

JOURNAL OF THE FLORIDA SENATE

Tuesday, April 9, 1974

The Senate was called to order by the President Pro Tempore at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

The following measures were read the first time and referred to committee(s) as indicated:

By Senator Johnson—

SB 530—A bill to be entitled An act relating to insurance; removing immunity from litigation between husband, wife or other insureds where liability insurance coverage is provided; providing an effective date.

—to Judiciary.

By Senator Johnson—

SB 531—A bill to be entitled An act relating to insurance; creating §624.155, Florida Statutes, providing that insurers are subject to actual and punitive damages for willfully and wrongfully withholding insurance benefits; providing an effective date.

—to Commerce.

By Senators Poston, Firestone, Gordon, Winn, Zinkil, Stolzenburg and Lane (31st)—

SB 532—A bill to be entitled An act relating to highway designation; designating that portion of State Road 836 from Interstate Highway 95 to State Road 826, as the "Dolphin Expressway"; authorizing and directing the department of transportation to erect suitable markers; providing an effective date.

—to Transportation.

By Senator Scarborough—

SB 533—A bill to be entitled An act relating to search warrants; adding subsection (5) to §933.02, Florida Statutes, 1971, to permit the issuance of a search warrant when the property is evidence of or tends to demonstrate the commission of a criminal offense or that a particular person participated in the commission of a crime; providing an effective date.

—to Criminal Justice.

By Senator Vogt—

SB 534—A bill to be entitled An act relating to insurance; amending section 624.516(1)(3), Florida Statutes, providing that funds received under section 624.515, Florida Statutes, shall be deposited in the insurance commissioner's regulatory trust fund; providing an effective date.

—to Ways and Means.

By Senator Vogt—

SB 535—A bill to be entitled An act relating to insurance; amending section 624.314, Florida Statutes, to provide for the deposit of all funds from the sale of publications in the insurance commissioner's regulatory trust fund; removing the maximum amount retained in the publications revolving trust fund since the publications trust fund is being abolished; providing an effective date.

—to Ways and Means.

By Senator Pettigrew—

SB 536—A bill to be entitled An act relating to witnesses; creating §90.240, Florida Statutes; providing reporters the privilege of nondisclosure of information or sources of information; defining reporter; providing an effective date.

—to Criminal Justice.

By Senators Winn and Johnson—

SB 537—A bill to be entitled An act relating to hotels and restaurants; amending Section 509.151, Florida Statutes, 1973, to provide that anyone who obtains food, lodging, or other accommodations at certain public lodging or food service establishments with intent to defraud where the food, lodging, or accommodations have a value of less than one hundred dollars (\$100) shall be guilty of a misdemeanor of the second degree, but if the value is one hundred dollars (\$100) or more the person shall be guilty of a felony of the third degree; providing for arrest without warrant in misdemeanor cases; providing an effective date.

—to Criminal Justice.

By the Committee on Criminal Justice—

SB 538—A bill to be entitled An act relating to the implementation of the emergency telephone number "911"; providing a title; providing an intent; providing for a state plan; providing a system director; providing for telephone industry coordination; providing for coin telephone conversion; providing for system approval; repealing section 365.17 Florida Statutes, regarding voluntary "911" implementation; providing an appropriation; providing an effective date.

—to Criminal Justice and Ways and Means.

By Senator Vogt—

SB 539—A bill to be entitled An act relating to the municipal firemen's pension trust fund; amending section 175.121, Florida Statutes, by removing limitations on expenses to carry out the provisions of this chapter; providing that funds received under this chapter be deposited in the insurance commissioner's regulatory trust fund for distribution; providing an effective date.

—to Ways and Means.

By Senator Vogt—

SB 540—A bill to be entitled An act relating to insurance; amending section 624.522, Florida Statutes, by repealing present subsection (6) and renumbering present subsection (7) as subsection (6); providing an effective date.

—to Ways and Means.

By Senator Brantley—

SB 541—A bill to be entitled An act relating to Parts I and II of the "Florida Banking Code"; amending Section 658.07(1) and (2), Florida Statutes, to require the department to examine the condition of each state bank at least once each year; to provide that the department may accept an examination by the federal deposit insurance corporation or federal reserve in lieu of said examination; to provide that each state bank and trust company shall perform an internal audit each twelve months; amending Section 658.08, Florida Statutes, to require a \$1,000 fee for applications to acquire controlling interest in an existing bank; amending Section 659.051, Florida Statutes, to permit the time of annual meetings of stockholders to be extended by the department; amending Section 659.14, Florida Statutes, to require application and approval by the department prior to acquisition of controlling interest in any state bank or trust company; amending Section 659.17(3)(d)4, Florida Statutes, to increase loan limits on home improvement loans from \$5,000.00 to \$10,000.00; providing an effective date.

—to Commerce and Ways and Means.

By Senator Vogt—

SB 542—A bill to be entitled An act relating to liquefied petroleum gas; amending section 527.02(2), Florida Statutes, by providing that revenues collected under this chapter be deposited in the insurance commissioner's regulatory trust fund; providing an effective date.

—to Commerce and Ways and Means.

By Senator Vogt—

SB 543—A bill to be entitled An act relating to the municipal police officers' retirement trust fund; amending section 185.10, Florida Statutes, by providing that funds received under this chapter be deposited in the insurance commissioner's regulatory trust fund for distribution; providing an effective date.

