

# JOURNAL OF THE FLORIDA SENATE

Tuesday, May 15, 1973

The Senate was called to order by the President Pro Tempore at 9:00 a.m. A quorum present—31:

Barron	Gruber	Poston	Vogt
Brantley	Henderson	Saunders	Ware
Childers	Johnson	Sayler	Weber
de la Parte	Lane (23rd)	Scarborough	Williams
Firestone	Lewis	Sims	Wilson
Gallen	Myers	Smathers	Winn
Gillespie	Peterson	Stolzenburg	Zinkil
Graham	Plante	Sykes	

SB 798	SB 606	SB 484	CS for HB 349
SM 109	SB 608	SB 640	HB 826
SB 675	SB 609	SB 529	SB 296
SB 553	SB 901	SB 678	
SB 835	SB 1187	SB 679	
HB 185	SB 975	SB 680	

*Respectfully submitted,  
Dempsey J. Barron, Chairman*

The Committee on Criminal Justice recommends the following pass:

HB 296 SB 167 with 6 amendments  
HB 977 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: HB 1180

The Committee on Transportation recommends the following pass:

HB 455 HB 1089 HB 1311  
HB 191 HB 1310 HB 1312

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

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 168

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following:  
SB 571 SB 593

The Committee on Transportation recommends a Committee Substitute for the following: SB 1112

The Committee on Transportation recommends a Committee Substitute for the following: SB 877

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

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 102

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

The Committee on Governmental Operations recommends a Committee Substitute for the committee substitute for SB 817 recommended by the Committee on Criminal Justice.

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

The Committee on Transportation recommends the following not pass: CS for HB 658

The bill was laid on the table.

## ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred CS for SB 484 with 6 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 pending roll call.

Your Engrossing Clerk to whom was referred SB 633 with 1 amendment reports that the House amendment has been incorporated and the bill is returned herewith.

*ELMER O. FRIDAY, Secretary*

The bill was ordered enrolled.

Senator Trask was recorded present at 9:02 a.m., Senators Deeb, Glisson and Gordon at 9:05 a.m.; Senator McClain at 9:10 a.m., Senator Johnston at 9:25 a.m., Senator Pettigrew at 9:30 a.m., Senator Lane (31st) at 10:00 a.m.

Excused: Senator Horne in discharge of administrative duties of the Senate, Senator Saunders at 9:15 a.m. until 4:15 p.m. for the purpose of working on the general appropriations bill, Senator Gallen at 9:45 a.m. until 11:25 a.m. for the purpose of attending a meeting of the Division of Pollution Control.

Dr. Robert M. McMillan, Senate Chaplain, introduced the Most Reverend Coleman F. Carroll, D.D., Archbishop of Miami who delivered the following prayer:

Almighty and eternal God, your assurance, through the words of your prophet Isaiah, that "the Lord is our judge, the Lord is our lawgiver—*He it is who will save us*" comforts us in these days when the separation of powers in civil government has become so sensitive an issue. It enables us to realize that in our imperfect and complex world, mere man cannot expect perfectly to exercise all the powers that are needed to protect our citizens in their rights and to promote the general welfare of the community.

As lawgivers and legislators, we have a limited but great function and responsibility. We ask you, O God, to enlighten us, lest we fail properly to discharge our duties. We know that such a failure is fraught with peril for your people.

Let us clearly acknowledge and accept the challenge that faces us. We need your aid to *realize*, in both the speculative and practical meaning of that word, that of all the rights of the people of this state that we must safeguard, *the right to life* is the most sacred and supreme. If we do not protect the inalienable right to life of all beings in our state, *all other safeguards are meaningless*.

We must be firmly dedicated to the proposition that unless we possess the wisdom and compassion needed to *legislate justly* in protecting the lives of the *innocent*, the weak, the voiceless, the defenseless, we will commit the ultimate injustice and give the lie to the very purpose of our existence as a legislative body.

Let us frequently pray for a great awareness of our duty, for we know that without protective legislation the unborn, the defective, the sick, the exceptional, the underprivileged, the aged, will have no legal protection and will be at the mercy of the proponents of eugenic murder—who have shown that they have no mercy.

We pray for the spirit of wisdom, compassion and love and we confidently ask these blessings of you, our Heavenly Father, that we may—however imperfectly—share in the accolade the psalmist gave to those who enact wise laws and judge justly when he said: "He shall govern your people with justice and your afflicted ones with judgment. The mountains shall yield peace for the people, and the hills justice. He shall defend the afflicted among the people, save the children of the poor, and crush the oppressor." (Ps. 72:2-4)

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Tuesday, May 15, 1973:



Thomas J. Clark  
Pilot Commissioner, Port  
of Fernandina Beach,  
Fernandina Beach,  
Term ending September 27, 1973

The following new appointments have been made to the Pilot Commission, Port of Fernandina Beach:

Arthur I. Jacobs  
Fernandina Beach,  
Term ending September 27, 1973

Eldridge Partin  
Fernandina Beach,  
Term ending September 27, 1973

Andrew S. Allan, III  
Fernandina Beach,  
Term ending September 27, 1973

It would be appreciated if the Senate would take up the confirmation of these appointments during the current session of the Florida Legislature.

*Sincerely,*  
**REUBIN ASKEW**  
Governor

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Mallory E. Horne, President* May 14, 1973

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

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

CS for HB's 168, 228, & 269—A bill to be entitled An act relating to state employees; authorizing the establishment of policies to provide terminal "incentive" sick leave pay for accumulated sick leave; relating to the Florida retirement system; amending §121.021(24), Florida Statutes, prohibiting the payment for accumulated sick leave from being calculated in the average final compensation for retirement purposes; providing conditions; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB's 168, 228 and 269, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Mallory E. Horne, President* May 14, 1973

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

By the Committee on Education and Representatives Earle and MacKay—

CS for HB 157—A bill to be entitled An act relating to public education; amending sections 228.041(9), 228.041(10), Florida Statutes, 1972 Supplement, relating to instructional personnel and administrative personnel, and sections 231.36(1), and 231.36(3) (a), Florida Statutes, 1972 Supplement, and adding paragraphs (f) and (g) to said subsection (3), relating to contracts with instructional staff; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 157, 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 11, 1973

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

By the Select Committee on Military & Veterans Affairs and Representative Craig and others—

HB 1128—A bill to be entitled An act relating to the military code; amending §250.31, Florida Statutes, 1971, to provide for defense of actions or proceedings against members of the organized militia while in the active service of the state through the department of legal affairs at state expense; providing for costs and attorney's fees; authorizing a defendant to be ordered to state active duty during the defense of such actions or proceedings; providing an effective date.

By Representative Turlington—

HB 1295—A bill to be entitled An act relating to taxation; amending §§220.03(1)(h) and (2)(c) and 220.13(1)(a), Florida Statutes, 1972 Supplement, relating to definitions applicable to corporate income taxation, to redefine the terms "Internal Revenue Code" and "adjusted federal income"; providing an effective date retroactive to January 1, 1973.

