

JOURNAL OF THE FLORIDA SENATE

Tuesday, May 22, 1973

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

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

SB 1316	HB 1242
HB 192	HB 1381
CS for HB 354	HJR 1424
HB 539	CS for HB 1532
CS for HB 606	SB 1054 with 3 amendments

The Committee on Rules and Calendar recommends the following pass: HB 156

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

The Committee on Commerce recommends the following pass: HB 173 with 3 amendments

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

The Committee on Consumer Affairs recommends a Committee Substitute for the following: SB 836

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 816

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 187

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

The Committee on Commerce recommends the following not pass: SB 688

The bill was laid on the table.

Honorable Mallory E. Horne
President, The Florida Senate
The Capitol

May 22, 1973

Dear Mr. President:

Your Standing Committee on Governmental Operations to whom was referred for inquiry and recommendation the following appointments subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
Catherine W. Chapin Tampa	Member, Career Service Commission	November 22, 1976
Ruth Godwin Walnut Hill	Member, Civil Service Board, Escambia County	February 13, 1977
George A. Belleau Pensacola	Member, Civil Service Board, Escambia County	February 9, 1977
Robert Walker, Sr. Pensacola	Member, Civil Service Board, Escambia County	February 13, 1977
William F. Schultz Sarasota	Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs	March 25, 1976
J. Ray Southerland Panama City	Member, Board of Funeral Directors and Embalmers, District One, State of Florida Department of Professional and Occupational Regulation	July 23, 1973

Prayer by A. R. Fagan, pastor, First Baptist Church, Bradenton:

Almighty God, our Father, we bow our heads before thee as we lift our voices and hearts unto thee. We recognize thy majesty, mercy and wisdom. We ask thee not only to hear our petition for forgiveness, cleansing and acceptance, but also that thou would lead us by thy Spirit.

As discussions are had and as decisions are made, may it be clear that finite men are seeking earnestly to implement infinite truth and justice mingled with mercy.

Help us, then, to rise above selfish motives and prejudices to truly be the tools whereby the harmony thou hast intended, and purpose thou hast ordained, might be accomplished.

And now, having asked, help us to be sensitive to thy leading is my prayer in Jesus' name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Tuesday, May 22, 1973:

SJR 237	SB 167	SB 901	SB 127
SB 718	SB 1048	SB 1187	SB 678
HB 434	SB 63	SB 264	SB 679
SB 641	SB 608	SB 850	SB 680
SB 77	SB 609	SB 1111	SB 465

*Respectfully submitted,
Dempsey J. Barron, Chairman*

The Committee on Commerce recommends the following pass:

SB 993 with 3 amendments	HB 1426
HB 110	HB 1915 with 17 amendments
HB 754	

The Committee on Criminal Justice recommends the following pass:

SB 123	SB 315
SB 784	CS for HB 1597 with 9 amendments
HB 133	CS for HB 115 with 2 amendments
HB 166	SB 401 with 2 amendments
SB 483	
CS for HB's 170, 551, 921, 1226	

The Committee on Education recommends the following pass:

CS for HB 157	HB 1034
CS for HB 366 with 2 amendments	CS for HB 734 with 2 amendments
HB 1238	

The Committee on Governmental Operations recommends the following pass:

SB 513	SB 871 with 2 amendments
SB 802	SB 888
SB 824	SB 945
SB 827	SB 1134

—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,

J. H. WILLIAMS, Chairman *KENNETH PLANTE*
RICHARD A. PETTIGREW, *HENRY SAYLER*
Vice Chairman *BRUCE A. SMATHERS*
DEMPSEY J. BARRON *JOHN T. WARE*
RICHARD J. DEEB *LORI WILSON*
GEORGE FIRESTONE *WILLIAM G. ZINKIL*

On motion by Senator Plante, 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—34

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

Nays—None

By unanimous consent Senators Williams, Vogt and Wilson were recorded as voting yea.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 161 with 1 amendment	CS for SB 881 with 1 amend-
SB 177 with 1 amendment	ment
SB 286 with 2 amendments	SB 908 with 1 amendment
SB 309 with 2 amendments	

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

ELMER O. FRIDAY, Secretary

The bills were ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SB 94	CS for SB 442
SB 172	SB 563

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SCR 52	SCR 347	SCR 655
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—reports same have been enrolled, signed by the required Constitutional officers and filed with Secretary of State on May 22, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SB 905 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 219	SB 431	SB 554	SB 675
SB 355	SB 436	SB 662	

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 904	SB 1326
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—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred SB 847 reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1973.

ELMER O. FRIDAY, Secretary

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State SB 633 and CS for SB 367 which he had approved on May 21, 1973.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sayler, SB 120 was withdrawn from the Committee on Transportation by two-thirds vote and from further consideration of the Senate.

On motions by Senator Saunders, Senate Bills 238 and 248 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On motions by Senator Childers, Rule 2.5 was waived and the Committee on Natural Resources and Conservation was granted permission to meet May 28 from 5:00 p.m. until 7:00 p.m. to consider Senate Bills 1288 and 1118 and executive appointments.

On motions by Senator Graham, Rule 2.5 was waived and the Committee on Education was granted permission to meet May 23 from 8:00 a.m. until 9 a.m. and 12:00 noon until 2:00 p.m. to consider bills on the agenda filed with the Secretary of the Senate.

On motion by Senator Poston, Rule 2.5 was waived and the Committee on Transportation was granted permission to meet May 23 from 8:00 a.m. until 9:00 a.m. to consider bills on the agenda filed with the Secretary of the Senate.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider HB 1017 and CS for HB 1016 at the scheduled meeting this day.

On point of order by Senator Saunders, CS for HB 734 and SB 901 were removed from the calendar and referred to the Committee on Ways and Means pursuant to Rule 4.6.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider CS for HB 734 and SB 901 at the scheduled meeting May 23.

On motion by Senator Saunders, SB 625 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

On point of order by Senator Saunders SB 465 and HB 607 were removed from the calendar and referred to the Committee on Ways and Means pursuant to Rule 4.6.

Senator Scarborough moved that CS for CS for HB's 315 and 376 be withdrawn from the Committee on Judiciary and placed on the calendar.

Senator Williams raised a point of order that the bill should be referred to the Committee on Ways and Means pursuant to Rule 4.6.

President: If a bill does not affect this appropriations bill, then it is not mandatorily sent to Ways and Means under the specific language of the rule because it (the rule) speaks about appropriations, and I rule the point not well taken on the basis only that the effective date extends beyond the time this session is involved with this appropriations bill.

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

Yeas—26

Mr. President	Graham	Peterson	Trask
Barron	Gruber	Pettigrew	Vogt
Brantley	Johnston	Plante	Ware
de la Parte	Lane (23rd)	Scarborough	Winn
Firestone	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Sykes	

Nays—9

Childers	Johnson	Stolzenburg	Williams
Gordon	Poston	Weber	
Henderson	Saunders		

REQUESTS FOR EXTENSION OF TIME

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

CS for HB 217 by Representative Culbreath	CS for HB 255 by Representative Culbreath SB 723 by Senator Johnston
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The Committee on Criminal Justice requests an extension of 10 days for the consideration of the following:

SB 6 by Senator McClain	SB 1022 by Senator de la
SB 283 by Senator Zinkil	Parte
SB 511 by Senator Firestone	CS for
SB 591 by Senator Smathers	HB 115 by Criminal Justice
SB 594 by Senator McClain	HB 252 by Representative
SB 614 by Senator Glisson	Blackburn
SB 995 by Senator Wilson	
SB 1016 by Senator Scarborough	

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

SB 437 by Senator Gillespie	HJR 1907 by Representative
SB 584 by Senator Lewis	Turlington and Committee on
CS for	Finance and Taxation
HB 1020 by Representative	
Danahy and Committee on	
Community Affairs	

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

SB 1336 by Senator Lane	SB 1338 by Senator Poston
(23rd)	SB 1339 by Senator Peterson
SB 1337 by Senator Horne	

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

HB 584 by Representative	HB 776 by Representative
Spicola	Harlee

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 22, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 217.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 22, 1973

I am directed to inform the Senate that the House of Representatives has adopted SCR 1344.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 22, 1973

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

SB 574	SB 575	SB 1329
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Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 22, 1973

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

By Senator Brantley—

SB 269—A bill to be entitled An act relating to the department of professional and occupational regulation; amending section 20.30(5), Florida Statutes, to authorize the department to establish a uniform license form, and renewal periods; providing an effective date.

Which amendment reads as follows:

On page 1, line 18, strike all lines 18—28 and insert the following: (5) *The head of the department may assign the bureau of records administration responsibility is responsible* for the following administrative functions: Issuance of licenses, collection of fees, *establishment of a uniform renewal license form for all boards and commissions, establishment of renewal and delinquency periods with the concurrence of the boards and commissions affected*, and maintenance of nonconfidential records of the department. Nothing herein affects the responsibilities prescribed by law of the examining and licensing boards assigned to this department in regard to the maintenance of confidential records.

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

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Brantley, the Senate concurred in the House amendment to SB 269.

