 by Senator Poston	SB 320 by Senator Gordon
SB 135 by Senator Pettigrew	SB 349 by Senator Scarborough
CS for SB 136 by Committee on Consumer Affairs	SB 376 by Committee on Agriculture
SB 137 by Senators de la Parte and Horne	SB 377 by Senator Pettigrew
CS for SB 140 by Committee on Transportation	SB 384 by Senator Deeb
SB 142 by Senator Zinkil	SB 386 by Senator Glisson
SB 144 by Senator Saylor	SB 394 by Senator Horne
SB 147 by Senator Poston	
SB 154 by Senator Glisson	
CS for SB 155 by Committee on Health and Rehabilitative Services	
SB 157 by Senator Glisson	
SB 158 by Senator Glisson	

SB 395 by Senator Saunders	SB 848 by Senator J. Lane
SB 420 by Senator Pettigrew	(23rd)
SB 432 by Senator Poston	SB 849 by Senator Sykes
CS for SB 450 by Committee on Judiciary	CS for SB 852 by Committee on Consumer Affairs
SB 459 by Senator Gillespie	SB 856 by Senator Deeb
SB 477 by Senator Ware	SB 858 by Senator Barron
SB 491 by Senator Saylor	SB 861 by Senator Childers
SB 492 by Senator Stolzenburg	SB 872 by Senator Pettigrew
SB 504 by Senator McClain	SB 873 by Senator Peterson
SB 512 by Senator Deeb	SB 875 by Senator Sykes
SB 538 by Senator Johnson	SB 878 by Senator Graham
SB 541 by Senator Trask	SB 879 by Senator Graham
SB 547 by Senator Trask	SB 885 by Senator Peterson
SB 548 by Senator Trask	SB 889 by Senator Graham
SB 549 by Senator Trask	SB 891 by Senator Peterson
SB 550 by Senator Trask	SB 893 by Senator Peterson
SB 565 by Senator Sykes	SB 898 by Senator Glisson
SB 568 by Senator Pettigrew	SB 903 by Senator Graham
SB 569 by Senator Zinkil	SB 906 by Senator Gillespie
SB 570 by Senator Sykes	SB 915 by Senator Childers
SB 580 by Senator McClain	SB 921 by Senator Graham
SB 589 by Senator Sykes	SB 922 by Senator Lane (31st)
SB 597 by Senator Johnson	SB 936 by Committee on Transportation
CS for SB 607 by Committee on Education	SB 944 by Senator Brantley
SB 616 by Senator Poston	SB 952 by Senator Graham
SB 617 by Senator Peterson	SB 953 by Senator Saunders
SB 618 by Senator Peterson	SB 954 by Senator Graham
SB 628 by Senator Firestone	SB 955 by Senator Pettigrew
SB 632 by Senator Brantley	SB 959 by Senator Johnson
CS for SB 635 by Committee on Consumer Affairs	SB 960 by Senator Firestone
SB 644 by Senator Brantley	SB 961 by Senator Scarborough
SB 649 by Senator Brantley	SB 973 by Committee on Education
SB 653 by Senator Peterson	SB 974 by Committee on Education
SB 657 by Senator de la Parte	SB 978 by Senator Vogt
SB 658 by Senator Gillespie	SB 979 by Senator Horne
SB 664 by Senator Lewis	SB 981 by Senator Pettigrew
CS for SB 665 by Committee on Health and Rehabilitative Services	SB 984 by Senator Peterson
SB 676 by Senator Ware	SB 986 by Senator Plante
SB 686 by Senator Lewis	SB 987 by Senator Graham
SB 697 by Senators Pettigrew and Gordon	SB 997 by Senator Barron
SB 701 by Senator Pettigrew	SB 998 by Senator Graham
CS for SB 705 by Committee on Commerce	SB 1007 by Senator Graham
SB 706 by Senator Plante	SB 1010 by Senator Pettigrew
SB 708 by Senator Firestone	SB 1011 by Senator Pettigrew
SB 712 by Senator Horne	SB 1014 by Senator Sykes
SB 714 by Senator Lane (31st)	SB 1015 by Senator Vogt
SB 719 by Senator Ware	SB 1030 by Senator Lewis
SB 720 by Senator Scarborough	SB 1032 by Senator Barron
SB 729 by Senator Gillespie	SB 1033 by Senator Scarborough
SB 730 by Senator Gillespie	SB 1043 by Committee on Agriculture
SB 733 by Senator Scarborough	SB 1045 by Senator Myers
SB 734 by Senator Pettigrew	SB 1051 by Senator Henderson, et al
SB 735 by Senator Childers	SB 1079 by Senator de la Parte
SB 736 by Senator Childers	SB 1080 by Senator de la Parte
SB 739 by Senator Childers	SB 1083 by Senator D. Lane, et al
SB 745 by Senator Scarborough	SB 1086 by Senator Smathers
SB 749 by Senator Childers	SB 1090 by Senator Scarborough
SB 755 by Senator Firestone	SB 1095 by Committee on Health and Rehabilitative Services
SB 762 by Senator Vogt	SB 1096 by Committee on Health and Rehabilitative Services
SB 764 by Senator Peterson	SB 1101 by Senator Williams
SB 782 by Senator de la Parte	SB 1102 by Senator Williams
SB 789 by Senator Deeb	SB 1103 by Senator Firestone
SB 790 by Senator Deeb	SB 1109 by Senator Williams
SB 791 by Senator Saunders	SB 1114 by Senator Myers
SB 794 by Senator Peterson	SB 1135 by Senator Williams
SB 796 by Senator Childers	SB 1136 by Senator Williams
SB 799 by Senator Saunders	SB 1138 by Committee on Health and Rehabilitative Services
SB 800 by Senator Plante	SB 1142 by Senator Gillespie
SB 801 by Senator Plante	
SB 809 by Senator Vogt	
SB 812 by Senator Vogt	
SB 813 by Senator Gallen	
SB 815 by Senator Pettigrew	
SB 821 by Senator Childers	
SB 830 by Senator Graham, et al	
SB 834 by Senator Trask	