By Representative Harris—

HB 1320—A bill to be entitled An act relating to taxation; amending subsections (2) and (5) and adding new subsection (6) of section 194.181, Florida Statutes, to clarify the parties involved in tax suits; providing that the attorney for the defendant county officer shall upon request represent the state official with no additional compensation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1128, contained in the above message, was read the first time by title and placed on the calendar without reference.

HB 1295, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1320, contained in the above message, was read the first time by title and placed on the calendar without reference.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By the Committee on Elections and Representatives Hector and Harris—

CS for HB 607—A bill to be entitled An act relating to elections; voting system; creating the electronic voting systems act; providing definitions; providing for approval of electronic or electromechanical voting systems by the secretary of state and establishing standards therefor; authorizing the adoption and use of approved systems by boards of county commissioners; providing for rule-making by the secretary of state; providing ballot format and requirements; requiring that certain tests be conducted on all tabulating equipment; providing for the canvassing of returns and the handling of ballots; providing recount procedures; amending the introductory paragraph to §101.28, Florida Statutes, to change rule-making authority from the division of purchasing of the department of general services to the division of elections of the department of state and to include electronic and electromechanical voting systems within such rule-making authority; amending §101.292(2), Florida Statutes, by including electronic voting systems in the definition of voting equipment; amending §§101.293 and 101.294, Florida Statutes, to provide prior approval and general supervision by the division of elections of the department of state for certain voting equipment transactions and providing an additional standard therefor; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 607, 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 11, 1973

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

By the Committee on Finance & Taxation—

HB 1955—A bill to be entitled An act relating to the mailing of motor vehicle license plates and registrations; amending §320.031(2), Florida Statutes; providing a fee; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1955, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By the Committee on Appropriations—

HB 1958—A bill to be entitled An act relating to shorthand court reporters; amending Section 457.13, Florida Statutes, to provide that all fees collected and charged under chapter 457, Florida Statutes, shall be deposited in the general revenue fund rather than into a separate trust fund; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1958, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By the Committee on Insurance and Representative Craig—

CS for HB 833—A bill to be entitled An act relating to insurance; creating Part XVI of chapter 627, Florida Statutes, consisting of sections 627.925-627.932 entitled funeral insurance; amending section 626.785(1)(d), Florida Statutes, 1971; prohibiting all persons regulated under chapter 470, Florida Statutes, from being licensed to sell life insurance; providing a definition of funeral insurance; providing for the designation of primary and secondary beneficiaries; providing for change of secondary beneficiary; providing for regulation of payment of contract proceeds; providing maximum amount of such insurance to be issued; providing for the exclusion of certain cemetery products and services; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 833, contained in the above message, was read the first time by title and placed on the calendar without reference.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Harris—

HB 1317—A bill to be entitled An act relating to taxation; repealing subsection (2) of section 195.101, Florida Statutes,

which provides that the department of revenue shall determine whether municipalities are assessing real and tangible personal property in accordance with law; providing an effective date.

By Representative Tucker (By request)—

HB 314—A bill to be entitled An act relating to the regulation of labor organizations; amending sections 20.16(10) and 20.17, Florida Statutes, providing for the transfer of certain powers, duties, and functions of the division of general regulation of the department of business regulation to the division of labor and employment opportunities of the department of commerce; repealing subsection 20.16(11), Florida Statutes, relating to the labor business agents licensing board; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1317, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 314, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Kiser—

HB 1568—A bill to be entitled An act relating to the Florida board of massage; adding a new subsection (2) to section 480.04, Florida Statutes, authorizing the board to promulgate rules and regulations; providing an effective date.

By the Committee on Agriculture & Citrus—

HB 1895—A bill to be entitled An act relating to milk and milk products; amending section 502.012 (29) and (30), Florida Statutes, defining cottage cheeses; amending section 502.041(6), Florida Statutes, relating to labeling percentage of butterfat; providing an effective date.

By the Committee on Appropriations—

HB 1956—A bill to be entitled An act relating to the department of health and rehabilitative services, division of retardation; providing an appropriation from the general revenue fund for air conditioning completion; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1568, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

HB 1895, contained in the above message, was read the first time by title and referred to the Committee on Agriculture.

HB 1956, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Webb and others—

HB 821—A bill to be entitled An act relating to the practice of public accounting; amending Section 473.021, Florida Statutes, to provide that neither certificates nor special permits are required to perform certain services, amending Section 473.06, Florida Statutes, to provide for the confidentiality of certain records in order to protect rights of privacy; amending Sub-

sections 473.08(4)(b) and (c), Florida Statutes, to provide that certain courses need not be taken at certain schools; amending Section 473.141, Florida Statutes, to provide for the use of certain confidential records in disciplinary investigations, proceedings, and judicial review; amending Section 473.281, Florida Statutes, relating to the employment of felons and certain other persons; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 821, 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 11, 1973

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

By the Committee on Finance & Taxation and Representative Turlington—

CS for HB 1589—A bill to be entitled An act relating to the collection of ad valorem taxes; amending §§197.012, 197.016, 197.056, 197.062(2), 197.072(1) and (2), 197.076, 197.082, 197.106(1) and (2), 197.116(3) and (4) and adding subsection (6) thereto, 197.121(1), 197.132, 197.136, 197.151, 197.156(1), 197.176, 197.181, 197.186, 197.191, 197.201, 197.216, 197.236(1), (2), and (5), 197.241, 197.246, adding subsection (2) to §197.266, amending §§197.256, 197.261, 197.271, 197.291(2), 197.302(1), 197.311, 197.351, 197.356(4) and adding subsections (5), (6), (7), (8), and (9) thereto, all Florida Statutes, 1972 Supplement; adding a new section to chapter 95, Florida Statutes; transferring §197.286, Florida Statutes, 1972 Supplement, to chapter 95, Florida Statutes, and amending said section; amending §125.39, Florida Statutes, 1971; transferring and renumbering §197.251, Florida Statutes, 1972 Supplement, as subsection (2) of §197.246, Florida Statutes; amending §§173.01, 193.102(1), and §193.481(6), all Florida Statutes, 1971; providing for time of discounts; providing for distributions of taxes collected providing for collections on railroad spurs; providing statutes of limitation for tax liens, certificates, and suits for recovery of land acquired by tax deed; providing that chapter 197 is the exclusive means of enforcing a tax certificate; providing an interest rate on personal property; providing for a single certificate per year; providing a fee to the tax collector for redemptions, purchases of county certificates and omitted years taxes; clarifying the minimum five percent (5%) charge on certificates; providing for distribution of unclaimed redemption money and sale proceeds; providing for procedural requirements and duties in the redemption of tax certificates; providing for the time and methods of enforcing tax certificates; providing for sales of property at public auction; providing for notices; providing for distribution of proceeds of sales; providing for a method for sale of property acquired by the county through tax proceedings; providing for implementation procedures; repealing §197.465(2), Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.141(3), Florida Statutes, 1972 Supplement, §197.236(3) and (6), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.291(3), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.610, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.316, Florida Statutes, 1972 Supplement, §197.615, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.321, Florida Statutes, 1972 Supplement, §197.680, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.331, Florida Statutes, 1972 Supplement, §197.665, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.336, Florida Statutes, 1972 Supplement, §50.061(6), Florida Statutes, 1971, §193.481(4), Florida Statutes, 1969, appearing as §193.481(5), Florida Statutes, 1971, §§211.14, 211.15, and 211.16, Florida Statutes, 1971, which provided for payment of other taxes upon transfer of tax certificates, authority to transfer certain twenty (20) year old municipal certificates, cancellation of twenty (20) year old certificates by the clerk, limitations on actions where grantee of a tax deed has paid taxes for twenty (20) years, limitations where a patent has not been issued prior to assessment, termination of rights upon entry of a final judgment in the county, the distribution of proceeds, inapplicability of chapter 50 to tax notices, disposition of unclaimed funds in the hands of the