SB 269 passed as further amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—28

Mr. President	Graham	Myers	Sykes
Barron	Gruber	Peterson	Trask
Brantley	Johnson	Pettigrew	Vogt
Childers	Johnston	Poston	Ware
de la Parte	Lane (23rd)	Saunders	Williams
Firestone	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil

Nays—4

Henderson	Plante	Stolzenburg	Weber
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The Honorable Mallory E. Horne, President

May 18, 1973

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

By the Committee on Appropriations and Representative Tubbs—

CS for HB 432—A bill to be entitled An act relating to Shands Teaching Hospital and its related clinics; providing legislative intent; providing that the hospital and its related clinics shall not be subject to the control of any state agency; creating the hospital management board directly under the state board of education; providing the duties, powers and responsibilities of the board; creating a capital improvements and construction trust fund and providing for deposit of moneys therein; requiring appropriations; providing an effective date.

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

CS for HB 1675—A bill to be entitled An act relating to authorized positions; adding subsection (4) to section 216.262, Florida Statutes; prohibiting an agency from employing and overlapping more than one employee in the same position unless approved by the department of administration; providing for an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 432, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

CS for HB 1675, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Culbreath—

HB 1062—A bill to be entitled An act relating to the board of trustees of the internal improvement trust fund; providing that the board shall set aside and reserve one hundred (100) acres of certain state-owned land as the site for a branch of the Pasco-Hernando Community College until such time as another location is selected; providing that the board convey the reserved acreage to the college district in the event it is selected as the location for said branch college; providing a statement of legislative intent; providing an effective date.

By Representative Hector—

HB 1380—A bill to be entitled An act relating to building designation; naming the state archives, library and museum building the "R. A. Gray Archives, Library and Museum Building"; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 1062 and 1380, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Tittle—

HB 1688—A bill to be entitled An act relating to banks and trust companies; amending section 658.08(3), Florida Statutes, adding paragraph (d) thereto; amending section 659.02(1)(d), Florida Statutes; amending section 659.03(1)(b) and (c), and 2(b), Florida Statutes; amending section 659.04, Florida Statutes, adding subsection (2) thereto and renumbering all succeeding subsections; amending section 659.06(1)(a), Florida Statutes; adding section 659.061, Florida Statutes; providing new rules concerning the requirements for the capital of trust companies and the location and number of trust company offices; permitting trust companies to establish trust service offices; providing that the trust company which is establishing a trust service office in a bank shall become successor fiduciary upon the establishment of the trust service office; providing rules for the termination of a trust service office; providing severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1688, contained in the above message, was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Hartnett (by request) —

HB 1696—A bill to be entitled An act relating to factory-built housing; amending section 553.36 Florida statutes to re-define factory-built housing and adding other definitions to reflect the recommendations of the national conference of states on building codes and standards; amending section 553.37 Florida statutes, providing that housing approved under this act shall be deemed to comply with the requirements of state regulations, and certain other requirements of state agencies; amending section 553.38, Florida statutes, providing that local government regulations may not conflict with the provisions of this act, nor discriminate between factory-built housing and conventionally-built housing; amending section 553.39, Florida statutes, providing that noncompliance with the act shall be prima facie evidence of irreparable damage in an action for injunctive relief under this act; amending 553.41, Florida statutes, to provide that alteration, counterfeiting or other misrepresentation of the insignia under this act shall be a felony of the third degree; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1696, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Graham, HB 1696 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By the Committee on Natural Resources—

HB 975—A bill to be entitled An act to amend Section 370.032(2), Florida Statutes, relating to the regulation by the department of natural resources of dredging and filling, to alter the definition of dredge or fill equipment used in dredge or fill activities; and providing an effective date.

By Representative Poorbaugh and others—

HB 829—A bill to be entitled An act relating to cruelty to animals; amending §828.12, Florida Statutes, 1971; providing a penalty for maiming or mutilating an animal, wild or domestic, except while engaged in the taking of game or fish according to law; providing that causing injury to livestock or domes-

tic animals through careless use of weapons is a misdemeanor of the second degree; providing for liability for damages to the owner of such animal; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 975, contained in the above message, was read the first time by title and referred to the Committee on Natural Resources and Conservation.

HB 829, contained in the above message, was read the first time by title and referred to the Committees on Criminal Justice and Agriculture.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Rish—

HB 787—A bill to be entitled An act relating to diseased honeybees; providing an appropriation to the department of agriculture and consumer services from the general revenue fund for compensation for destruction of diseased honeybee colonies; providing an effective date.

By Representative Johnson and others—

HB 1588—A bill to be entitled An act to provide for adoption of a new charter for the city of Sarasota in Sarasota County, Florida; to define the territorial limits of and prescribe the form of government thereof and to confer governmental, corporation and proprietary powers upon said city and provide for its exercise of jurisdiction over lands of the Sarasota-Manatee Airport Authority; to prescribe the composition of the city commission and its duties and responsibilities; to provide for non-partisan elections and for enactment of ordinances and to authorize penalties in their enforcement; to provide for appointment, duties and responsibilities of a city manager, a city auditor and clerk, a finance director, and a city attorney; to create a division of public safety; to establish a municipal court and provide for appointment of a municipal judge and associate municipal judges and for the jurisdiction of said court and for appeals therefrom and to authorize the discontinuance of said court; to establish a fiscal year, financial procedures, and provide for the issuance of general obligation bonds, revenue bonds and for pledge of revenues from any revenue producing facility of the city; to provide for nominating and election procedures; to provide that amendments to this charter be submitted to a referendum; to provide procedures for the recall of city commissioners; to provide for the separability of the parts of this act; to provide the provisions of chapter 23529, Laws of Florida, Special Acts of 1945, as amended (present charter of the city of Sarasota), not inconsistent with this charter shall become ordinances of the city; to provide that nothing herein shall affect the validity of the following Laws of Florida: chapter 71-913, chapter 72-683, and chapter 72-684; reserving title to certain property to the new municipality and providing for preservation of contracts of the existing municipality; to provide that officers of the present municipality continue until their successors are elected and for continuation of existing ordinances of the city until modified; to provide for a referendum for the approval or disapproval of this act; and to provide an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 787, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1588, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Craig and others—

HB 1491—A bill to be entitled An act relating to energy policies in Florida; providing for the creation of the Florida Energy Committee; providing for membership, a chairman, duties and functions of the committee; providing powers of subpoena; providing a legislative intent; allowing the acceptance of funds, grants, gifts, and services; providing an appropriation; providing an effective date and a date for repeal.

By Representative Redman and others—

HB 1428—A bill to be entitled An act relating to the division of library services; amending §§ 257.17, 257.18, 257.19 and 257.24, Florida Statutes; creating §§257.191 and 257.192, Florida Statutes; providing that operating grants be predicated upon local library expenditures, or upon local appropriations in the case of new libraries; providing a new formula for equalization grants; increasing from twenty thousand to fifty thousand dollars the maximum amount of establishment grants and excepting such grants from proration requirement in §257.21; providing that state funds can be used for library construction if specifically appropriated therefore; authorizing the division to accept and administer state appropriations for library construction and requiring the promulgation of regulations by the division for administering such grants and excepting §257.191 from the application of §257.21; authorizing the division to accept and administer state appropriations for program grants in accordance with the Florida long-range program for library services; providing for conflict; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1491, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1428, 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 18, 1973

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

By Representative Dubbin—

HB 205—A bill to be entitled An act relating to emergency medical service telecommunications; providing legislative intent; providing for the establishment and regulation of emergency medical telecommunications; authorizing the division of communications of the department of general services to formulate and implement a regional emergency medical telecommunications plan encompassing each medical service entity within the state; listing those items to be included in such a plan; requiring compliance with the plan; providing an appropriation; providing an effective date.

By Representative Harris—

HB 1285—A bill to be entitled An act relating to the duplicating of any comptroller's warrants which have been lost or destroyed; amending section 17.13, F.S. by deleting the provision relating to the validity of duplicating comptroller's warrants; adding subsection (2) to provide for comptroller's warrants sent to state agencies and lost or destroyed; adding subsection (3) to provide for the validity of duplicating comptroller's warrants; and providing an effective date.