SB 1154 by Senator Childers  
 CS for SB 1181 by Committee  
 on Health and Rehabilitative  
 Services  
 SB 1185 by Senator Ware  
 SB 1186 by Senator Graham  
 SB 1188 by Senator Saunders  
 SB 1189 by Senator Saunders  
 SB 1196 by Senator Poston  
 SB 1213 by Senator de la  
 Parte  
 SB 1214 by Senator Glisson  
 SB 1215 by Senator Gordon  
 SB 1224 by Senator Plante  
 SB 1227 by Senator Ware  
 SB 1236 by Senator Williams  
 SB 1241 by Senator McClain  
 SB 1246 by Senator Lewis  
 SB 1247 by Senator Hender-  
 son  
 SB 1262 by Senator Firestone  
 SB 1263 by Senator Myers  
 SB 1273 by Senator Johnson  
 SB 1276 by Senator de la  
 Parte  
 SB 1277 by Senator Lewis  
 SB 1280 by Senator Gillespie  
 SB 1294 by Senator Williams  
 SB 1301 by Senator Plante  
 SB 1313 by Senator Peterson  
 HCS for HB's 2, 41 & 503 by  
 Committee on Finance &  
 Taxation  
 HB 261 by Representative  
 Papy  
 HB 413 by Representative  
 Price  
 HB 434 by Representative  
 Kiser

HB 533 by Representative  
 Redman  
 HB 589 by Representative  
 Redman  
 HB 624 by Representative  
 Tobiassen  
 CS for HB 637 by Committee  
 on Appropriations  
 HB 770 by Committee on  
 Retirement, Personnel &  
 Claims  
 HB 814 by Representative  
 Harris  
 HB 1040 by Representative  
 Langley  
 HB 1298 by Representative  
 Harris  
 HB 1331 by Committee on  
 Finance & Tax  
 HB 1908 by Committee on  
 Retirement, Personnel and  
 Claims  
 SB 213 by Senator Vogt  
 SB 260 by Senator McClain  
 SB 280 by Senator Sykes  
 SB 467 by Senator Firestone  
 SB 471 by Senator McClain  
 SB 521 by Senator Deeb  
 SB 689 by Senator Firestone  
 SB 783 by Senator Gordon  
 SB 839 by Senator Graham  
 SB 874 by Senator Peterson  
 SB 948 by Senator Gillespie  
 SB 1038 by Senator Ware  
 SB 489 by Senator Sykes  
 SB 704 by Senator Poston  
 SB 707 by Senator Myers

Senator Saunders presiding.

On motion by Senator de la Parte, the Senate refused to con-  
 cur in the House amendment to SB 172, and the House was  
 requested to recede therefrom. The action of the Senate was  
 certified to the House.

*The Honorable Mallory E. Horne, President* May 8, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has passed as amended, by the required Constitutional  
 three-fifths vote of the Membership of the House.

By the Committee on Finance & Taxation—

HJR 1907—A joint resolution proposing an amendment to  
 Section 1 of Article VIII of the state constitution relating to  
 nomenclature of county officers.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HJR 1907, contained in the above message, was read the first  
 time and referred to the Committee on Governmental Opera-  
 tions.

*The Honorable Mallory E. Horne, President* May 8, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has passed as amended—

By the Committee on Community Affairs and Representa-  
 tive Danahy and others—

CS for HB 1020—A bill to be entitled An act relating to  
 local government; providing for powers of municipalities;  
 providing for transfer of certain special acts to municipal ordi-  
 nances and methods for repeal or amendment; providing for  
 issuance of municipal bonds; providing for municipal taxation;  
 authorizing ad valorem taxation pursuant to the state consti-  
 tution; prohibiting special act or charter limitations on general  
 grants of taxing power; repealing charter and special law  
 limitations on taxing power authorized by the constitution or  
 general law; providing for regulatory fees; providing for mun-  
 icipal public service taxes on purchase of electricity, metered  
 or bottled gas, fuel oil or kerosene, water service, telephone  
 and telegraph service and cable television service; providing  
 exemptions and procedures; providing for municipal fiscal  
 years, audit, appropriations and financial reporting; providing  
 for extra-territorial powers for certain services and develop-  
 ment planning; providing for eminent domain; providing for  
 creation of a legislative committee on local government forma-  
 tion and boards thereof; granting the committee power to  
 issue orders and subpoenas; prohibiting certain special acts;  
 providing for transfer of certain existing sections to ap-  
 propriate chapters; amending section 165.25, Florida Statutes;  
 repealing chapters 165, 166, 167, 168, 169, 171, 172, 174, 176,  
 178, 180, 181, 183, and 184, Florida Statutes, and all existing  
 sections thereof not otherwise transferred; providing legislative  
 intent and purpose; providing severability; providing for lib-  
 eral construction; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1020, contained in the above message, was read  
 the first time by title and referred to the Committees on  
 Governmental Operations and Ways and Means.