clerk, applicability of general law to certain subsurface rights, certificates and deeds on surface rights, and local acts and general acts of local application to the extent they conflict with chapter 197; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1589, contained in the above message, was read the first time by title and referred to the Committees on Transportation and Ways and Means.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Forbes—

HB 1024—A bill to be entitled An act relating to court costs; amending §57.071, Florida Statutes, adding subsection (3) thereto; providing for the recovery of certain costs of trial preparation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1024, 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 11, 1973

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

By Representative Harllee—

HB 1419—A bill to be entitled An act relating to Savings and Loan Associations; amending section 665.361(1), Florida Statutes, to make bankers acceptances which are eligible for purchase by federal reserve banks permissible investments for associations; amending section 665.361(2), Florida Statutes, to make clear that certain corporate obligations are permissible investments; amending section 665.191(4), Florida Statutes, to repeal the requirement that an association close its books on June 30 of each year; amending section 665.441(3), Florida Statutes, to correct a statutory reference therein; amending section 665.101, Florida Statutes, authorizing reasonable charges for early withdrawals of classified savings accounts; amending section 665.231(5), Florida Statutes, increasing the dollar amount of inducements that can be given by associations to fifteen dollars (\$15.00) if approved by the department; adding new section 665.442, Florida Statutes, empowering an association to establish and operate facilities so authorized by the department other than a home office or branch office; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1419, 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 11, 1973

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

By the Committee on Community Affairs and Representative Poorbaugh—

CS for HB 1621—A bill to be entitled An act relating to county charter commissions; amending §125.61(2), Florida Statutes, 1971, which relates to the method of appointment to fill vacancies on charter commissions; amending §125.63, Florida Statutes, 1971, which relates to proposal of county charters to provide that the time by which a proposed charter

must be presented to the board of county commissioners may be extended by appropriate resolution of the board of county commissioners; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1621, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

*The Honorable Mallory E. Horne, President*      **May 11, 1973**

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

By Representative Harlee—

HB 1420—A bill to be entitled An act relating to savings and loan associations; adding §665.215, Florida Statutes, granting authority to the department of banking and finance to authorize state chartered associations to exercise the same powers as federally chartered associations; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1420, 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 11, 1973**

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

By the Committee on Appropriations and Representative Harris—

CS for HB 1017—A bill to be entitled An act relating to Chapter 560, Florida Statutes, and the "Sale of Money Orders Act"; amending section 560.04(1), Florida Statutes, to require the filing of financial statements; amending subsections (1) and (2) of section 560.06, Florida Statutes, to provide that investigation fees shall be paid by the applicants; amending section 560.09, Florida Statutes, to provide for renewal of certificates of agents or subagents; amending section 560.10, Florida Statutes, to provide for the registration of agents and subagents, payment of a fee of five dollars, and requiring a list of all agents issuing money orders in the State of Florida; amending section 560.13, Florida Statutes, by numbering present introductory paragraph as subsection (1) and adding new subsection (2) to provide that, if reasonable grounds exist, the department may examine the books and records of a licensee and charge the reasonable cost of such examination to the licensee; adding new section 560.151, Florida Statutes, to provide that all fees collected under this act shall be paid into the department's regulatory trust fund to be used for the purpose of administering this act; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1017, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Mallory E. Horne, President*      **May 11, 1973**

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

By the Committee on Health & Rehabilitative Services and Representative Tucker and others—

CS for HM 153—A memorial to the congress of the United States expressing the concern of the Florida legislature over the proliferation of advertisements in the media which facilitate the use of "non-prescription" drugs by our society; re-

questing that the United States senate and house of representatives hold hearings as a prelude to enacting legislation restricting the advertisement of drug stimulants, depressants and other non-prescription remedies in the media; requesting the United States congress to begin immediately setting up machinery to implement such an act by January 1, 1974.

WHEREAS, the legislature of the state of Florida recognizes the growing problem of drug abuse amongst our society and especially our youth, and

WHEREAS, this problem is many faceted, the legislature of the state of Florida recognizes that the mass media has contributed to this serious growing problem through the carrying of such advertisements that glorify the use of stimulants and depressants for solving problems of every day life, and

WHEREAS, the president of the United States and the congress have also recognized such a problem,

NOW, THEREFORE,

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

SECTION 1. That the congress of the United States being empowered with the greatest amount of public trust is hereby requested to enact formal legislation restricting advertisements of all stimulants, depressants and other non-prescription drugs from public and private media in the United States.

SECTION 2. That the United States senate and house of representatives immediately begin holding hearings on the implementation of such a public law.

SECTION 3. That the United States congress immediately direct the food and drug administration and federal communications commission to propose recommendations to implement such restrictions on the advertising of non-prescription stimulant and depressant drugs on television and other media.

BE IT FURTHER RESOLVED that a certified copy of this memorial be forwarded by the secretary of state to the president of the United States senate, the Honorable Lawton Chiles, the Honorable Edward Gurney, the speaker of the house of representatives, and each member of the Florida delegation to the United States congress.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HM 153, contained in the above message, was read the first time and referred to the Committee on Commerce.

*The Honorable Mallory E. Horne, President*      **May 11, 1973**

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

By Representative Harris—

HB 1032—A bill to be entitled An act relating to trading stamp companies amending Part I of Chapter 559, F.S.; amending section 559.04(2)(d), F.S., to increase registration fees for trading stamp companies; providing an effective date.

By the Committee on Business Regulation—

HB 1905—A bill to be entitled An act relating to the division of hotels and restaurants, amending section 509.301, Florida Statutes, affecting the advisory council for industry education; amending subsections (3), (4), (5), and (6), section 509.302, Florida Statutes, affecting the role of the director of education employed by the advisory council for industry education; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 1032, contained in the above message, was read the first time by title and referred to the Committees on Commerce and Ways and Means.

HB 1905, contained in the above message, was read the first time by title and referred to the Committee on Consumer Affairs.