By Representative Gordon—

HB 275—A bill to be entitled An act relating to elections; creating §104.062, Florida Statutes; providing that it shall be a felony of the third degree to offer, solicit, or accept money, employment or other thing of value pursuant to an attempt to influence a person not to seek public office; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 205, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1285, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

HB 275, 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 18, 1973

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

By the Committee on Health & Rehabilitative Services and Representative J. W. Robinson and others—

CS for HB's 212, 655 & 678—A bill to be entitled An act relating to public buildings; amending section 255.21(1) and (2) (b), Florida Statutes, 1972 Supplement; providing that certain buildings being remodeled shall comply in certain particulars with standards and specifications established by the department of general services relating to the access and use of certain buildings by the physically disabled; providing conditions under which regulations for the design, construction or alteration of certain buildings to aid the physically disabled may be waived; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB's 212, 655 & 678, 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 18, 1973

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

By the Committee on Judiciary and Representatives Kiser and Hair—

CS for HB's 703 and 806—A bill to be entitled An act relating to claims against the state and counties; authorizing any person sustaining personal injuries or damage to or loss of property caused by negligence, wrongful act, or omission of any state agency or county to file a claim therefor with the agency or county for recovery for said injury or damage in an amount not to exceed one thousand dollars (\$1,000); providing procedure for filing claims; requiring consideration of claims by the affected state agency; providing an annual report to the legislature by the department of administration; authorizing county commissioners to pay claims; providing that failure of recovery of claim will bar recovery from legislature; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB's 703 and 806, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By the Committee on Business Regulation—

HB 2023—A bill to be entitled An act to amend Sections 687.02 and 687.03, Florida Statutes, defining usurious contracts and making it unlawful to impose, charge or take interest in excess of the rate therein prescribed, by modifying the interest rate which may lawfully be charged for obligations in excess of five hundred thousand dollars; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 2023, 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 18, 1973

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

By Representative Poole and others—

HB 1917—A bill to be entitled An act relating to Broward County; amending Section 6 of Chapter 27438, Laws of Florida, Special Acts, 1951, as amended, relating to the North Broward hospital district to authorize and empower the board of commissioners of said district to establish, construct, operate and maintain such hospital or hospitals, such supportive facility or facilities, including offices for physicians and other medically related personnel, entities and activities, and such facilities for limited care and treatment as in the opinion of said board of commissioners shall be necessary for the needs and use of the people of said district; declaring the same to be used for the preservation of the public health and for the public good and for the use of the public of said district; declaring and finding the same to be a public purpose; authorizing the board of commissioners to determine and fix the location and the terms, conditions and consideration for the use of such hospitals, supportive facility or facilities, and facilities for limited care and treatment; providing an effective date.

Proof of Publication attached.

By Representatives Poorbaugh and Nergard—

HB 1899—A bill to be entitled An act relating to Martin County, providing for the issuance of gun permits; granting to the sheriff the exclusive authority to issue such permits; defining the term, requirements and fee for the issuance of gun permits; providing that violation of this act is a misdemeanor; repealing chapter 63-1620, Laws of Florida, relating to issuance of gun permits by county judge; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Ogden and others—

HB 955—A bill to be entitled An act relating to the 1937 pension fund for police and firemen of the city of Jacksonville; amending sections 1, 3, 4, 5 and 9 of chapter 18615, laws of Florida, special acts of 1937, as amended, so as to increase the city's contribution to said pension fund, enlarge the number of trustees of said fund, provide early retirement benefits, and allow time service credit in said fund for prior years of consecutive service to members of the 1937 pension fund for employees of the city of Jacksonville, created by chapter 18610, laws of Florida, special acts of 1937, as amended, who become members of said 1937 pension fund for police and firemen without break in service with the city; repealing chapter 61-2316, laws of Florida, relating to transfer of credits between said funds; providing an effective date.

Proof of Publication attached.

By Representative Ogden and others—

HB 956—A bill to be entitled An act relating to the 1937 pension fund for employees of the city of Jacksonville; amending sections 3, 4, 5 and 7 of chapter 18610, laws of Florida, special acts of 1937, as amended, so as to increase the city's contribution to said pension fund, enlarge the number of trustees of said fund, provide early retirement benefits, and allow time service credit in said fund for prior years of consecutive service to members of the 1937 pension fund for police and firemen of the city of Jacksonville, created by chapter 18615, laws of

Florida, special acts of 1937, as amended, who became members of said 1937 employees pension fund without break in service with the city; repealing chapter 61-2313, laws of Florida, relating to transfer of credits between said funds; providing an effective date.

Proof of Publication attached.

By Representative Odgen and others—

HB 957—A bill to be entitled An act providing for the merger of the assets and liabilities of the 1945 county employees pension fund created by chapter 23259, laws of Florida, special acts of 1945, as amended, into the 1937 pension fund for employees of the city of Jacksonville created by chapter 18610, laws of Florida, special acts of 1937, as amended, and into the 1937 pension fund for police and firemen created by chapter 18615, laws of Florida, special acts of 1937, as amended, effective October 1, 1973; providing the manner in which the assets and liabilities of said 1945 county employees pension fund shall be transferred into said 1937 pension fund for employees of the city of Jacksonville and into said 1937 pension fund for police and firemen; protecting the rights of pensioners and members of each fund; providing an effective date.

Proof of publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representatives Mixson and Rish—

HB 1232—A bill to be entitled An act relating to Jackson County schools; authorizing the district school board of Jackson County to acquire, construct, enlarge, improve, repair, remodel, equip, and furnish schools, school facilities, and all necessary appurtenances within the county; authorizing the issuance of revenue bonds payable from motor vehicle license taxes allocated to the board pursuant to the provisions of Section 18 of Article XII of the State Constitution, and racetrack funds and jai alai funds accruing annually to Jackson County pursuant to the provisions of chapters 550 and 551, Florida Statutes, and allocated to the board, to pay the costs of such projects; providing an effective date.

Proof of Publication attached.

By Representative Poole and others—

HB 1573—A bill to be entitled An act relating to Broward County, amending Chapter 25709, Laws of Florida, Special Acts of 1949, as amended by Chapter 28950, Laws of Florida, Special Acts of 1953, authorizing the Board of County Commissioners of Broward County to acquire lands for recreational purposes; amending Section 3b of said act; removing the limitation upon the amount of bonds which can be issued for the purpose of acquiring such lands; removing the requirement for the holding of a referendum in cases of bonds payable solely from revenues other than ad valorem taxes; conforming the interest rate limitation on bonds issued pursuant to said act to that imposed by general law; and providing for an effective date;

Proof of Publication attached.

By Representative P. Thomas—

HB 1882—A bill to be entitled An act relating to Franklin county; repealing chapter 65-1563, Laws of Florida, which required the board of county commissioners and the board of public instruction (district school board) to publish minutes of their meetings and publish monthly itemized lists of disbursements by the boards; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Hodes and others—

HB 1918—A bill to be entitled An act relating to Hillsborough County; repealing chapter 23330, Laws of Florida, 1945, relating to assessment and collection of taxes in said county, to bring municipalities in said county under general state law; providing an effective date.

Proof of Publication attached.

By Representative Danahy and others—

HB 1920—A bill to be entitled An act relating to Hillsborough County; abolishing Southwest Tampa storm sewer drainage district (formerly known as Interbay drainage district); providing that the City of Tampa shall succeed to the assets, duties, and obligations of said district; providing for the powers and duties of the city with reference thereto; providing an effective date.

Proof of Publication attached.

By Representative Danahy and others—

HB 1921—A bill to be entitled An act relating to Hillsborough County; amending §1 of chapter 71-687, Laws of Florida; providing for the district school board to enter into agreements for group insurance for the benefit of retired employees of the public schools in the county; providing for contributions by the board to the premiums therefor; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative McDonald—

HB 1884—A bill to be entitled An act relating to Columbia County; repealing chapter 72-449, Laws of Florida, which provides for the creation of a clerk for the county court of Columbia County, contingent upon the approval of the new Article V of the State Constitution, for the method of appointment of the clerk and staff, the term of office and budget procedures, and for the powers and duties of the clerk and deputy clerks; providing an effective date.

Proof of Publication attached.

By Representative Walker—

HB 1886—A bill to be entitled An act relating to Collier County; providing for the construction or acquisition of various county improvement projects; authorizing the issuance of certificates of indebtedness payable from the portion of the race track funds and jai alai fronton funds accruing annually to the county and allocated to the board of county commissioners to finance the cost of such projects; providing an effective date.

Proof of Publication attached.

By Representative Danahy and others—

HB 1919—A bill to be entitled An act relating to Hillsborough County; authorizing the board of county commissioners of Hillsborough County to convey to Dale Mabry Post 139, The American Legion, Department of Florida, certain lots in Gardenia Subdivision in Hillsborough County at a price based on their fair market value; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Danahy and others—

HB 1922—A bill to be entitled An act relating to Hillsborough County schools; amending §4 of chapter 69-1146, Laws of Florida; providing causes for the discharge or demotion of teachers; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Poole and others—

HB 1574—A bill to be entitled An act relating to Broward County to amend Chapter 63-1178, Laws of Florida, Acts of 1963, the same amending Chapter 61-1966, Laws of Florida, Acts of 1961, and Chapter 57-1183, Laws of Florida, Acts of 1957, which created and incorporated a special tax district in Broward County, Florida, known as the Hillsboro Inlet improvement and maintenance district; to provide for an extension of the life of said district until June 22, 1984.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Dixon and others—

HB 965—A bill to be entitled An act relating to oyster conservation on public lands being State of Florida oyster beds not under private lease in Duval County, Florida; providing controlled quantities of oysters that may be taken from public beds for private consumption and providing protection for private lease holders against public oyster beds being used for commercial purposes; providing an exception for private consumption; providing that violation is a misdemeanor; providing an effective date.

Proof of Publication attached.

By Representative Ogden and others—

HB 967—A bill to be entitled An act amending Sections 2, 3 and 19 of Chapter 63-1447, Laws of Florida, as amended, relating to the definition of projects and powers of the Jacksonville Port Authority, to further define "project" to include capital projects as contemplated under Article VII, Section 10(c)(2) of the Constitution of the State of Florida or Part II, Chapter 159, Florida Statutes, the Florida Industrial Development Act, with respect to any project as defined therein; to amend the declaration of purpose and the powers of the Jacksonville Port Authority to declare that it is a local governmental body within the meaning of said Article VII, Section 10(c)(2) of the Constitution and a local agency within the meaning of said Part II, Chapter 159, Florida Statutes, and to authorize and empower the Authority to serve as a local agency under Part II, Chapter 159, Florida Statutes, the Florida Industrial Development Financing Act with respect to any project as defined therein; providing an effective date.