*The Honorable Mallory E. Horne, President* May 9, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has passed as amended—

By the Committee on General Legislation—

HB 1898—A bill to be entitled An act relating to the is-  
 suance of pari-mutuel licenses by county judges; repealing

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 9, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has adopted SCR 258.

*Allen Morris, Clerk*

The bill contained in the above message was ordered enrolled.

*The Honorable Mallory E. Horne, President* May 9, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has concurred in Senate amendment and passed as  
 amended CS for HB 243.

*Allen Morris, Clerk*

*The Honorable Mallory E. Horne, President* May 9, 1973

I am directed to inform the Senate that the House of Repre-  
 sentatives has passed with amendment—

By Senator de la Parte—

SB 172—A bill to be entitled An act relating to legislative  
 procedure; amending §11.011, Florida Statutes; establishing pro-  
 cedure for convening and extending a special legislative session  
 by gubernatorial proclamation; requiring the governor to com-  
 municate his legislative proposals in bill form prior to conven-  
 ing the special session; providing for public notice of meetings  
 of both houses and committee meetings during a special ses-  
 sion; providing an effective date.

Which amendment reads as follows:

On page 2, line 7, strike twenty days and insert the follow-  
 ing: ten days

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

section 550.20, Florida Statutes, which authorizes county judges to issue pari-mutuel licenses and to receive a twenty-five cent fee therefor; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1898, 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 9, 1973

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

By Representative Baumgartner and others—

HB 899—A bill to be entitled An act relating to schools; adding subsection (3) to §232.26, Florida Statutes, 1972 Supplement, which relates to authority of principals, to provide an alternative to discipline or expulsion for certain pupils formally charged with unlawful possession or use of certain drugs; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 899, contained in the above message, was read the first time by title and referred to the Committee on Education.

*The Honorable Mallory E. Horne, President* May 9, 1973

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

By the Committee on General Legislation—

HB 1897—A bill to be entitled An act relating to the selling of alcoholic beverages on airplanes and steamships; amending subsection (3) (a) of section 565.02, Florida Statutes, to provide the conditions under which alcoholic beverages may be sold on an airplane while in an airport and on a steamship while still moored at a dock; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1897, 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 9, 1973

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House—

By Representative Ogden and others—

HJR 1424—A joint resolution proposing an amendment to the Constitution of the state of Florida; amending section 10 of Article 7; relating to joint ownership, construction and operation of electrical energy generating or transmission facilities.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HJR 1424, contained in the above message, was read the first time and referred to the Committee on Governmental Operations.

The President Pro Tempore presiding

## RECONSIDERATION

Reconsideration of the vote by which Amendment 7 to SB 798 was adopted was deferred.

## SPECIAL ORDER

On motion by Senator Barron, consideration of SR 1335 was deferred.

CS for SB 103—A bill to be entitled An act relating to criminal justice; amending section 903.03, Florida Statutes, to

provide for release on recognizance; creating sections 903.025, 903.031, 903.032, 903.033, 903.034, and 903.035, Florida Statutes, providing a definition; providing for conditions of release on recognizance, appellate review of conditions of release, penalty for violations of these conditions, penalty for failure to appear when on recognizance and providing standards for money bail; providing an effective date.

—as amended was taken up and read the third time by title.

Senator de la Parte offered the following amendment which was adopted by two-thirds vote on motion by Senator Firestone:

**Amendment 7**—On page 8, line 19, strike Section 4 and insert new Section 4: A report shall be submitted annually by the chief judge of each circuit to the Supreme Court setting out the: (1) names of defendants (2) notice of change. (3) appearance or non-appearance in court of defendants released under the provisions of the law.

Renumber succeeding section.

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

**Amendment 8**—On page 3, between lines 3 and 4 after the period, insert: Nothing herein shall be construed to require the court to delay releasing a defendant on bail or recognizance until such report is received.

Senator Johnston moved the adoption of the following amendment:

**Amendment 9**—On page 1, line 18, strike everything after the enacting clause and insert: Section 1. The purpose of bail is to insure the defendant's appearance. The judge shall, therefore, at the defendant's first appearance, consider all available relevant factors to determine whether bail is necessary to assure the defendant's appearance and, if so the amount of bail. The judge may, in his discretion, release a defendant on his own recognizance.

Section 2. This act shall take effect October 1, 1973.

Amendment 9 was adopted by two-thirds vote. The vote was:

Yeas—20

Barron	Johnson	Peterson	Sykes
Brantley	Johnston	Plante	Trask
Gallen	Lane (23rd)	Sims	Weber
Glisson	Lewis	Smathers	Wilson
Henderson	McClain	Stolzenburg	Zinkil

Nays—10

de la Parte	Graham	Poston	Winn
Firestone	Myers	Vogt	
Gordon	Pettigrew	Ware	

By unanimous consent Senator Childers was recorded as voting yea.

Senator Firestone moved that further consideration of CS for SB 103 be deferred.