*The Honorable Mallory E. Horne, President* May 11, 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 Harris—

CS for HB 1016—A bill to be entitled An act relating to retail installment sales under Parts I, II, III and IV of Chapter 520, Florida Statutes, amending Part I of said chapter by amending subsection (3) of section 520.03, F.S., to raise the annual license fee for a sales finance company from twenty-five dollars (\$25.00) to fifty dollars (\$50.00), raising the annual license fee for the principal place of business of each retail installment seller of motor vehicles from ten dollars (\$10.00) to twenty-five dollars (\$25.00); and providing for a separate license for each branch location of a retail installment seller; amending Part II of chapter 520, Florida Statutes, by amending section 520.32(1), Florida Statutes, providing an annual license fee of ten dollars (\$10.00) instead of five dollars (\$5.00) to be levied upon retail sellers; amending subsection (1) of section 520.52, F.S., to raise license fees from twenty-five (\$25.00) to fifty dollars (\$50.00) for each principal place of business of each sales finance company and to raise the separate fee for each branch by the same amount; and to eliminate present licensing exceptions for small loan lenders and registrants under chapters 516, F.S., and 519, F.S., respectively; amending parts I and III of chapter 520, Florida Statutes, by amending section 520.05(1) and 520.55(1), F.S., to raise the daily examination fee for a sales finance company and amending part IV of chapter 520, Florida Statutes, by amending section 520.96(2), F.S., to raise the daily examination fees for a home improvement finance agency, salesman or contractor, with all such fees to be raised from thirty-five dollars (\$35.00) per day to fifty (\$50.00) per day for each examiner; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

CS for HB 1016, contained in the above message, was read the first time by title and referred to the Committees on Consumer Affairs and Ways and Means.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Walker and others—

HCR 1472—A concurrent resolution recognizing and congratulating Hendry County on the occasion of its fiftieth anniversary.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HCR 1472, contained in the above message, was read the first time and placed on the calendar without reference.

*The Honorable Mallory E. Horne, President* May 15, 1973

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

By Representative Spicola—

HB 729—A bill to be entitled An act relating to eye enucleation; amending section 736.31, Florida Statutes, to provide that funeral directors who receive a certificate of completion for a course in eye enucleation from the University of South Florida School of Medicine may enucleate eyes; providing an effective date.

By the Committee on Health & Rehabilitative Services and Representative Kutun and others—

CS for HB 689—A bill to be entitled An act relating to disabled persons; providing for the detection and correction of

the abuse and maltreatment of developmentally disabled persons; providing for reports; providing for conditions precedent to reports; providing responsibilities for public agencies; providing a central registry for reports; providing immunity to certain persons; providing for nonapplicability of certain evidentiary privileges; providing penalties; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

HB 729 and CS for HB 689, contained in the above message, were read the first time by title and referred to the Committee on Health and Rehabilitative Services.

*The Honorable Mallory E. Horne, President* May 11, 1973

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

By Representative Brown and others—

HB 1343—A bill to be entitled An act relating to local government; amending §163.02(2), Florida Statutes, 1971, which provides for representation on councils of local public officials, to provide that the representative of each member local government shall be the chief executive of the local government or his appointee; providing an effective date.

By Representative Harllee—

HB 862—A bill to be entitled An act relating to county government; adding paragraph (x) to §125.01(1), Florida Statutes, 1971, relating to powers and duties of governing boards, to provide for the employment of an independent auditing firm; providing an effective date.

By Representative Harris—

HB 1316—A bill to be entitled An act relating to service of process amending section 48.111, Florida Statutes, by adding new subsection (4) to provide for service of process on the department of revenue in lieu of any other provision of general law and to designate that department as the only state agency or department to be so served; providing an effective date.

—and requests the concurrence of the Senate therein.

*Allen Morris, Clerk*

House Bills 1343 and 862, contained in the above message, were read the first time by title and referred to the Committee on Governmental Operations.

HB 1316, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

#### SPECIAL ORDER

SB 798—A bill to be entitled An act relating to termination of pregnancies; amending section 458.22, Florida Statutes; providing definitions; providing conditions under which pregnancy can be terminated; requiring consent of pregnant woman and husband under certain circumstances; permitting right of refusal by hospitals or persons; providing penalties; providing an effective date.

—was read the third time by title.

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

Amendment 8—On page 3, lines 20 and 21 strike everything after the word "mother" and insert a period

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

Amendment 9—On page 3, strike lines 26 through 29 and renumber succeeding subsections.

Senators Myers and Vogt offered the following amendment which was adopted on motion by Senator Myers by two-thirds vote:

**Amendment 10**—On page 3, strike lines 12 and 13

Senator Lewis moved the adoption of the following amendment which failed to receive the necessary two-thirds vote for adoption:

**Amendment 11**—Insert: Section 3. Reporting procedure.—

(1) The director of any medical facility in which a pregnancy is terminated pursuant to this act or the physician shall maintain a record of such procedures. Such record shall include the date the procedure was performed, the reason for same and the period of gestation at the time the procedure was performed. A copy of such record shall be filed with the department of health and rehabilitative services, which shall be responsible for keeping such records in a central place from which statistical data and analysis can be made.

(2) Records maintained by an approved facility pursuant to this act shall be privileged information and deemed to be a confidential record and shall not be revealed except when ordered to do so by a court of competent jurisdiction in a civil or criminal proceeding.

and renumber Section 3 as Section 4

The vote was:

Yeas—18

Brantley	Johnson	Scarborough	Ware
Deeb	Lane (23rd)	Smathers	Williams
de la Parte	Lewis	Stolzenburg	Zinkil
Gallen	Peterson	Sykes	
Gillespie	Plante	Trask	

Nays—12

Firestone	Graham	McClain	Sims
Glisson	Gruber	Myers	Vogt
Gordon	Johnston	Sayler	Wilson

Senator Ware moved that the rules be waived and SB 798 be placed back on second reading and the motion failed.

Senator Lewis moved the adoption of the following amendment which failed to receive the necessary two-thirds vote for adoption:

**Amendment 12**—On page 2, line 7, strike the period and insert: who has certified in writing that such termination is necessary, based upon his best clinical judgement

The vote was:

Yeas—21

Brantley	Henderson	Plante	Weber
Childers	Johnson	Poston	Williams
Deeb	Johnston	Scarborough	Zinkil
de la Parte	Lane (23rd)	Sykes	
Gillespie	Lewis	Trask	
Glisson	Peterson	Ware	

Nays—15

Barron	Gruber	Sayler	Vogt
Firestone	McClain	Sims	Wilson
Gordon	Myers	Smathers	Winn
Graham	Pettigrew	Stolzenburg	

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

**Amendment 13**—On page 3, line 19, after "life" insert: and Health

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

**Amendment 14**—On page 1, line 12, after "penalties;" insert: providing a severability clause;

SB 798 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—19

Barron	Gruber	Myers	Smathers
Childers	Henderson	Pettigrew	Trask
Glisson	Johnston	Poston	Vogt
Gordon	Lane (23rd)	Sayler	Winn
Graham	McClain	Sims	

Nays—14

Brantley	Lewis	Sykes	Wilson
de la Parte	Peterson	Ware	Zinkil
Gillespie	Plante	Weber	
Johnson	Stolzenburg	Williams	

By unanimous consent Senators Lane (31st) and Scarborough were recorded as voting yea.