Proof of Publication attached.

By Representative Walker and others—

HB 1005—A bill to be entitled An act relating to Hendry County; repealing chapter 63-1372, Laws of Florida, relating

to the authority of the board of public instruction of Hendry County to make direct purchases of up to one thousand dollars (\$1,000) each without the necessity of receiving bids on said purchases; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Young—

HB 1262—A bill to be entitled An act relating to Broward County; increasing the membership of the district school board to seven (7) by providing for two (2) new members who are residents in the district and nominated and elected from the district at large; providing staggered terms for the initial membership; providing for approval of this act and for election of the initial new members at a referendum election.

By Representatives Tucker and Webb—

HB 1224—A bill to be entitled An act relating to the acquisition, construction, erection, building, extending, enlargement, improvement, furnishing, equipping and operating, electric generating plants transmission lines, interconnections and substations, for the generation, transmission, and exchanging of electric power and energy by and for the City of Tallahassee, Florida, as a separate bulk power supply utility or system; authorizing the issuance of revenue bonds by the City, to pay the cost thereof, payable from revenues derived from the operation of the system and other funds of the City legally available for such purpose; and providing an effective date.

Proof of Publication attached.

By Representatives Langley and Fechtler—

HB 1183—A bill to be entitled An act relating to Lake County; authorizing the acquisition, disposal, and use of automated or mechanical devices or methods in casting or counting absentee ballots in any election in the county; providing for severability; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representatives Culbreath and Hodges—

HB 1061—A bill to be entitled An act relating to the school board of Hernando County; providing for nonpartisan election of members of the school board; providing for determination of election; providing for repeal of laws and parts of laws in conflict; providing for a referendum; providing an effective date.

By Representative Ogden and others—

HB 961—A bill to be entitled An act amending Section 3 of Chapter 63-1305, Laws of Florida, as amended by Chapter 67-1330, Laws of Florida, by increasing the number of members of the Duval County Hospital Authority from seven (7) members to nine (9) members; providing an effective date.

Proof of Publication attached.

By Representatives Nergard and Clem—

HB 929—A bill to be entitled An act relating to the City of Fort Pierce and St. Lucie County; amending §§1, 2 and 13 of chapter 21238, Laws of Florida, 1941, as amended, which authorizes said city and county to jointly provide and maintain recreation systems, to include a civic auditorium; authorizing the city and the county to enter into leases one with the other and to remove the debt limitations upon the issuance of bonds; providing for a referendum election and permitting bond elections to be held on the same date as the referendum election; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Moudry and others—

HB 926—A bill to be entitled An act relating to Palm Beach County, repealing Chapter 72-645, Laws of Florida, providing for the abolishment of the local government study commission of Palm Beach County created thereby.

Proof of Publication attached.

By Representative Moudry and others—

HB 906—A bill to be entitled An act relating to Palm Beach County; authorizing the School Board of said County to erect, construct, repair, alter and improve any school building in Palm Beach County on a day labor basis with funds from authorized source, provided the project does not cost in excess of Fifty Thousand (\$50,000.00) Dollars; providing a termination date; repealing all laws in conflict herewith; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Ogden and others—

HB 963—A bill to be entitled An act relating to the Duval County Beaches Public Hospital Board; amending Chapter 71-617, Laws of Florida, as amended, to provide procedures for the signing and countersigning of vouchers and warrants of the Board and requiring certain bonds; providing an effective date.

Proof of Publication attached.

By Representatives Nergard and Clem—

HB 1397—A bill to be entitled An act relating to St. Lucie County; creating, establishing, and incorporating a special taxing district in the county to be known and designated as St. Lucie County Hospital District; fixing and prescribing the boundaries of the district; providing for the governing and administration of the same; providing and defining the powers and purposes of the district and of the board of trustees thereof; authorizing and empowering the board to establish, construct, purchase, operate, and maintain such hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors as may be conveyed to or established and constructed by the board and the district; authorizing the district to lease, equip, operate, and maintain hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors owned by others and to contract with any person, firm, corporation or organization for the construction, operation, and maintenance of hospitals, clinics, doctors' clinics, nursing homes, parking facilities, billing and collection services, and other related endeavors in the district; authorizing and

providing for the issuance and sale of ad valorem and revenue bonds, and refunding bonds, of the district; authorizing and empowering the board to borrow money on the note or notes of the district; authorizing and providing for the levy and collection of taxes for the payment of the bonds and the interest thereon; authorizing and providing for the levy of taxes to carry out the purposes of the district as provided in this act; authorizing the district to accept by conveyance any hospitals owned by others; authorizing the district to purchase a hospital or hospitals and hospital equipment owned by others within the district; authorizing and providing generally the powers and duties of the board on its behalf; providing an effective date, and providing for a referendum.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representatives Langley and Fechtler—

HB 1182—A bill to be entitled An act relating to Lake County; requiring all county officers to disclose the financial operations and budgets of their offices; providing for the content of such disclosure; providing for the publication and filing of the disclosure of financial operations; providing for severability; providing an effective date.

Proof of Publication attached.

By Representative Poole and others—

HB 1179—A bill to be entitled An act relating to Broward County; amending Section 26 of Chapter 27438, Laws of Florida, Special Acts, 1951, as amended, relating to the North Broward hospital district to restore to said section language heretofore inadvertently eliminated therefrom by a prior amendment to said section; providing an effective date.

Proof of Publication attached.

By Representative Poole and others—

HB 1178—A bill to be entitled An act relating to Broward County; amending Chapter 27438, Laws of Florida, Special Acts, 1951, as amended, relating to the North Broward hospital district, amending Subsection (1) of Section 37 of Chapter 27438, Laws of Florida, Special Acts, 1951 as amended, to authorize and permit the North Broward hospital district to participate in group bidding by or with other governmental and non-governmental agencies and to purchase in accordance with such group bidding where it can be demonstrated that a savings to the district would be realized, provided that the procedures for such group bidding are comparable to the general bidding requirements of the district; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Poole and others—

HB 1572—A bill to be entitled An act relating to Broward County, amending Chapter 61-1969, Laws of Florida, Special Acts of 1961, as amended by Chapter 63-1186, Laws of Florida, Special Acts of 1963, Chapter 65-1337, Laws of Florida, Special Acts of 1965, Chapter 69-905, Laws of Florida, Special Acts of 1969, and by Chapters 71-562 and 71-581, Laws of Florida, Special Acts of 1971, relating to water resources development and management in Broward County; amending Section 2 of said act by adding thereto Section 2(f) defining the word "electors"; amending Sections 8, 12(b), 13, 14, 25(11), 28(d) and 29 by deleting from said sections the word "freeholders" and inserting in lieu thereof the word "electors," amending Section

14(c) to require that two members of the governing board of any water management district shall be qualified electors within such district; amending Section 14(c) to provide that such members of a governing board shall hold office until their successors are duly elected and qualified, and to eliminate the necessity for the holding of an election when only one candidate qualifies for office; amending Section 14(d) of said act to provide for absentee ballots; amending Sections 10, 13, 28(d) and 30 by deleting from said sections the words "clerk of the circuit court" and inserting in lieu thereof the words "county comptroller"; amending Section 30 to provide that upon dissolution of any water management district, the property and funds of such district would be conveyed to the board of county commissioners of Broward County; providing for severability of invalid provisions; and providing for an effective date.

Proof of publication attached.

By Representative Poole and others—

HB 1567—A bill to be entitled An act amending and supplementing Chapter 59-1157, Special Acts, 1959, Charter of Port Everglades authority, as amended by Chapter 63-1173, Laws of Florida, Acts of 1963; relating to the appointment of a harbor master and other necessary persons to serve at Port Everglades; providing that the port commissioners shall be the pilot commission and that except for the manner of appointment that they shall act as the pilot commission and perform their duties in accordance with the provisions of Chapter 310, Florida Statutes; repealing certain laws as they relate to Port Everglades and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Poole and others—

HB 1564—A bill to be entitled An act relating to Broward County, Florida; amending Section 1 of Chapter 61-1929, Laws of Florida, as amended by Chapter 70-41316, Laws of Florida; providing that the board of county commissioners is authorized to include in its annual budget and to appropriate sums pursuant to the district plan and district budget to the Henderson Clinic, a non-profit corporation of Florida; providing an effective date.

Proof of Publication attached.

By Representative Lewis and others—

HB 1484—A bill to be entitled An act relating to Palm Beach County, amending Section III - Composition and Appointment - of Chapter 65-2063, Laws of Florida, 1965 Special Acts, as amended by Chapter 69-1418, Laws of Florida, 1969 Special Acts, the same being the act establishing the Palm Beach County Area Planning Board; providing for composition; providing for terms of membership on the Area Planning Board; and providing for the effective date of the act.

Proof of Publication attached.