Senator Barron moved as a substitute motion that CS for SB 103 be indefinitely postponed and the motion was adopted.

SB 681—A bill to be entitled An act relating to motor carriers, providing a substantial revision of chapter 323, F.S.; amending §323.01, F.S., changing, adding and deleting definitions; creating §323.021, giving the Florida public service commission authority to regulate motor carriers, establish reasonable classifications of groups of carriers, and adopt rules and regulations; amending §323.02, F.S., deleting unnecessary language and renumbering the same §323.025, F.S.; creating §323.032, F.S., requiring certificate of public convenience and necessity to operate as a common carrier or contract carrier; specifying contents of applications for certificates, and filing fees therefor; specifying notice, hearing and disposition requirements for applications for certificates; creating §323.043, F.S., exempting persons

holding for hire permits issued prior to effective date of this act; prohibiting transfer or extension of for hire permits; exempting from provisions of such section, permits authorizing taxicab operations; amending §323.051, F.S., providing for issuance of limited common carrier certificate, in lieu of for hire permit, for single county operations of road building and construction aggregates; deleting unnecessary language; creating §323.052, F.S., requiring master taxicab permit for taxicab operations and showing of public convenience and necessity for issuance of such permit; establishing procedures for filing, notice, hearing and disposition of applications for master permits and filing fees required in connection therewith; reserving to municipalities power to regulate operation of taxicabs wholly within their boundaries where the legislative bodies of such municipalities utilize the same criteria in considering the grant of permits as are applicable to the grant of a master permit by the commission; providing for issuance of master permit as a matter of right when permits have been granted by legislative body of a municipality; specifying annual fees for master permits and vehicles operated thereunder; requiring approval of the Florida public service commission for the sale or transfer of master permits; prohibiting taxicab operations in vehicles of a greater passenger-carrying capacity than nine (9); reserving to municipalities regulatory powers over taxicab operations conferred by existing general, local or special acts; creating §323.055, F.S., exempting persons engaged in taxicab operations prior to effective date of this act, not already authorized to do so in a master taxicab permit; providing for issuance of master permit upon filing of application prior to December 31, 1973, payment of filing fee, and proof of substantial and continuous operation prior to the effective date of this act; providing for issuance, to holders of master taxicab permits, of master permits upon application therefor prior to December 31, 1973, payment of filing fee, and verification by public service commission that person was a holder of such a permit, or proof of substantial and continuous operation prior to effective date of this act; providing for validation of all franchises, licenses or permits issued by a municipality and outstanding at the time such application is filed, for the purpose of determining the number of taxicabs to be authorized by a master permit; renumbering §323.14 as §323.061, F.S.; creating §323.065, F.S., providing for grant of temporary authority when an immediate and urgent need requires same; providing for grant of emergency temporary authority without notice and hearing; providing for grant of temporary authority following application, notice and hearing; providing for extension of temporary authority pending disposition of application for permanent authority; amending §323.042, F.S., prohibiting the acquisition of multiple transportation authority, and renumbering the same §323.071, F.S.; amending §323.041, F.S., requiring prior approval of public service commission for transfer of certificate or permit, and renumbering the same §323.075, F.S.; requiring finding that certificate or permit sought to be transferred has not been dormant for a period of six months; providing that no filing fee need accompany protests to joint application involving transfer of a permit; creating §323.081, F.S., providing procedures for hearings held by the public service commission; prescribing qualifications of hearing examiners of the commission; prescribing contents of orders; creating §323.085, F.S., requiring filing of rates, fares, charges, classifications and schedules, if any, by common and contract carriers; specifying filing fees for rate applications and tariff filings; giving public service commission power to adopt rules governing the filing of tariffs, methods of changing tariffs, investigation and suspension of proposed changes, and public hearings with respect thereto; prohibiting general rate increases without public hearing; prohibiting variations from filed and approved rates; prohibiting rebates and free transportation, except as specifically provided; providing exemption of armored car services and common carriers of road building and construction aggregates from tariff filing requirements; exempting from tariff filing requirements common carriers of houses which transport buildings intact or cut-up, agricultural and horticultural commodities which are processed (but not manufactured), and carriers which transport machinery and appliances for compensation incidental to an existing and continuing primary business of repair or installation of such appliances and machinery; exempting common carriers authorized or seeking to transport newspapers from rate and tariff requirements; renumbering §323.36, F.S., as §323.087, F.S.; amending §323.09, F.S., providing that unlawful operations may be enjoined; providing penalties for violations of the provisions of part I of chapter 323; amending §323.10, F.S.,