**PAIR**

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Gallen on SB 798.

If he were present he would vote "nay" and I would vote "yea."

*George Firestone, 36th District*

**SM 109**—A memorial to the Congress of the United States petitioning for a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States to prevent the assignment of students based on race, religion, color or national origin.

—was read the second time.

Senator Pettigrew moved the adoption of the following amendment:

**Amendment 1**—On page 1, line 20, strike the period (.) and insert: except to the extent necessary to insure that every student shall have an equal right to a quality education regardless of race, religion, color or national origin.

Senators Childers and Smathers offered the following substitute amendment to Amendment 1 which was moved by Senator Childers:

**Amendment 2**—On page 1, line 20, after the word "origin." insert: Nothing herein contained shall deny any student the right to a quality education regardless of race, religion, color or national origin.

Senator Glisson moved that further consideration of SM 109 and all pending amendments be indefinitely postponed.

The Presiding Officer stated that the motion to indefinitely postpone, being of the lowest dignity in the order of motions, was not in order as long as there were pending motions of higher dignity relating to the bill.

Senator Zinkil moved that SM 109 and all pending amendments be indefinitely postponed until 11:59 p.m. June 1.

On substitute motion by Senator Plante, by two-thirds vote, debate on each amendment offered was limited to one minute per side, and five minutes on final passage of SM 109.

On motion by Senator Smathers the following amendment to the substitute amendment was adopted:

**Amendment 2a**—Before "right" insert: equal

Senator Graham moved the adoption of the following amendment to the substitute amendment which failed:

**Amendment 2b**—after "origin" insert: ; however,  
Substitute amendment 2 as amended failed.

Senator Wilson offered the following amendment to Amendment 1 which failed:

**Amendment 1a**—On page 1, after "Color" insert: , Sex

Amendment 1 failed by the following vote:

Yeas—17

Brantley	Graham	Poston	Winn
de la Parte	Lane (23rd)	Sykes	Zinkil
Firestone	McClain	Trask	
Gillespie	Myers	Vogt	
Gordon	Pettigrew	Williams	

Nays—18

Barron	Henderson	Plante	Ware
Childers	Johnson	Scarborough	Weber
Deeb	Lane (31st)	Sims	Wilson
Glisson	Lewis	Smathers	
Gruber	Peterson	Stolzenburg	

Senator Glisson moved that the Senate reconsider the vote by which Amendment 1 failed this day.

The motion failed by the following vote:

Yeas—15

de la Parte	Gordon	Pettigrew	Vogt
Firestone	Graham	Poston	Williams
Gillespie	Lane (23rd)	Smathers	Winn
Glisson	Myers	Trask	

Nays—22

Barron	Johnson	Plante	Ware
Brantley	Johnston	Saylor	Weber
Childers	Lane (31st)	Scarborough	Wilson
Deeb	Lewis	Sims	Zinkil
Gruber	McClain	Stolzenburg	
Henderson	Peterson	Sykes	

On motion by Senator Deeb, SM 109 was read in full, adopted and certified to the House. The vote was:

Yeas—23

Barron	Gruber	McClain	Sykes
Brantley	Henderson	Saylor	Trask
Childers	Johnson	Scarborough	Ware
Deeb	Johnston	Sims	Weber
de la Parte	Lane (31st)	Smathers	Winn
Glisson	Lewis	Stolzenburg	

Nays—14

Firestone	Lane (23rd)	Plante	Wilson
Gillespie	Myers	Poston	Zinkil
Gordon	Peterson	Vogt	
Graham	Pettigrew	Williams	

#### Explanation of Vote

In accordance with Rule 5.5 I wish to explain my vote on SM 109. I strongly support the amendments by Senator Pettigrew and Senator Childers to give equal opportunity to all the children in Florida; however, in debate, in committee as well as on the floor, there was a serious question raised that the effect of this amendment would defeat the purpose of the measure, i.e. to produce a resolution identical to those passed

in other states, for the purpose of calling a constitutional amendment on this question. I would support a separate bill on either of the amendments.

*Philip D. Lewis, 27th District*

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

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote SB 675 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

On motion by Senator Scarborough, the rules were waived and SB 675 was immediately certified to the House.

**SB 553**—A bill to be entitled An act relating to mobile home parks; amending §83.271, Florida Statutes, 1972 Supplement, as created by §1, chapter 72-28, Laws of Florida, by amending subsection (1) and adding subsection (4) thereto; requiring notice of eviction; providing for award of attorney's fees; amending §83.281, Florida Statutes, 1972 Supplement, as created by §2, chapter 72-28, Laws of Florida, relating to purchase of equipment, installation of appliances; fees, charges, assessments; rules and regulations; making violation a misdemeanor; providing a penalty; providing for award of attorney's fees; amending §83.291, Florida Statutes, 1972 Supplement, as created by §3, chapter 72-28, Laws of Florida, relating to restrictions on disposal of mobile homes; making violation a misdemeanor; providing a penalty; providing for award of attorney's fees; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—Page 1, line 21, insert period after word "penalty" and strike all the rest of lines 21 and 22. Page 2, Subsection 4. lines 17 and 18, page 3, Subsection 6 lines 29 and 30, page 4. Subsection 3, lines 19 and 29. renumber.

On motion by Senator Barron the Senate recessed at 11:48 a.m. to reconvene at 2:00 p.m. this day.

#### AFTERNOON SESSION

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

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

Prayer by Edwin G. Fraser, former Senator and former Secretary of the Senate:

May we pray.

Most glorious Father, we seek audience with thee this afternoon and ask thy special favor upon the purpose of this gathering and at this moment we thank thee for the creation, we thank thee for Florida, our great and beautiful state. We thank thee for men down through the years who have toiled and labored here legislatively in trying to improve the posture of the dress of our beautiful state, the tall men of public service. We give thee thanks for those who have devoted themselves and dedicated their talents to the tasks confronting them. So this afternoon we find ourselves assembling for the purpose of reminiscing in great measure remembering some of those trials and public officials back yonder in years past. We would ask you to look upon this delegation of stewardship we have assembled here representing the people of our state, that you would give to them the wisdom that they may be able to find the prescription that would add to our dress the stitches of repair that would enrich and make our state a more beautiful one. We thank thee for those who gave birth to this idea of coming together as a political family. We would hope that this idea may yet continue to linger because of the wonderful blessings that come to each of us in being able to say once again to real close friends, friendships that originated right here in this hall, "We are glad to see you." Heavenly Father, we do thank thee, in the name of our Lord and Master, Jesus Christ of Nazareth, we pray. Amen.