By Representative Poole and others—

HB 1566—A bill to be entitled An act relating to Port Everglades authority, repealing Part V, Article 1, Section 2(c) and Part V, Article 1, Section 5, Chapter 59-1157, Laws of Florida, 1959, the port charter which relates to levying an annual tax for the purpose of paying principal and interest on certain bonds provided for by the terms and conditions of a contract and refunding agreement between Port Everglades authority and Broward County bond holders association dated November 18, 1935, as amended and which provides a limitation on the ad valorem tax authorized; and amending Part V, Article 1, Section 3, Chapter 59-1157, Laws of Florida, 1959, relating to the form of any resolution containing a tax levy so as to add the requirement that notice be published and public hearings be held before passage of such resolution and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Earle and others—

HB 1137—A bill to be entitled An act relating to Orange County; providing that notwithstanding the provisions of general or special law in effect on the date of enactment of this Act, the name of any person selected and placed on a jury list for any one calendar year in Orange County shall not be so selected and placed for the next three succeeding calendar years, and such person shall not be required to serve on any jury within said County during such period; providing that the presiding judge of the Circuit Court of Orange County may require the placement of the names of such persons on the jury lists of Orange County within three calendar years if he determines it necessary to avoid the names selected becoming exhausted; providing an effective date.

Proof of Publication attached.

By Representative Ogden and others—

HB 954—A bill to be entitled An act relating to the 1945 pension fund for employees of Duval County; amending Sections 1, 4 and 5 of Chapter 23259, Laws of Florida, Acts of 1945, as amended, so as to increase the city's contribution to said pension fund, enlarge the number of trustees of said fund, authorize the trustees of the pension fund thereby created to invest up to an additional fifty percent (50%) of the pension fund in corporation bonds having an A rating and obligations guaranteed as to principal and interest by the United States, and provide early retirement benefits; providing an effective date.

Proof of Publication attached.

By Representative McDonald—

HB 925—A bill to be entitled An act relating to Hamilton County; repealing chapter 72-448, Laws of Florida, which provides for the creation of a clerk for the county court of Hamilton County, contingent upon the approval of the new Article V of the State Constitution, for the method of appointment of the clerk and staff, the term of office and budget procedures, and for the powers and duties of the clerk and deputy clerks; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Poole and others—

HB 1177—A bill to be entitled An act relating to Broward County; amending Chapter 27438, Laws of Florida, Special Acts, 1951, as amended, relating to the North Broward hospital district, amending Section 31 of Chapter 27438, Laws of Florida, Special Acts, 1951, as amended to restore to subsection 2(a) thereof certain language inadvertently omitted therefrom by a prior amendment; to eliminate subsection 2(d) of said Section 31 and incorporate the provisions thereof into subsection 2(e) of Section 31, after said subsection is renumbered; to add a provision in subsection 2(e) of Section 31, as renumbered, to require that hearings conducted by the board of commissioners of said district on the subject of staff membership and privileges shall be held in accordance with Florida law relating to quasi-judicial hearings and determinations; eliminating certain obsolete language from subsection 2(g) of Section 31, as renumbered; and renumbering the sub-subsections

of subsection 2 of Section 31 to accommodate the amendments prescribed herein; providing an effective date.

Proof of Publication attached.

By Representatives Langley and Fechtel—

HB 1150—A bill to be entitled An act repealing chapter 30912, special acts of Florida, 1955; chapter 57-2056, special acts of Florida, 1957; chapter 61-2368, special acts of Florida, 1961; and chapter 69-1207, special acts of Florida, 1969; being special acts relating to the Lake County law library, at Tavares, Florida.

Proof of Publication attached.

By Representative Hazelton and others—

HB 1147—A bill to be entitled An act relating to Palm Beach County; authorizing the District School Board to hold its regular and special meetings anywhere in the county upon proper notice; repealing all laws in conflict herewith; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Poole and others—

HB 1575—A bill to be entitled An act relating to Broward County, Florida; amending sections 8, 10, 15, 16, 18, Chapter 69-911, as amended, Laws of Florida, providing for payment to commission members or subdistrict members for work performed, allowing fire protection contracts with accessible municipalities and allowing annexations into subdistricts of areas accessible to the subdistrict, allowing tax collector to collect taxes in same manner as county taxes, requiring fire chief, president and treasurer of subdistrict to be bonded to commission in amount of \$1,000.00, subdistricts, with commission approval to pay up to one-half (½) of full time employees health insurance premiums, allowing subdistricts with commission approval to match full time employee contributions to a vested retirement plan with a like sum, allowing subdistricts to enter into mutual aid agreements, to provide for an effective date.

Proof of Publication attached.

By Representative Poole and others—

HB 1576—A bill to be entitled An act relating to Broward County, Florida, amending Section 10 of Chapter 67-1165, Laws of Florida, as amended; providing that the board of county commissioners is authorized to include in its annual budget and to appropriate sums to the Broward County commission on alcoholism; providing an effective date.

Proof of Publication attached.

By Representative Poole and others—

HB 1577—A bill to be entitled An act relating to Broward County Emergency Medical Services Council amending Chapter 70-619, Laws of Florida, providing for the appointment of members; terms of office; compensation; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 21, 1973

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

By Representatives Craig and Williams—

HB 328—A bill to be entitled An act relating to the Town of Hastings, St. Johns County; amending chapter 6695, Laws of Florida, 1913, the town charter; providing that the government of the town shall be vested in a town council to consist of seven (7) members, one (1) of whom shall be elected each year as mayor by a vote of the members of the council; voiding certain portions of chapter 6695, Laws of Florida, 1913, relating to election of the mayor and his powers and duties; providing an effective date.

Proof of Publication attached.

By Representatives Tucker and Webb—

HB 1151—A bill to be entitled An act relating to the City of Tallahassee; providing authority for the acquisition, construction, erection, building, furnishing and equipping of municipal capital projects; authorizing the issuance of revenue bonds to finance the cost of such projects; providing an effective date.

Proof of Publication attached.

By Representative Hodes and others—

HB 1923—A bill to be entitled An act relating to Hillsborough County; amending sections 1 and 2 of chapter 67-1480, Laws of Florida, as amended by chapters 69-1131 and 71-671, Laws of Florida, to provide certain exceptions to the prohibition of granting certain alcoholic beverage licenses to vendors whose place of business is located within twenty-five hundred (2500) feet from the University of South Florida; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 21, 1973

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

By Representative Walker—

HB 1932—A bill to be entitled An act relating to Collier County, district school board; authorizing the board to provide certain group insurance plans; providing an effective date.

Proof of Publication attached.

By Representative Walker—

HB 1933—A bill to be entitled An act relating to Collier County, school transportation; providing that the district school board of Collier County may receive fees for transportation of certain pupils; reserving certain rights to the board; providing for publication of notice; providing an effective date.

Proof of Publication attached.

By Representative Walker—

HB 1934—A bill to be entitled An act relating to Collier County; authorizing the district school board to hold its regular meetings at any appropriate public place in the county upon giving due public notice; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 21, 1973

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

By Representative Hodes and others—

HB 1924—A bill to be entitled An act relating to the Tampa sports authority, City of Tampa, Hillsborough County; amending §4(j) of chapter 65-2307, Laws of Florida, as amended, relating to the general powers of the Tampa sports authority; providing an effective date.

Proof of Publication attached.

By Representative Johnson and others—

HB 1937—A bill to be entitled An act relating to Sarasota County, amending Chapter 2244, Special Acts of 1965, as amended by Chapter 67-2044, Special Acts of 1967, as amended by Chapter 69-1582, 69-1584, Special Acts of 1969, and as further amended by Chapter 71-909, Special Acts of 1971, and Chapter 72-686, Special Acts of 1972, creating the Northeast Area Fire Control District, by deleting the schedule of rates set forth in section 4 thereof and inserting a new schedule of rates in place thereof; by deleting section 8 and inserting a new section 8 (use of district funds) in place thereof; providing for approval of such amendments by referendum; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 18, 1973

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

By the Committee on Community Affairs and Representative Gorman and others—

CS for HB 1881—A bill to be entitled An act relating to the Orange County Parental Home Commission; amending Chapter 57-1638, Section 3, as amended by Chapter 63-1702, Section 1, and Chapter 72-627, Section 1, all Laws of Florida; providing that the Orange County Parental Home Commission shall consist of five (5) members as follows: A circuit judge resident of Orange County to be appointed by the chief judge of the ninth judicial circuit; a circuit judge resident of Orange County with juvenile jurisdiction to be appointed by the chief judge of the ninth judicial circuit; an Orange County Commissioner to be appointed by the chairman of the Orange County Board of County Commissioners; two (2) at-large citizens resident or Orange County to be appointed by the Orange County Board of County Commissioners; and providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 1917, 1899, 955, 956, 957, 1232, 1573, 1882, 1918, 1920, 1921, 1884, 1886, 1919, 1922, 1574, 965, 967, 1005, 1224, 1183, 961, 926, 906, 963, 1182, 1179, 1178, 1572, 1567, 1564, 1484, 1566, 1137, 954, 925, 1177, 1150, 1147, 1575, 1576, 1577, 328, 1151, 1923, 1932, 1933, 1934, 1924 and CS for HB 1881.