relating to dormancy and revocation of certificates; providing that public service commission shall hold hearing prior to revocation of a certificate; amending §323.20, F.S., relating to temporary suspension of permits and certificates and issuance of special licenses, and renumbering the same §323.141, F.S.; amending §323.17, F.S., providing qualifications of drivers and renumbering the same §323.152, F.S.; renumbering §323.18, F.S., as §323.161, F.S.; amending §323.15, F.S., providing that road tax is deemed to be compensatory for the use of state highways and renumbering the same §323.171, F.S.; providing time for collection of road tax from motor carriers; specifying amount of road taxes payable by motor carriers for each vehicle which travels over the public highways of this state; providing for issuance to motor carriers of evidence of payment of road tax; providing method for pro-ration of amounts due for road tax; providing that road tax shall be in lieu of all other taxes and fees of every kind, except those specifically enumerated; amending §323.151, F.S., providing for payment of fees and taxes by common carriers and limited common carriers of road building and construction aggregates, and renumbering the same §323.181, F.S.; amending §323.16, F.S., relating to the disposition of moneys collected under part I of chapter 323 and renumbering the same §323.195, F.S.; amending §323.22, F.S., relating to registration and identification of vehicles; providing for transfer of identifying devices pursuant to rules adopted by the commission; amending §323.33, F.S., relating to fees required to be paid on miscellaneous applications and renumbering the same §323.231, F.S.; amending §323.28(4), F.S., deleting requirements to be complied with by common carriers of passengers certificated by the interstate commerce commission prior to making occasional charter trips in the state in interstate commerce; amending §323.29, F.S., providing exemptions from provisions of part I of chapter 323; creating §323.291, F.S., providing that persons engaged in activities for compensation heretofore exempted from the provisions of chapter 323 may continue such activities beyond the effective date hereof provided such persons make application to the public service commission for a certificate, permit or license prior to December 31, 1973; creating §323.315, F.S., relating to brokers of passenger transportation; requiring persons engaged in business of a passenger transportation broker to obtain a license from the Florida public service commission; prohibiting broker from employing a motor carrier which is not certificated by the commission; providing that fees charged by broker shall not exceed published and approved tariff rate of carrier performing such service; providing for issuance of license; specifying form and contents of application for license, and the filing fee to accompany such application; requiring annual renewal of license; providing for suspension or revocation of license, or imposition of fine, following notice by commission and opportunity for hearing; prohibiting transfer or assignment of license; commission given power to prescribe rules and regulations governing brokers of passenger transportation, and to require bond or other security; commission given power to inspect books, records and accounts of passenger transportation brokers; repealing §§323.03, 323.031, 323.04, 323.05, 323.06, 323.07, 323.08, 323.19, 323.191, 323.21, 323.23, 323.24, 323.25, 323.27 and 323.35, F.S.; providing a severability clause; providing an effective date.

—was read the second time by title.

On motion by Senator McClain, Prentice Pruitt, Chief Staff Counsel, and A. D. Pooser, Director of Transportation, Public Service Commission, were granted privileges of the floor during consideration of SB 681.

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

**Amendment 1**—On page 44, line 20 strike all of subsection (1) and insert: (1) The commission may prescribe qualifications for the appointment of hearing examiners and the procedure before hearing examiners, provided, however, that the commission shall not be bound by the findings of fact or conclusions of law of such hearing examiners, and shall have authority to take additional testimony and evidence, and to grant and hear oral arguments and rehearings in all cases. Hearings may be held before the commission, a commissioner designated by the commission or a hearing examiner of the commission at its offices in Tallahassee or at any other point in the state.

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

**Amendment 1a**—On line 7—After the period insert: If the commission shall for any reason fail or refuse to accept an order recommended by a hearing examiner, it shall schedule and hold a new hearing for the development of testimony and evidence and it shall reconsider the entire proceeding de novo, in which case the recommended order of the hearing examiner shall be without further effect.

Amendment 1a failed by the following vote:

Yeas—12

Firestone	Graham	Poston	Williams
Gillespie	Myers	Sykes	Wilson
Gordon	Pettigrew	Vogt	Winn

Nays—19

Barron	Henderson	Peterson	Trask
Brantley	Johnston	Plante	Ware
Childers	Lane (23rd)	Saunders	Weber
de la Parte	Lewis	Sims	Zinkil
Gruber	McClain	Smathers	

Amendment 1 was adopted.

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

**Amendment 2**—On page 48, line 9 through 18 strike all of subsection (4) and insert: (4) The provisions of subsections (1), and (2) and (3) of this section, and the provisions of section 323.032 (1) (d) with respect to abiding by all tariffs and classifications which may be prescribed by the commission shall not be applicable to common carrier armored car services now or hereafter holding certificates of public convenience and necessity authorizing the transportation of money, securities, and other valuables; and such carriers, because their transportation is more or less incidental to the protective services afforded, require separate negotiation with each person desiring to make use of their services, shall be termed limited common carriers, and such carriers shall not be restricted with requirements for domiciling equipment, when their equipment is used in transportation that is under the jurisdiction of the commission.

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

**Amendment 3**—On page 48, line 19 through 23, strike all of subsection (5) and insert: (5) The provisions of subsections (1), (2) and (3) of this section, and the provisions of section 323.032(1)(d) with respect to abiding by all tariffs and classifications which may be prescribed by the commission, shall not be applicable to common carriers of road building and construction aggregates and holders of such certificates shall not be restricted with any requirements for domiciling equipment. The vote was:

Yeas—16

Barron	Gruber	McClain	Smathers
Brantley	Henderson	Peterson	Trask
Childers	Johnson	Plante	Ware
de la Parte	Lane (23rd)	Poston	Weber

Nays—10

Firestone	Lewis	Stolzenburg	Wilson
Gordon	Myers	Sykes	
Graham	Pettigrew	Vogt	

The Committee on Commerce offered the following amendment which was adopted on motion by Senator McClain.