Mr. President: We current Senators, feeling a real sense of belonging to the deep tradition of the Florida Senate, pause in our hectic pace to tribute our heritage. We respect your contribution to Florida and thank you for helping us grasp more fully the image of our Senate. On a cornerstone of one of the great buildings in our Nation's Capital is inscribed the simple phrase, "What is past is prologue"—"What is past is prologue". We view our tomorrows with the firm commitment that our point of beginning is much further down the field of governmental service because of the first law passed by former Senators. That our race is more glamorous because of the first yards gained by some earlier and nobler participant, and that our glittering progress is easier because of the difficult steps of progress carved by you and even your predecessors in title.

The foundation which we inherited from you is stronger and more durable because of the patience and perseverance of your service. Lest we forget the heartbreaking decisions you made along the way, we initiate here today a custom of recognition which fully supports the philosophy of Florida's Senate—"Once a Senator, always a Senator." Selfishly, we hope that two decades from now those who strive here will do better and do it more easily because of our bequest to them in the name of public service. You honor us and your Senate by being here today. Floridians should never forget your labors here. Each of you pause in the atmosphere of this hallowed hall and cherish again the beautiful memories and the stark and perilous challenges which make up your memory. All of us hope we have helped some in providing the vehicle for this revisitation to the scene of your greatest hour.

The President called the roll of members of the Senate who were in attendance for Alumni Day for the Senate. The following were recorded present:

Presidents of the Florida Senate:

W. Turner Davis, Madison (1943, 1945, 1947, 1948, 1951, 1953, 1955, 1957, 1959, 1961)

Dewey M. Johnson, Brooksville (1941, 1943) Quincy (1951, 1953, 1955, 1957, 1959, 1961, 1963, 1965)

John E. Mathews, Jr., Jacksonville (1963, 1965, 1967, 1968, 1968 second session, 1969, 1970 special session)

Verle A. Pope, St. Augustine (1951, 1953, 1955, 1957, 1959, 1961, 1963, 1965, 1967, 1968, 1968 second session, 1969, 1970 special session, 1971, 1972)

Members:

Tom Adams, Orange Park (1957, 1959)

Lynwood Arnold, Jacksonville (1971, 1972)

Reubin O'D. Askew, Pensacola (1963, 1965, 1967, 1968, 1968 second session, 1969, 1970 special session)

Henry S. Baynard, St. Petersburg (1945, 1947, 1948, 1951)

C. W. Bill Beaufort, Jacksonville (1968 second session, 1969, 1970 special session, 1971, 1972)

W. E. Bishop, Lake City (1956, 1957, 1968 second session, 1969, 1970 special session, 1971, 1972)

J. Graham Black, Jasper (1933, 1943, 1945, 1953, 1955) by his widow, May Belle

Ralph J. Blank, Jr., West Palm Beach (1961, 1963)

J. A. (Tar) Boyd, Leesburg (1957, 1959, 1961, 1963)

T. Drew Branch, Sumatra (1945, 1947, 1948, 1957, 1959)

Bob Brannen, Lakeland (1971, 1972)

LeRoy Collins, Tallahassee (1941, 1943, 1947, 1949, 1951, 1953)

Hal Davis, Quincy (elected general election 1966)

L. K. Edwards, Jr., Irvine (1955, 1957, 1959, 1961, 1963, 1965, 1967, 1968)

C. H. Bourke Floyd, Apalachicola (1953, 1955)

Edwin G. Fraser, Macclenny (1945, 1947, 1949, 1953, 1955, 1961, 1963)

Elmer O. Friday, Fort Myers (1963, 1965, 1967, 1968, 1968 second session, 1969, 1970 special session)

Edmond J. Gong, Miami (1967, 1968, 1968 second session, 1969, 1970 special session, 1971, 1972)

Carl R. Gray, Panama City (1945, 1947, 1948)

Ben Hill Griffin, Jr., Frostproof (1965, 1967, 1968)

K. Griner, Cross City (1943, 1945) by his widow, Mammie

Horry Hair, Jr., Live Oak (1957, 1959)

W. C. (Cliff) Herrell, Miami Springs (1961, 1963)

William Randolph Hodges, Cedar Key (1953, 1955, 1957, 1959, 1961) by his wife, Mildred

R. C. Horne, Madison (1939, 1941) by his widow, Esther

Frederick B. Karl, Daytona Beach (1968 second session, 1969, 1970 special session, 1971, 1972)

Scott Kelly, Lakeland (1957, 1959, 1961)

Paul Kickliter, Tampa (1955, 1957)

A. G. McArthur, Callahan (1935, 1937, 1943, 1945, 1947, 1949, 1951, 1953)

John M. McCarty, Fort Pierce (1963, 1965)

John A. McDonald, Chipley (1965)

Maurice McLaughlin, Fort Walton Beach (1965)

Woodrow M. Melvin, Milton (1953, 1955)

William R. Neblett, Key West (1955, 1957)

T. Truett Ott, Tampa (1967, 1968, 1968 second session, 1969, 1970 special session, 1971, 1972)

Ed H. Price, Jr., Bradenton (1959, 1961, 1963, 1965)

John Rawls, Marianna (1955, 1957, 1959, 1961)

J. B. Rodgers, Jr., Winter Garden (1951, 1953, 1955, 1957)

G. Warren (Bobby) Sanchez, Live Oak (1945, 1947, 1948, 1951)

Robert L. Shevin, Miami (1967, 1968, 1968 second session, 1969, 1970 special session)

Tom Slade, Jacksonville (1967, 1968, 1968 second session, 1969, 1970 special session)

John Spottswood, Key West (1963, 1965)

William T. Stockton, Jr., Jacksonville (1967, 1968)

Richard B. (Dick) Stone, Miami (1967, 1968, 1968 second session, 1969, 1970 special session)

John A. Sutton, Orlando (1957, 1959, 1961)

George G. Tapper, Port St. Joe (1953, 1955, 1965)

Etter Usher, Chiefland (1963, 1965)

David Elmer Ward, Fort Myers (1939, 1941)

Robert Williams, Graceville (1963, 1965)

Harold S. Wilson, Belleair (1967, 1968, 1968 second session, 1969, 1970 special session, 1971, 1972)

[Mrs. Jim (Annabelle) Butler by acclamation]

The following members expressed their individual regrets, their warmest and best wishes to their colleagues, and their continuing pride as a member of THE FLORIDA SENATE: Senators J. Frank Adams, L. A. "Skip" Bafalis, Doyle E. Carlton, Jr., Philip D. Beall, Robert M. Haverfield, George C. Dayton, Bill Gunter, George E. Hollahan, Jr., R. B. (Bunn) Gautier, Frederick M. Hudson, Charley E. Johns, Beth Johnson, Harry E. King, Marion B. Knight, H. S. McKenzie, Russell Morrow, R. H. Rowe—through his wife, Effie, J. Frank Houghton, deceased 1968—through his widow, Helen, John E. Mathews, Sr., deceased 1955—through his widow, Alice, Raymond Sheldon, deceased 1970—through his widow, Catherine, Fletcher Morgan deceased 1972—through his widow, Jane and J. Turner Butler, deceased 1969—through his widow, Cecil.