House Bills 1917, 1899, 955, 956, 957, 1232, 1573, 1882, 1918, 1920, 1921, 1884, 1886, 1919, 1922, 1574, 965, 967, 1005, 1224, 1183, 961, 926, 906, 963, 1182, 1179, 1178, 1572, 1567, 1564, 1484, 1566, 1137, 954, 925, 1177, 1150, 1147, 1575, 1576, 1577, 328, 1151, 1923, 1932, 1933, 1934, 1924, 1262, 1061, 929, 1397, 1937 and CS for HB 1881, contained in the above messages, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

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

CS for HB 1230—A bill to be entitled An act relating to education; amending §877.13(1), Florida Statutes, providing that it is unlawful for any person to knowingly disrupt or interfere with the educational processes of educational institutions; providing specific prohibitions relating to public schools; providing an effective date.

By Representative P. Thomas—

HB 1455—A bill to be entitled An act relating to the taking of shrimp; prohibiting the taking of shrimp during a closed season in certain areas; providing a penalty; providing an effective date.

By the Committee on Transportation and Representative Holloway—

HB 1983—A bill to be entitled An act relating to the department of transportation; amending §334.22(2), Florida Statutes, 1971; requiring annual reports to be filed; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1230 and HB 1455, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

HB 1983, 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 18, 1973

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

By Representatives Shreve and Price—

HB 1067—A bill to be entitled An act relating to probation; amending Section 948.01(4), Florida Statutes, providing for sentencing alternatives, at the court's discretion, for convicted felons; providing an effective date.

By Representative Harris—

HB 1315—A bill to be entitled An act relating to governmental efficiency; adding paragraph (e) to subsection (1) of §11.45, Florida Statutes, 1972 Supplement, and adding subsection (9) to said section; providing a definition; authorizing postaudit of the accounts and financial records of governmental units by an independent certified public accountant; providing for the postaudit to be retained as a public document; providing penalties for willful failure to furnish necessary records or information; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1067, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

HB 1315, 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 18, 1973

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

By Representative Turlington—

HB 1770—A bill to be entitled An act relating to the physical therapy practice act; amending §§486.021(1) and (3), 486.041, 486.051, 486.052, 486.081, 486.102, 486.103, 486.104, 486.105, 486.106, and 486.107, Florida Statutes, 1971, to include electromyography within the definition of physical therapy; changing

definition; changing the registration provision with respect to physical therapists to a licensing provision and increasing the charge therefor; increasing fees; amending §486.171(2), Florida Statutes, 1971, to grandfather in certain aides to physical therapists; providing an effective date.

By Representatives Kutun and Gordon—

HB 1452—A bill to be entitled An act relating to child abuse; amending §828.041(1)(b) and (4), Florida Statutes, 1971, to redefine "abuse" and "maltreatment" to delete a requirement that inflicted physical injury be severe, to include infliction of emotional injury within the meaning of the terms, and to require all persons to report instances of child abuse; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1770, contained in the above message, was read the first time by title and referred to the Committee on Ways and Means.

HB 1452, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President **May 21, 1973**

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

By Representative Rish—

HB 919—A bill to be entitled An act for the relief of Mr. Dan W. D'Alemberte; providing an appropriation to compensate him for loss of personal property as the result of a car theft which was the result of the escape of inmates from the State Mental Hospital in Chattahoochee; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 919, 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 18, 1973**

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

By the Committee on Community Affairs and Representative Conway—

CS for HB 1236—A bill to be entitled An act relating to Volusia County; providing for negotiation and agreement between the district school board of Volusia County and the representative organization of the teachers of Volusia County; providing for recognition of an organization as the official representative of all the certificated personnel in the county school system; providing that membership in the representative organization may not be required as a condition of employment; providing procedures; providing for conferences; providing for mediation and review; providing for an advisory board; providing for payment of costs; providing for an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to CS for HB 1236.

CS for HB 1236, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Poorbaugh and others—

HB 617—A bill to be entitled An act relating to animals; amending §828.13, Florida Statutes, 1971, to provide that any person who abandons to die any domestic animal in his charge or any domestic animal which he owns is guilty of a second degree misdemeanor; providing an effective date.

By Representative Kutun—

HB 1348—A bill to be entitled An act relating to guardianship; providing legislative intent; providing for limited guardianship and the appointment of limited guardians; providing for standby guardians; permitting corporate guardianship; providing for application of the Florida guardianship law to the provisions of this act; providing an effective date.

By the Committee on Judiciary and Representative Steinberg and others—

CS for HB 1486—A bill to be entitled An act relating to service of process; creating §§48.193 and 48.194, Florida Statutes; enumerating acts subjecting any person, resident, or nonresident to the jurisdiction of the courts of this state; providing for personal service of process outside the state under certain circumstances; repealing §48.182, Florida Statutes, 1971, relating to service of process on certain nonresidents causing wrongful acts outside the state which causes injury within the state; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 617, contained in the above message, was read the first time by title and referred to the Committees on Criminal Justice and Agriculture.

HB 1348, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

CS for HB 1486, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Poorbaugh—

HB 615—A bill to be entitled An act relating to poison; amending §828.08, Florida Statutes, 1971, to increase the penalty for exposing poison in any common street or yard from a misdemeanor of the first degree to a felony of the third degree; providing an effective date.

By Representative Harris—

HB 1171—A bill to be entitled An act relating to criminal penalties; creating section 775.085, Florida Statutes; providing extended sentences for displaying, using, threatening or attempting to use a weapon or a firearm or for committing a battery during the commission of a felony; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 615, contained in the above message, was read the first time by title and referred to the Committees on Criminal Justice and Commerce.

HB 1171, contained in the above message, was read the first time by title and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President **May 18, 1973**

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

By Representative Harris—

HB 1249—A bill to be entitled An act relating to the division of archives, history and records management; amending §267.031(2), Florida Statutes, providing for advisory councils; providing an effective date.

By Representative Mixson—

HB 1466—A bill to be entitled An act relating to the sale of liquefied petroleum gas; amending section 527.06, Florida Statutes, 1971, providing a procedure for the promulgation and adoption of rules and regulations; amending section 527.12, Florida Statutes, 1971, providing a procedure for the imposition of administrative fines and for holding hearings; amending section 527.13(1), Florida Statutes, 1971, relating to administrative fine; amending section 527.14(1), Florida Statutes, 1971, relating to the procedure for suspension and revocation of license; amending section 527.17, Florida Statutes, 1971, providing a procedure for appeal; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1249, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

HB 1466, 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 18, 1973

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

By Representative Harris—

HB 1248—A bill to be entitled An act relating to the Florida archives and history act, chapter 267, Florida Statutes creating Part II of said act to provide for designation of state archaeological landmarks, providing definitions, providing for designation, providing for permits, providing penalties, providing an effective date.

By Representative James—

HB 1474—A bill to be entitled An act relating to elections; amending §101.27(4), Florida Statutes, to provide for the order in which voting machine ballots are arranged; providing an effective date.

By Representative Savage—

HB 1661—A bill to be entitled An act relating to game promotions used in connection with the promotion or sale of consumer products or services; amending §849.094, Florida Statutes, 1971, to provide publishing of advertising copy; establishing a minimum value of prizes to be reported; increasing time limitations for reporting; instructing the department of legal affairs to keep lists of winners for six (6) months; providing a penalty; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1248, contained in the above message, was read the first time by title and referred to the Committee on Governmental Operations.

HB 1474, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

HB 1661, 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 18, 1973

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

By the Committee on Insurance and Representative Rish—

CS for HB 1827—A bill to be entitled An act relating to insurance; adding new paragraph (h) and (i) to section 625.121(4), Florida Statutes, 1971, amending the introductory paragraph of said subsection (4); amending sections 625.121(5)(b) and 627.476(8)(a) and (b), Florida Statutes, 1971; increasing the interest rate used for calculating minimum reserves for life insurance and annuity contracts, and substituting modern mortality tables for valuing such reserves for annuity contracts; providing for nonrecurring expense factors; increasing the interest rate used for calculating minimum nonforfeiture benefits for life insurance policies; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

CS for HB 1827, contained in the above message, was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Tubbs and others—

HM 1269—A memorial requesting the United States Congress to provide complete and adequate funding for the continuance of the space shuttle program.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HM 1269, contained in the above message, was read the first time and placed on the calendar.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Poorbaugh and others—

HB 588—A bill to be entitled An act relating to cruelty to animals; amending §828.05, Florida Statutes, 1971, relating to animals which are so injured or diseased as to be useless, to include the judge of the county court among those persons who, upon application of the officers of any society for the prevention of cruelty to animals, shall cause such animal to be humanely destroyed; providing an effective date.

By Representative Fortune and others—

HB 1279—A bill to be entitled An act relating to public welfare; amending §409.325(1), Florida Statutes, 1971, enlarging the prohibition of welfare fraud to include additional specific actions; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 588, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 1279, contained in the above message, was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

The Honorable Mallory E. Horne, President May 18, 1973

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

By Representative Rish—

HB 1364—A bill to be entitled An act relating to the Forestry Practice Act, amending Section 492.01, Florida Statutes, relating to the registration of a professional forester who engages in the practice of professional forestry as a consultant

or who engages in the investigation, appraisal, and evaluation or development of forest management plans; amending Section 492.02 (2), Florida Statutes, providing definitions for the terms "Professional Forestry" or "Practice of Forestry"; and amending Section 492.16, Florida Statutes, by authorizing the board to fix each year the annual renewal fee within specified limits for certificates for registration; providing an effective date.