**Amendment 4**—On pages 48-49, beginning with line 24 on page 48 strike all of subsection (6) and insert: (6) The provisions of subsections (1), (2) and (3) of this section, and the provisions of section 323.032(1)(d) with respect to abiding by all tariffs and classifications which may be prescribed by the commission, shall not be applicable to common carriers

of houses which transport buildings intact or cut-up, agricultural or horticultural products which are or have been processed (but not manufactured), and carriers who transport machinery or appliances for compensation incidental to an existing and continuing primary business of repair or installation of such appliances and machinery.

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

**Amendment 5**—On page 49, line 5, immediately after section 323.032(1)(d) insert: with respect to abiding by all tariffs and classifications which may be prescribed by the commission,

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

**Amendment 6**—On page 53, line 4, after "carrier" insert: or freight forwarder

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

**Amendment 7**—On page 53, line 18 after "carrier" insert: or freight forwarder

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

**Amendment 8**—On page 58, line 8, strike *Twenty-five* ~~Fifteen~~ and insert: Fifteen

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

**Amendment 9**—On page 58, line 11, strike *Twenty-five* ~~Fifteen~~ and insert: Fifteen

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

**Amendment 10**—On page 58, line 18, strike *fifty* ~~forty~~ and insert: forty

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

**Amendment 11**—On page 58, line 27, strike *Twenty-five* ~~Ten~~ and insert: Ten

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

**Amendment 12**—On page 64, line 4, strike *Twenty* ~~Ten~~ and insert: Ten

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

**Amendment 13**—On page 65, line 20, strike *twenty-five* ~~ten~~ and insert: ten

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

**Amendment 14**—On page 53, lines 22-27 beginning after the word "involved", reinstate all language that is stricken down to the end of sentence on line 27.

Senator McClain offered the following substitute amendment which was adopted:

**Amendment 15**—On page 53, lines 22-25, beginning after the word "involved", reinstate all language that is stricken down to the word "files" on page 25.

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

**Amendment 16**—On page 29, line 11, after line 11, insert a new subsection (d) to read as follows: (d) All of the provisions of subsections (b) and (c) herein shall apply with full force and effect to any chartered county which elects to franchise, license, permit and regulate taxicabs and taxicab operations on a county-wide basis and whose authority shall be in lieu of the power and authority of municipalities, cities, and towns within such county to franchise, license, permit and regulate taxicabs and taxicab operations within their respective municipal and suburban areas.

On motions by Senator McClain, consideration of Amendments 17 and 18 by Senator Deeb was deferred.

On motion by Senator Henderson the following amendment was adopted:

**Amendment 19**—On page 20, line 19, strike the period, add a comma and insert: provided, however, applications for contract carrier authority authorizing the transportation of furniture and appliances for a dealer within a fifty (50) mile radius of the dealer's place of business, and when such carriage is limited to the use of not more than two (2) trucks, shall be accompanied by a filing fee of one hundred dollars.

On motion by Senator Brantley the following amendment was adopted:

**Amendment 20**—On page 10, strike all of line 24 and insert: *transportation of persons over the public highways, streets, roads, and ways, in this*

On motion by Senator Brantley the following amendment was adopted:

**Amendment 21**—On page 11, strike all of line 1 and insert: *streets generally of a municipality and its suburban territory with occasional unsolic-*

On motion by Senator Deeb the following amendment was adopted:

**Amendment 17**—On page 15, line 8, strike the period following the word "act" and insert: *, or to any motor carrier engaged solely in transporting property for compensation intrastate.*

The vote was:

**Yeas—17**

Childers	Graham	Plante	Vogt
Deeb	Johnson	Sayler	Wilson
Firestone	Johnston	Scarborough	
Gallen	Lewis	Sims	
Gordon	Pettigrew	Stolzenburg	

**Nays—16**

Mr. President	Glisson	Myers	Trask
Brantley	Gruber	Peterson	Ware
de la Parte	Lane (23rd)	Poston	Winn
Gillespie	McClain	Smathers	Zinkil

Senator Deeb moved the adoption of the following amendment:

**Amendment 18**—On page 19, lines 12 and 21, strike "on property" and on page 20, line 5, strike "or freight"

Senator Glisson moved that further consideration of SB 681 as amended be deferred.

Senator Plante moved as a substitute motion that consideration of SB 681 be deferred and placed on the Special Order Calendar Monday, May 14, as the first bill for consideration. The motion failed.

Senator Brantley moved as a substitute motion that SB 681 be removed from the calendar and recommitted to the Committee on Commerce. The substitute motion failed to receive the necessary two-thirds vote for adoption. The vote was:

**Yeas—22**

Mr. President	Gruber	Plante	Ware
Barron	Johnson	Poston	Williams
Brantley	Lane (23rd)	Sims	Winn
de la Parte	McClain	Smathers	Zinkil
Gillespie	Myers	Sykes	
Glisson	Peterson	Trask	

**Nays—14**

Childers	Graham	Pettigrew	Vogt
Deeb	Henderson	Sayler	Wilson
Firestone	Johnston	Scarborough	
Gordon	Lewis	Stolzenburg	

The motion by Senator Glisson was adopted by the following vote:

**Yeas—23**

Mr. President	Gruber	Poston	Ware
Barron	Johnson	Saunders	Weber
Brantley	Lane (23rd)	Sims	Williams
de la Parte	McClain	Smathers	Winn
Gillespie	Peterson	Sykes	Zinkil
Glisson	Plante	Trask	