President Horne recognized Senators L. K. Edwards, Dewey Johnson and Verle Pope to represent and express the views of those Senators present, and absent, who, through their individual and collective energies had assisted each succeeding Body to prepare for and meet those urgent problems of State that confront every Legislative Deliberation. Each responded, to the delight and enjoyment of all present, and former President Johnson designated Senator Edwin G. Fraser to further speak in his behalf.

Senator Henderson announced that because of transportation difficulties Miss Hazel Seymour, the only woman to serve as Secretary of the Florida Senate, was not able to attend. She served in 1945 when Robt. W. Davis, who was Secretary of the Senate from 1929 to 1963, was in the U. S. Navy.

On motion by Senator Barron, the Senate recessed at 3:07 p.m.

The Senate was called to order by the President at 3:17 p.m. A quorum present.

The Senate resumed—

SB 553—A bill to be entitled An act relating to mobile home parks; amending §83.271, Florida Statutes, 1972 Supplement, as created by §1, chapter 72-28, Laws of Florida, by amending subsection (1) and adding subsection (4) thereto; requiring notice of eviction; providing for award of attorney's fees; amending §83.281, Florida Statutes, 1972 Supplement, as created by §2, chapter 72-28, Laws of Florida, relating to purchase of equipment, installation of appliances; fees, charges, assessments; rules and regulations; making violation a misdemeanor; providing a penalty; providing for award of attorney's fees; amending §83.291, Florida Statutes, 1972 Supplement, as created by §3, chapter 72-28, Laws of Florida, relating to restrictions on disposal of mobile homes; making violation a misdemeanor; providing a penalty; providing for award of attorney's fees; providing an effective date.

Amendments 2 and 3 were withdrawn.

Senators Zinkil and Gillespie offered the following amendment which was adopted on motion by Senator Gillespie:

**Amendment 4**—On page 3, line 26 strike all of subsections (5) and (6) page 1, lines 28 and 29, "and adding subsection (4)" and on page 4, line 16 strike all of subsections (2) and (3) and on page 2 line 17 strike all of lines 17 and 18 in title, page 1, lines 7 and 8, strike "and adding subsection (4) thereto" and add sections 4 and 5 as follows:

Section 4. Section 83.301, Florida Statutes, is created to read:

*83.301 Civil remedy.—A mobile home owner or dweller may bring a civil action against a mobile home park owner or operator violating the provisions of §83.271, §83.281, or §83.291, Florida Statutes, in the appropriate court of the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages. The court may in its discretion award punitive damages or such equitable relief as it deems necessary including enjoining the defendant from further violations. The losing party shall be liable for court costs and reasonable attorney's fees incurred by the prevailing party.*

Section 5. Section 83.311, Florida Statutes, is created to read:

*83.311 Injunction.—In addition to other penalties provided in §83.301, Florida Statutes, the state attorneys and their assistants are authorized to apply to the circuit court within their respective jurisdictions, upon the sworn affidavit of any mobile home owner or dweller alleging a violation by a mobile home park owner or operator of any of the provisions of §83.271, §83.281, or §83.291, Florida Statutes, and such court shall have*

*jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction restraining such mobile home park owner or operator from any further such violation, whether or not there exists an adequate remedy at law, and such injunction shall issue without bond.*

Section 6. This act shall take effect on July 1, 1973.

Senators Zinkil and Gillespie offered the following amendment which was adopted on motion by Senator Zinkil:

**Amendment 5**—On page 1, lines 14-16 and 20-22 strike making violation a misdemeanor; providing a penalty; providing for award of attorney's fees; and on line 19 after the; insert: creating §83.301, Florida Statutes providing a civil remedy; creating §83.311, Florida Statutes, providing for injunction in addition to other penalties;

Senator Sims moved the adoption of the following amendment:

**Amendment 6**—In Section 4 line 13 strike The losing party shall be liable court cost and reasonable attorney's fees incurred by the prevailing party.

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

**Amendment 7**—Section 4 line 13 strike "shall" and insert: may

On motion by Senator Glisson, by two-thirds vote SB 553 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Graham	Pettigrew	Vogt
Barron	Gruber	Plante	Ware
Brantley	Johnson	Poston	Williams
Childers	Johnston	Saylor	Wilson
Deeb	Lane (31st)	Scarborough	Winn
Firestone	Lane (23rd)	Sims	Zinkil
Gillespie	Lewis	Smathers	
Glisson	McClain	Sykes	
	Peterson	Trask	

Nays—None

By unanimous consent Senators Weber and Myers were recorded as voting yea.

On motion by Senator Zinkil, the rules were waived and SB 553 was ordered certified to the House immediately after engrossing.

SB 835 was taken up, together with:

By the Committee on Commerce—

**CS for SB 835**—A bill to be entitled An act relating to chapter 516, Florida Statutes, on certain consumer credit transactions; amending sections 516.02, 516.03(1), 516.05(2)(c), 516.11(1), 516.12(2), 516.15, 516.17, 516.18(1), 516.19, 516.20, and 516.21, and creating sections 516.011, 516.031, 516.231, 516.31, 516.32, 516.33, 516.34, and 516.35, Florida Statutes; renaming chapter 516, Florida Statutes, as the "Florida consumer finance act"; providing for an application and investigation fee increase; providing for investigations outside of the state, and for an annual report delinquency charge; providing for interest rates, and charges and computation of such rates and charges, and for the definition of interest; providing for the amounts that may be loaned; qualification of managers; providing for consumers' protection by licensees by prohibiting certain negotiable instruments; cross-collateral; consumer credit counseling and public disclosure; providing for licensees under chapter 519, Florida Statutes, to be transferred to chapter 516, Florida Statutes; providing for severability; repealing sections 516.14 and 516.05(5), Florida Statutes, and all of chapter 519, Florida Statutes; providing an effective date.

—which was read the first time by title and SB 835 was laid on the table.

On motion by Senator Scarborough, by two-thirds vote CS for SB 835 was read the second time by title.

Senators Williams and Gillespie offered the following amendment which was moved by Senator Williams:

**Amendment 1**—On pages 6, 7, 8, 9 and 10, lines 16, et seq strike all of subsections (1), (2), (3), (4), (5), (6) and (7) and insert: (1) Interest rates.—Every licensee may lend any sum of money not exceeding two thousand five hundred dollars (\$2,500.00) on such security, if any, satisfactory to both the borrower and the licensee and may charge, contract for and receive thereon interest at a rate not to exceed thirty six percent (36%) per annum on that part of the unpaid principal balance not exceeding three hundred dollars (\$300.00) and twenty four percent (24%) per annum on that part of the unpaid principal balance in excess of three hundred dollars (\$300.00) but not exceeding six hundred dollars (\$600.00), and ten percent (10%) per annum on any remainder. At the expiration of a period of twelve (12) months following the last contractual installment date on any loan made pursuant to this chapter the interest on any balance still unpaid shall not exceed ten percent (10%) per annum. Any loan in excess of the amount of two thousand five hundred dollars (\$2,500.00) shall not bear interest at a rate in excess of ten percent (10%) per annum on the unpaid principal balance. Interest shall not be payable in advance or compounded and shall be computed on unpaid balances on the basis of the number of days actually elapsed and, for the purpose of such computations, a month shall be any period of thirty (30) consecutive days. If part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such loan contract may include any unpaid charges which have accrued within two (2) months on the prior loan and, for the purposes of this chapter, such loan contract shall be deemed a new and separate loan transaction. Except as otherwise provided for in this chapter, no further or other charges or amount whatsoever for any examination, service, brokerage, commissions or other thing or otherwise shall be directly or indirectly charged, contracted for or received except the documentary excise tax and lawful fees, if any actually and necessarily paid out by the licensee to any public officer for filing or recording or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter, or actual and reasonable attorney fees as determined by the court in which suit is filed and court costs, including actual and reasonable expenses of repossession, storing and selling of any property pledged as security, as determined by the court in which suit is filed. Any licensee under this chapter wilfully violating the provisions of this chapter or charging any interest in excess of that permitted by this chapter shall forfeit the entire interest so charged or contracted to be charged or reserved and only the actual principal sum of such usurious contract can be enforced in any court in this state; and when said usurious interest is taken or reserved, or has been paid, then and in that event the licensee shall forfeit to the party from whom such usurious interest has been reserved, taken or exacted in any way, double the amount of interest so reserved, taken or exacted, provided, however, this shall not apply to a bona fide endorsee or transferee of negotiable paper purchased before maturity, unless the usurious character shall appear upon its face, or that the said endorsee or transferee shall have had actual notice of the same before the purchase of such paper, but in such event double the amount of such usurious interest may be recovered after payment by action against the party originally exacting the same in any court of competent jurisdiction in this state, together with an attorney's fee, as such court may determine.

(2) Division of loans prohibited.—No licensee shall induce or permit any borrower to split up or divide any loan. No licensee shall induce or permit any person, nor any husband and wife, jointly or severally, to become obligated to him, directly or contingently or both, under more than one (1) contract of loan made under this chapter at the same time, for the purpose or with the result of obtaining a higher rate of interest than would otherwise be permitted by this section.

(3) Limitation of interest charges.—No licensee shall directly or indirectly charge, contract for or receive any interest or consideration greater than ten percent (10%) per annum upon the loan, use or forbearance of money, goods, or things in action or upon the loan, use or sale of credit, of the amount or value of more than two thousand five hundred dollars (\$2,500.00). The foregoing prohibition shall also apply to any licensee who permits any person, as borrower, or as endorser, guarantor, or surety for any borrower, or otherwise, to owe on any loan or loans directly or contingently or both to the licensee at any time the sum of more than two thousand five hundred dollars (\$2,000.00) for principal.

Amendment 1 failed by the following vote:

Yeas—15

Firestone	Lane (23rd)	Saylor	Williams
Gillespie	Lewis	Stolzenburg	Winn
Gordon	Myers	Sykes	Zinkil
Graham	Poston	Vogt	

Nays—21

Mr. President	Glisson	McClain	Trask
Barron	Gruber	Pettigrew	Ware
Brantley	Henderson	Plante	Weber
Childers	Johnson	Scarborough	
Deeb	Johnston	Sims	
Gallen	Lane (31st)	Smathers	

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

On motion by Senator Williams the following amendment was adopted:

**Amendment 2**—On page 12, line 3, strike all of subsection (2) and insert: (2) Maximum maturity for loans.—No licensee shall enter into any contract for a loan under this chapter for six hundred dollars (\$600.00) or less which provides for scheduled repayment of principal more than twenty four (24) months and fifteen (15) days from the date the loan is made, nor enter into any contract for a loan under this chapter for more than six hundred dollars (\$600.00) which provides for scheduled repayment of principal more than thirty six (36) months and fifteen (15) days from the date the loan is made.

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

**Amendment 3**—On page 12, line 2, after the word "insurance." insert: (4) Any commission or profit received from sale of insurance of any type or kind to a borrower by any licensee or by a relative, partner or employee of such licensee, or by any subsidiary, affiliate or associated company or corporation of such licensee shall be computed as interest in determining the maximum amount of interest authorized by this statute. Any failure to give credit to borrower as herein provided shall subject licensee to the penalties as provided in this chapter for charge of excessive interest.

Senator Lane (23rd) moved the adoption of the following amendment which failed:

**Amendment 4**—Strike "two thousand, five hundred dollars, (\$2,500.00)" wherever it appears in the bill and insert: one thousand, five hundred dollars (\$1,500.00)

On motion by Senator Scarborough, by two-thirds vote CS for SB 835 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—28

Mr. President	Gordon	McClain	Smathers
Barron	Gruber	Peterson	Stolzenburg
Brantley	Henderson	Pettigrew	Sykes
Childers	Johnson	Plante	Trask
Deeb	Johnston	Poston	Vogt
Firestone	Lane (31st)	Scarborough	Ware
Glisson	Lewis	Sims	Wilson

Nays—7

Gillespie	Saunders	Williams	Zinkil
Lane (23rd)	Saylor	Winn	

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

On motion by Senator Scarborough, the rules were waived and CS for SB 835 was ordered immediately certified to the House after engrossing. The vote was:

## Yeas—31

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

## Nays—3

Sayler	Williams	Zinkil
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HB 185—A bill to be entitled An act relating to elections; amending §101.27, Florida Statutes, to allow voting ballots to be printed in color to identify groups of candidates in certain elections; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 185 was read the third time by title, passed and certified to the House. The vote was:

## Yeas—34

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

## Nays—1

Wilson

By unanimous consent Senator Barron was recorded as voting yea.

SB 606—A bill to be entitled An act relating to public education; requiring each school to compile and disseminate an annual report of school progress; providing for content of the report; assigning responsibility for its preparation; providing for distribution to parents or guardian; requiring the state board of education to develop guidelines; providing an effective date.

—was read the second time by title.

On motion by Senator Gordon the following amendment was adopted:

**Amendment 1**—On page 3, line 7, strike “accomplished as a result of” and insert: described in

Senators Weber and Plante offered the following amendment which was moved by Senator Weber:

**Amendment 2**—On page 1, line 23, insert after the period: However, no records shall be compiled or disseminated which designate the race, color, religion or national origin of any student, teacher or school employee.

Senator Barron announced the Committee on Rules and Calendar would meet May 16 at 1:30 p.m.

Senator Graham announced that the Ways and Means Select Committee on Fair Assessment would meet at 5:15 p.m. in Room H this day.

On motion by Senator Graham, rule 2.5 was waived and the Committee on Education was granted permission to consider bills, on an agenda filed with the Secretary, at the meeting of the committee scheduled May 16.

## Explanation of vote

My nay vote on Senator Graham’s amendment 9 to CS for HB 979 on May 14 was cast to avoid procedural merging of the two questions in this bill and did not reflect my support of the intent of the amendment.

*Bruce Smathers, 9th District*

The Journal of May 14 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:03 p.m. to reconvene at 9:00 a.m., May 17, 1973.