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

HB 1129—A bill to be entitled An act relating to the military code; amending §250.34, Florida Statutes, 1971, to provide benefits for injury, death or disability incurred by a member of the organized militia while in state active service; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

House Bills 1364 and 1129, contained in the above message, were read the first time by title and referred to the Committee on Ways and Means.

RECONSIDERATION

The motion to reconsider the vote by which SB 299 as amended passed was not taken up. The motion was abandoned and the bill was ordered certified to the House.

SPECIAL ORDER

SJR 237—A joint resolution proposing an amendment to section 9, article IV of the constitution of the state of Florida, relating to the game and fresh water fish commission, to provide approval of the commission's budget by the legislature.

—was read the second time.

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

Amendment 1—On page 1, line 17, strike "1973" and insert: 1974

On motion by Senator Childers the following amendment was adopted:

Amendment 2—On page 1, line 11, strike everything after the resolving clause and insert: That the following amendment to Section 9 of Article IV of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1974:

SECTION 9. Game and fresh water fish commission.—

There shall be a game and fresh water fish commission, composed for five members appointed by the governor *subject to confirmation by the senate* for staggered terms of five years. The commission shall exercise the ~~non-judicial~~ *regulatory and executive* powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute. *The legislature may enact laws in aid of the commission, not inconsistent with this section. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from such license fees shall be appropriated to the commission by the legislature for the purpose of management, protection and conservation of wild animal life and fresh water aquatic life.*

Pending further consideration of SJR 237 as amended, on motion by Senator Childers—

CS for HJR 637—A joint resolution proposing an amendment to Section 9, Article IV of the State Constitution, relating to the appointment of game and fresh water fish commission members and to approval of the commission's budget by the legislature.

—a companion measure was substituted therefor and read the second time.

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

Amendment 1—Section 9, line 21, after "the state" insert: , as may be delegated by law,

On motion by Senator Graham the following amendment was adopted:

Amendment 2—On page 2, lines 3-7, strike entire paragraph

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

Amendment 3—On page 1, line 20, insert: One member shall be appointed from congressional districts 1, 2, and 3, one from congressional districts 4, 5 and 6, one from congressional districts 7, 8, and 9, one from congressional districts 10, 11, and 12, and one member from congressional districts 13, 14 and 15, commencing with any vacancies or appointments existing after the effective date of this act and thereafter as appointments or vacancies exist to provide representation as required by geographical congressional district representation. The members shall reside in the district they represent.

On motion by Senator Childers, by two-thirds vote CS for HJR 637 as amended was read the third time in full, passed with the required constitutional three-fifths vote of the membership and certified to the House. The vote was:

Yeas—37

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

Nays—None

SJR 237 was laid on the table.

On motion by Senator Brantley, CS for HB 1222 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 718 was taken up and on motion by Senator Brantley—

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

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Brantley, by two-thirds vote CS for HB 1222 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

SB 718 was laid on the table.

HB 434—A bill to be entitled An act relating to taxation; amending §210.01(1), Florida Statutes, 1971, relating to taxes on cigarettes, to redefine the term cigarette in terms of weight; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 15, insert after the word "smoking": except those of which the tobacco is fully naturally fermented,

Senator Deeb moved the adoption of the following substitute amendment which failed:

Amendment 2—On page 1, line 18, strike "which weighs not more than three (3) pounds per thousand"

Amendment 1 was adopted by the following vote:

Yeas—21

Mr. President	Gallen	Plante	Trask
Barron	Gillespie	Poston	Weber
Brantley	Glisson	Scarborough	Zinkil
Childers	Johnson	Smathers	
de la Parte	Myers	Stolzenburg	
Firestone	Peterson	Sykes	

Nays—19

Deeb	Johnston	Pettigrew	Ware
Gordon	Lane (31st)	Saunders	Williams
Graham	Lane (23rd)	Sayler	Wilson
Gruber	Lewis	Sims	Winn
Henderson	McClain	Vogt	

On motion by Senator Gallen, by two-thirds vote HB 434 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—8

Deeb	Lane (23rd)	Sims	Wilson
Johnston	McClain	Ware	Winn

SB 641—A bill to be entitled An act relating to workmen's compensation; amending §440.02(2), Florida Statutes, excluding an officer of a close corporation from the requirements of coverage under this section; providing an effective date.

—was read the second time by title.

On motion by Senator Barron the following amendment was adopted:

Amendment 1—On page 2, line 12, strike the period (.) and insert: who has filed written certification with the division electing to be exempted from the provisions of this chapter.

On motion by Senator Barron, by two-thirds vote SB 641 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

Mr. President	Childers	Firestone	Glisson
Barron	Deeb	Gallen	Gordon
Brantley	de la Parte	Gillespie	Graham

Gruber	McClain	Sayler	Vogt
Henderson	Myers	Scarborough	Ware
Johnson	Peterson	Sims	Weber
Johnston	Pettigrew	Smathers	Wilson
Lane (31st)	Plante	Stolzenburg	Winn
Lane (23rd)	Poston	Sykes	Zinkil
Lewis	Saunders	Trask	

Nays—None

SB 77—A bill to be entitled An act relating to financial matters; amending subsection (c) of subsection (2) of section 215.32, Florida Statutes, to provide a limitation on the working capital fund, providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 1—On page 1, line 5 after the word "amending", strike "subsection" and insert: paragraph

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 2—On page 1, line 15, after "Section 1", strike "Subsection" and insert: paragraph

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 3—On page 1, line 29, strike "said"

On motion by Senator de la Parte, by two-thirds vote SB 77 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—None

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

SB 167—A bill to be entitled An act relating to distribution of obscene materials; providing for the offense of distributing obscene material; defining obscene material; providing penalties; providing that this act is supplemental to, and does not supersede, §847.011, Florida Statutes; providing severability; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 2, line 16, insert: Nothing contained herein shall be construed to repeal or in any way supersede the provisions of section 847.012 or 847.013.

Senators Gallen, Weber, Johnson and Winn offered the following substitute amendment which was moved by Senator Gallen:

Amendment 2—On page 1, line 25, strike everything after the enacting clause and insert: Section 1. (1) A person commits the offense of distributing obscene materials when he sells, rents, lease's, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any de-

scription, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent so to do.

(2) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters.

(3) Material, not otherwise obscene, may be deemed obscene under this section if the distribution thereof, or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

(4) (a) Whoever distributes obscene materials is guilty, upon first conviction, of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 772.083, Florida Statutes.

(b) Whoever distributes obscene material is guilty, upon a second or subsequent conviction, of a felony of the third degree, punishable as provided in Sec. 775.082, Sec. 775.083 or Sec. 775.084, Florida Statutes.

(5) Any person who knowingly wholesale promotes any obscene matter or performance, or in any manner knowingly hires, employs, uses or permits any person to wholesale promote or assist in wholesale promoting any obscene matter or performance, is guilty of a felony of the third degree, punishable as provided in Sec. 775.082, Sect. 775.083, or Sec. 775.084.

(6) "Wholesale promote" means to manufacture, issue, sell, provide, deliver, transfer, transmute, publish, distribute, circulate, disseminate or offer or agree to do the same, with or without consideration, for purposes of resale or redistribution.

(7) No person shall, as a condition to sale, allocation, consignment or delivery for resale of any matter or performance, require that the purchaser or consignee receive for resale any other matter or performance reasonably believed by the purchaser or consignee to be obscene; and no person shall deny or revoke any franchise, or threaten to do so, or impose or threaten to impose any penalty, financial or otherwise, by reason of the refusal or failure of any person to accept any such matter, or by reason of the return thereof. Whoever violates this subsection is guilty of a felony of the third degree, punishable as provided in Sec. 775.082, Sec. 775.083, or Sec. 775.084.

Section 2. Whenever an indictment, information or trial affidavit is filed under the provisions of this act, the state attorney, or his duly appointed assistant, may apply to the court for the issuance of an order directing the defendant and/or his principal agent, bailee, or other like person, to produce the allegedly obscene materials at a time and place so designated by the court for the purpose of determining whether there is probable cause to believe said material is obscene. After hearing the parties on the issue, if the court determines probable cause exists, he may order the material held by the clerk of the court pending further order of the court. This section shall not be construed to prohibit the seizure of obscene materials by any other lawful means.

Section 3. In order to make the application and enforcement of this act uniform throughout the state, it is the intent of the legislature to preempt the field, to the exclusion of counties and municipalities, insofar as it concerns exposing persons over seventeen (17) years of age to harmful motion pictures, exhibitions, shows, representations, and presentations. To that end, it is hereby declared that every county ordinance and every municipal ordinance adopted prior to July 1, 1973, and relating to said subject shall stand abrogated and unenforceable on and after such date and that no county, municipality or consolidated county-municipal government shall have the power to adopt any ordinance relating to the subject on or after such effective date. If this act is declared to be illegal, unconstitutional, or otherwise unenforceable, any county or municipal ordinance abrogated before this section was declared unconstitutional, shall be in full force and effect and each county, municipality and consolidated county-municipal government shall have the power to adopt ordinances relating to this subject.

Section 4. Nothing in this act shall be construed to repeal or in any way supersede the provisions of Sec. 847.011, Sec. 847.012, or Sec. 847.013, Florida Statutes.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or applications, and to this end the provisions of this act are declared severable.