**Nays—15**

Childers	Graham	Myers	Stolzenburg
Deeb	Henderson	Pettigrew	Vogt
Firestone	Johnston	Sayler	Wilson
Gordon	Lewis	Scarborough	

**SR 1335—A resolution in observance of Mother's Day.**

WHEREAS, the Creator has given to each of us one upon whom we bestow the magical name of "Mother", and

WHEREAS, we would upon this May 13, 1973, nationally acclaimed as Mother's Day, pay homage to her influence in our respective lives—in sacred memory and grateful acknowledgment of this steadfast Pillar about and upon which our lives flow and rest, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That we, the members of The Florida Senate in Session Assembled, do hereby declare to our respective mothers our love and affection, our gratitude for the love by which we were brought into being, for the devotion and untiring patience of our infancy, for the inspiration and guidance that attended us in our adolescence, and for the security and balance afforded us in our efforts toward the goals of good citizenship.

BE IT FURTHER RESOLVED that our esteem be noted for all of the mothers of the world, for their influence has been as a part of the mantle placed about our shoulders by our own—and that the Senate stand in a moment of silent prayer for the mothers of the members of this Body, past and present, and for all the mothers of the world.

BE IT FURTHER RESOLVED that this Resolution be spread upon the Journal of the Florida Senate.

—was read the second time in full. On motion by Senator Horne SR 1335 was unanimously adopted.

**RECONSIDERATION**

The President ruled as follows on the collateral motion by Senator Vogt to reconsider amendment 7 to SB 798:

President: To the point of order raised by me yesterday (as to SB 798): This is a precedent I haven't been able to find in either the House or the Senate. Let me recapture for the journal because the ruling will only make sense in the context of the entire picture: Senate Bill 798 which was the abortion bill by Senator Myers, was amended on its second reading and had passed on to the calendar of bills on third reading by virtue of the passage of a constitutional day. Senator Vogt moved to reconsider the vote by which Amendment 7 was adopted (when the bill was on its second reading and engrossed after its second reading, pursuant to the rule of engrossment.) The day passed and, under the Constitution, it was on the calendar of bills available for third reading but it had not been read the third time. The amendment to which his motion to reconsider alluded was engrossed and therefore had become a part of the entirety of the bill. The question presented by Senator Vogt was the involvement of Rule 6.7 which compels us, on a motion to reconsider a collateral matter, to dispose of it during the course of the consideration of the main subject to which it is related. I was inclined at the moment Senator Vogt presented this new

By Senators Henderson, Ware, Saylor and Gillespie—

**Senate Resolution 884**

A Senate Resolution in Memoriam Dennis James Patrick O'Grady.

WHEREAS, in the short span accorded him upon the stage of life, he more than filled the "unforgiving minute with sixty seconds worth of distance run", and

WHEREAS, as if by prescience pressed, he lavished time and talent in striving toward those goals upon which the eyes of all great men are ever fixed, and

WHEREAS, ere the "one clear call" came for him in his young gallantry to "put out to sea" (March 29, 1972), his achievements were such as to afford inspiration to youth, to contemporary and to posterity alike, and

WHEREAS, we would in acknowledgment record a measure thereof, and—while "no moaning of the bar" would he have importuned—a tear, to commingle with the flood which flows for him, "the doubly dead in that he died so young", from family, friend and all who knew him best, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That this Resolution be spread upon the Journal of the Florida Senate—

**IN MEMORIAM**

**DENNIS JAMES PATRICK O'GRADY**

—who was born in Brooklyn, New York, December 9, 1943, the son of Alice McLaughlin and Harry O'Grady, who survive him. At the age of two years he became a resident of the State of Florida, when his parents moved to St. Petersburg. He attended the public schools of Pinellas County and was graduated from Bishop Barry High School, St. Petersburg in 1961. In 1962, at the age of 19, with a five hundred dollar loan obtained from his father, he moved to Inverness and successfully ventured into business for himself as a building contractor and nurseryman. Although born to a long line of Democrats, he became a "Goldwater Republican", zealously embracing the interests of the Republican Party. He very soon became a leader in his adopted community, becoming the youngest president of the Inverness Junior Chamber of Commerce, state chairman of the Jaycees Operation Free Enterprise Project, president of the Inverness Retail Merchants Association, vice president of the Citrus County Humane Society, member of the Citrus County Friends of the Library Association and member of the Florida Industrial Council.

On April 4, 1967, at the age of 23, he took the oath of office as Senator from the 15th Senatorial District, then comprised of Citrus, Hernando, Lake, Sumter and Volusia Counties, setting a record which still holds as a first on two counts, viz.: the first Republican ever to be elected to public office from Citrus County, and the second, the youngest member ever to be seated in the Florida Senate. His service in the Senate began with the 1967, April 4-July 14 Regular Session extended, followed by the July 24-July 28 Extraordinary Session called for Junior College funding and crime fighting legislation; the Special Sessions of July 31-August 19, Constitutional Revision; August 21-September 1, Constitutional Revision; 1968, the January 29-February 16 Special Session called on the subject of education and the June 24-July 3 Special Session called for Constitutional Revision and funding for the Florida School for the Deaf and the Blind.