Section 6. This act shall take effect immediately upon becoming a law.

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

Amendment 2a—On page 1, strike all lines after the enacting clause and insert: Section 1. As used in this act the words "obscene", "lewd", "lascivious", or "filthy" shall mean material whose predominant appeal is to the prurient interest, is utterly without redeeming social value, and goes substantially beyond customary limits of candor in describing or representing such matters.

Section 2. Any person who knowingly or negligently violates the right of privacy of another by transmitting, distributing or sending, without request, any obscene, lewd, lascivious or filthy matter, or any person who knowingly or negligently violates the right of privacy of a minor by transmitting, distributing or sending to such minor any obscene, lewd, lascivious or filthy matter, without the prior request or approval of the parent or guardian of such minor, shall be liable in a civil action for compensatory and punitive damages. In any such action the trial court, or in the event of an appeal, the appellate court, shall award to the plaintiff, if he prevails in his action, a reasonable sum for attorney's fees.

Section 3. This act shall take effect upon becoming law.

Senator Myers moved the adoption of the following amendment to Amendment 2:

Amendment 2b—On page 1, strike lines 1—6 of the amendment and insert: Section 1. (1) A person commits the offense of displaying obscene materials when he:

(a) uses obscene material in an advertisement in or through any communications media;

(b) displays or exhibits obscene material on the exterior of a movie or live theatre, movie marquee, the display windows of any store or book store, or the exterior of any other building or structure, public or private.

(c) displays or exhibits for sale obscene material at outdoor newspaper or magazine stands, or like outdoor display centers.

On motion by Senator Ware, by two-thirds vote debate on all amendments to SB 167 was limited to 10 minutes and debate on final passage was limited to 5 minutes.

Amendment 2b failed.

Senators Childers, Trask, Pettigrew, Vogt, Sims and Glisson offered the following amendment to Amendment 2 which was adopted on motion by Senator Childers:

Amendment 2c—Insert new Section 6: Nothing herein shall be construed to limit the free exercise of free speech or picketing by any organization, group or individual for the purpose of upholding community standards.

Renumber subsequent section.

Senator Glisson moved the adoption of the following amendment to Amendment 2 which failed:

Amendment 2d—On page 4, lines 5 through 8, strike the word "and" at end of line 5; strike all of lines 6 and 7; on line 8 strike the words: relating to the subject on or after such effective date. On line 2, between the word "presentations" and the period, insert: , however, this shall not prohibit local governments from adopting more stringent ordinances

Senators Johnston, Sims and Vogt offered the following amendment to Amendment 2 which was adopted on motion by Senator Johnston:

Amendment 2e—In subsection 4(a) strike “or §772.083, Florida Statutes.” and insert: , Florida Statutes, or by a fine not to exceed \$5,000.

Amendment 2 as amended was adopted.

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

Amendment 3—On pages 1 and 2, strike all of 4 (b)

On motion by Senator Gallen the following amendment was adopted:

Amendment 4—On page 1, line 6, strike the rest of title after the word “material;” and insert: providing definition of obscene material; providing penalties; providing for the offense of wholesale promotion of obscene material; providing penalty; providing for offense of requiring purchasers to accept obscene materials as a condition to sale or delivery for resale of other materials; providing penalty; providing for prior adversary hearing where appropriate; abrogating county and municipal ordinances relating to obscene materials and in effect July 1, 1973; prohibiting county and municipal ordinances relating to obscene materials; providing a severability clause; providing an effective date.

The following amendments by the Committee on Criminal Justice failed by virtue of the adoption of substitute amendment 2:

Amendment 5—On page 2, between lines 13 and 14 insert: Section 2. Whenever an indictment, information or trial affidavit is filed under the provisions of this act, the state attorney, or his duly appointed assistant, may apply to the court for the issuance of an order directing the defendant and/or his principal agent, bailee, or other like person, to produce the allegedly obscene materials at a time and place so designated by the court for the purpose of determining whether there is probable cause to believe said material is obscene. After hearing the parties on the issue, if the court determines probable cause exists, he may order the material held by the clerk of the court pending further order of the court. This section shall not be construed to prohibit the seizure of obscene materials by any other lawful means.

(Renumber subsequent sections)

Amendment 6—On page 2, between lines 16 and 17 insert: Section 4. In order to make the application and enforcement of this act uniform throughout the state, it is the intent of the legislature to preempt the field, to the exclusion of counties and municipalities, insofar as it concerns exposing persons over seventeen (17) years of age to harmful motion pictures, exhibitions, shows, representations, and presentations. To that end, it is hereby declared that every county ordinance and every municipal ordinance adopted prior to July 1, 1973, and relating to said subject shall stand abrogated and unenforceable on and after such date and that no county, municipality or consolidated county-municipal government shall have the power to adopt any ordinance relating to the subject on or after such effective date. If this act is declared to be unconstitutional, any county or municipal ordinance abrogated before this section was declared unconstitutional, shall be in full force and effect and each county, municipality and consolidated county-municipal government shall have the power to adopt ordinances relating to this subject.

Amendment 7—On page 1, lines 15 through 17 strike everything after “sells,” in line 15 and strike all of line 16 and the word “disseminates” in line 17 and insert: rents, leases, advertises, publishes, or exhibits for compensation

Amendment 8—On page 2, lines 8 and 9 strike “or section 775.083” and insert: after “Statutes,” or by a fine in an amount not to exceed five thousand dollars.

Amendment 9—On page 2, strike lines 10 through 13 and the word “first”, line 7

Senator Myers moved that the Senate reconsider the vote by which Amendment 3 failed and the motion failed to receive the necessary two-thirds vote.

On motion by Senator Gallen, by two-thirds vote SB 167 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

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

Nays—3

Gordon Myers Pettigrew

By unanimous consent Senators Plante, Graham and Wilson were recorded as voting yea.

By permission the following Senators were recorded as co-introducers of SB 167: Brantley, Childers, Firestone, Glisson, Gruber, Horne, Johnson, Lane (23rd), Lewis, Peterson, Sayler, Sims, Smathers, Stolzenburg, Sykes, Vogt, Ware and Weber.

SB 1048—A bill to be entitled An act relating to domestic relations payments; creating section 61.181, Florida Statutes, to provide for the establishment of a depository to receive and disburse such payments and for fees for receiving and disbursing domestic relations payments; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator Scarborough and failed:

Amendment 1—On page 1, strike lines 17 through 26 and insert: (1) All support, alimony or maintenance payments shall be paid to the clerk of the circuit court.

On motion by Senator Scarborough the following amendment was adopted:

Amendment 2—On page 1, line 18, after the word “central” insert: governmental

On motion by Senator Scarborough the following amendment was adopted:

Amendment 3—On page 1, line 25, strike “five” and insert: three

On motion by Senator Scarborough, by two-thirds vote SB 1048 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

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

Nays—None

On motion by Senator Graham, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for HJR 637—A joint resolution proposing an amendment to Section 9, Article IV of the State Constitution, relating to the appointment of game and fresh water fish commission members and to approval of the commission’s budget by the legislature.

—as amended passed this day.

On motion by Senator Firestone, the rules were waived and time of adjournment was extended until 5:05 p.m.

Senators Graham and Childers offered the following amendment which was adopted by two-thirds vote on motion by Senator Graham.

Amendment 4—On page 2, line 3 insert: The wording of the proposed amendment shall be stated: The Resolution makes the appointment of game commission members subject to Senate approval; provides that the commission's planning, personnel, purchasing and budgeting shall be provided by law; and, that the legislature may appropriate funds to the commission.

On motion by Senator Graham, CS for HJR 637 as further amended was read in full as follows:

CS for HJR 637—A joint resolution proposing an amendment to Section 9, Article IV of the State Constitution, relating to the appointment of game and fresh water fish commission members and to approval of the commission's budget by the legislature.

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

That the following amendment to Section 9 of Article IV of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1974:

SECTION 9. Game and fresh water fish commission.—

There shall be a game and fresh water fish commission, composed of five members appointed by the governor *subject to confirmation by the senate* for staggered terms of five years. The commission shall exercise the ~~non-judicial~~ *regulatory and executive* powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute. *The legislature may enact laws in aid of the commission, not inconsistent with this section. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from such license fees shall be appropriated to the commission by the legislature for the purpose of management, protection and conservation of wild animal life and fresh water aquatic life.*

The wording of the proposed amendment shall be stated: The Resolution makes the appointment of game commission members subject to senate approval; provides that the commission's planning, personnel, purchasing and budgeting shall be provided by law; and, that the legislature may appropriate funds to the commission.

—and passed as further amended with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senator Lane (23rd) was recorded as voting yea.

On motion by Senator Saunders, by two-thirds vote the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, SB 465 and HB 607 were withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the Calendar.

On motion by Senator Brantley, HB 1032 was withdrawn from the Committee on Commerce by two-thirds vote.

On motion by Senator Brantley, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider HB 1032 at the meeting this day.

The Journal of May 21 was corrected as follows and approved: Page 456, counting from the bottom of column 2, line 17, strike "HB" and insert: SB

CO-INTRODUCER

By permission, Senator Sykes was recorded as a co-introducer of SB 597.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:08 p.m. to reconvene at 9:00 a.m., May 23, 1973.