As a Senator, a well nigh perfect attendance record, strict attention to legislative duties, coupled with an affable disposition devoid of ostentation, soon dispelled any shadow which "nonage" may have cast upon him in the minds of contemporaries. He counted his firm friends among the Democratic as well as the Republican membership. He was a member of the Roman Catholic Church, recreation: hunting, swimming and tennis.

In 1968 he became a resident of Daytona Beach, where he was president and owner of Southeastern Projects, Inc., a public relation firm. He was married to Miss Carolyn Hamilton of that city on November 10, 1968. She and their four year old daughter, Kelly, survive him.

The Republican Party was ever the object of his avid interest and dynamic activity and to it he gave leadership as Chairman and as Executive Director of the Young Republicans of Florida, service on the Executive Board of the National Federation of Young Republicans and alternate delegate from the State of Florida to the 1968 Republican National Convention. He gave state leadership as executive director of the Florida Conservative Union, Chairman of the Florida Young Americans for Freedom, and was currently serving with (now Mr. President) Senator Mallory E. Horne as co-chairman of the Advisory Board for Florida Young Americans for Freedom. It was recounted at the time of his accidental demise that he had "been working\* seven days and seven nights on the phone trying to cut out some cancers\* in the state Young Republicans". And so to him in his twenty-eight years of life we ascribe the lines: "We live in deeds, not years; in thoughts, not breaths, in feelings, not in figures on a dial. We should count time by heart throbs. He most lives who thinks most, feels the noblest, acts the best." So brightly enshrined in the memories of the many he served so faithfully and so well, loved by friend and adversary, he has left the comfort of that "learned, in hours of faith, The truth to flesh and sense unknown, That Life is ever lord of Death, and Love can lose its own!"

**BE IT FURTHER RESOLVED** that a copy of this Resolution, duly attested by the President and the Secretary of The Florida Senate, under the Senate Seal, be presented to Mrs. Dennis J. Patrick O'Grady, Miss Kelly O'Grady, Mr. and Mrs. Harry O'Grady, Mrs. Carol Knoop, and Mr. Jack O'Grady, widow, daughter, father and mother, sister and brother, respectively, together with the condolences of this Senate Body in the demise of our esteemed and cherished former colleague, Senator Dennis J. Patrick O'Grady.

question to say that since the bill was on its third reading and amendments still available, that the main subject was there and so was the motion as it was a collateral matter. The motion to reconsider would still prevail. After careful consideration of the proposition and discussion with some of you of the rather pure parliamentary interpretation of that, I have concluded and do rule that the motion to reconsider an amendment adopted on second reading will not carry over to and be available on its third reading. One inescapable and compelling reason: If an amendment is adopted on second reading by a strong majority of the Senate, but yet by not quite two-thirds, and then the measure goes to third reading by virtue of the passage of a constitutional day, there is no way to get back to second reading except by a two-thirds vote. So if the motion to reconsider were available on third reading and adoptable by majority vote, then the proponent of the successful amendment would be placed in the impossible posture of having to recapture a favorable vote for his amendment . . . not on the basis of a majority vote but by two-thirds vote. Thereby the entire body of our rules that go to the differing pressures of the adoption of amendments would be circumvented. This ruling accords most with the entirety of our complex rules of parliamentary procedures. So I rule, for precedent that the motion to reconsider would have to have been made—under Rule 6.7—while the bill was on its second reading. Senator Vogt's motion to reconsider is not in order.

**The President presiding.**

On motion by Senator Henderson, the rules were waived and time of adjournment was extended until final action on SR 884.

SR 884—A Senate Resolution in Memoriam Dennis James Patrick O'Grady.

—was read the second time in full. On motion by Senator Henderson SR 884 was adopted.

**Yeas—38**

Mr. President	Gillespie	Johnston	Plante
Barron	Glisson	Lane (23rd)	Poston
Brantley	Gordon	Lewis	Saunders
Childers	Graham	McClain	Sayler
Deeb	Gruber	Myers	Scarborough
de la Parte	Henderson	Peterson	Sims
Firestone	Johnson	Pettigrew	Smathers

Stolzenburg	Vogt	Williams	Zinkil
Sykes	Ware	Wilson	
Trask	Weber	Winn	

Nays—None

On motion by Senator Lewis, HB 739 was withdrawn from the Committee on Agriculture by two-thirds vote and placed on the calendar.

On motion by Senator Williams, HB 1245 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

By unanimous consent Senator Sykes changed his vote from nay to yea on the passage of CS for SB 592 on May 8.

Senator Saunders announced the cancellation of a meeting of the Committee on Ways and Means scheduled this day at 5:00 p.m.

On motion by Senator Saunders, Rule 2.5 was waived and the Ways and Means Select Committee on Fair Assessment was granted permission to meet this day at 5:00 p.m. to consider HB 1331 and SB 830.

On motions by Senator Saunders, Senate Bills 150, 162 and 163 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motion by Senator Williams, SB 528 was withdrawn from the Committee on Ways and Means by two-thirds vote and referred to the Committee on Rules and Calendar.

The Journal of May 9 was corrected and approved.

**CO-INTRODUCER**

By permission Senator Wilson was recorded as a co-introducer of Senate Bills 901 and 1187.

On motion by Senator Barron, the Senate adjourned at 12:23 p.m. to convene at 2:00 p.m. May 14, 1973.