—to Ways and Means.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

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

Prayer by the Senate Chaplain:

Our Father, the wise man of old taught that, "without counsel purposes are disappointed: but in the multitude of counsellors purposes are established."

So let it be as we counsel together today in affairs of state. Grant us purpose, grant us also courage to live with our convictions and the sense not to be stubborn about mere opinions. So shall wisdom reign in our midst and our governing be blessed. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Tuesday, April 9, 1974:

SB 132	SB 277	SB 256	SB 259
SB 505	SB 134	SB 131	SB 167
SB 64	SB 293	SB 116	SB 276
SB 85	SB 76	SB 133	SB 135
SB 122	SB 86	SB 80	SB 270

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary recommends the following pass:

SB 434 with 4 amendments	SB 440	SB 442
SB 438 with 1 amendment	SB 441	SB 443

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Judiciary recommends the following pass: SB 136

The Committee on Transportation recommends the following pass:

SB 384 with 1 amendment	SB 391 with 1 amendment
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The Committee on Rules and Calendar recommends the following pass: SCR 18

The Committee on Natural Resources and Conservation recommends the following pass: SB 358

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

The Committee on Judiciary recommends the following not pass: SB 444

The bill was laid on the table.

Miss Monika Edwards, staff director of the Education Division of the President's office, presented a report on an education project which was conducted by that office, the purpose of which was to provide insight into the nature of the problems some Florida teachers are encountering in the educational system and to identify the area or areas in which the most persistent and insoluble problems are created. A copy of the report was made available to each Senator and filed in the office of the Secretary of the Senate.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred SB 122 with 1 amendment reports that the Senate amendment has been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was placed on the calendar pending roll call.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Barron on behalf of the President who was presiding, SB 502 was withdrawn from the Committee on Judiciary by two-thirds vote and from further consideration of the Senate.

On motion by Senator Barron, SB 288 was withdrawn from the Committee on Ways and Means by two-thirds vote.

On motion by Senator Barron, SB 317 was withdrawn from the Committee on Governmental Operations by two-thirds vote and referred to the Committee on Rules and Calendar.

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following communications, certificate and reports:

Honorable Mallory E. Horne April 4, 1974
President, The Florida Senate
The Capitol

Dear Mr. President:

This is to advise that I have appointed Mr. Henry V. Haskins as Harbor Master, Port of Key West, Monroe County, for a term ending February 8, 1976. Attached is his questionnaire for executive appointment.

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

Sincerely,
REUBIN ASKEW
Governor

Honorable Mallory E. Horne April 4, 1974
President, The Florida Senate
The Capitol

Dear Mr. President:

This is to advise that I have appointed Dr. Howard C. Jelks Jr., as a member of the Everglades Recreational Planning Board representing Broward County, and he will serve at the pleasure of the Governor. Attached is his questionnaire for executive appointment.

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

Sincerely,
REUBIN ASKEW
Governor

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

Honorable Joe Brown April 5, 1974
Secretary of the Senate
The Capitol

Dear Mr. Brown:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the names

of persons for whom commissions have been prepared and which are subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) *Dorothy W. Glisson*
Director, Division of Elections

STATE OF FLORIDA



Department of State

I, Richard (Dick) Stone, Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, commissions which are subject to Confirmation by the Senate have been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
James D. Neville Sarasota	Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District	June 30, 1976
Kenneth D. Brumbaugh Sarasota	Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District	June 30, 1974

[Committee on Natural Resources and Conservation]



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Fifth day of April, A. D. 1974.

RICHARD (DICK) STONE
Secretary of State

The President referred each appointment to the committee shown.

Senator Mallory E. Horne
President, The Florida Senate
January 29, 1974

Dear Mr. President:

Your Standing Committee on Agriculture to whom was referred for inquiry and recommendation the following appointment subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
David O. Hamrick Bradenton	Member, Citrus Commission, State at Large, State of Florida Department of Citrus	May 31, 1974

—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 appointment made by the Governor.

Respectfully submitted,
PHILIP D. LEWIS,
Chairman
TOM GALLEN
THOMAS H. JOHNSON

JULIAN B. LANE
N. CURTIS PETERSON
CHESTER W. STOLZENBURG

On motion by Senator Lewis, the report of the committee was adopted, and the Senate in open session approved and confirmed the appointment set forth in the foregoing report. The vote was:

Yeas—37

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

Nays—None

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

February 25, 1974

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
Leonard A. Carson Tallahassee	Member, Industrial Relations Commission	Pleasure of the Governor (Resigned April 1, 1974)
James W. Kynes, Jr. Tampa	Member, Board of Business Regulation	Pleasure of the Governor
Emily Roy Tampa	Member, State Board of Cosmetology, District Four, State of Florida Department of Professional and Occupational Regulation	June 27, 1976
Frederick H. Schultz Jacksonville	Member, Board of Business Regulation, State of Florida Department of Business Regulation	Pleasure of the Governor

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

Respectfully Submitted,
LEW BRANTLEY, *Chairman* **SHERMAN S. WINN,**
W. D. CHILDERS *Vice Chairman*
DAN SCARBOROUGH **DEMPSEY J. BARRON**
CHARLES H. WEBER **TOM GALLEN**
KEN PLANTE **WARREN S. HENDERSON**

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

Yeas—37

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

Nays—None

Honorable Mallory E. Horne
President
The Florida Senate

March 20, 1974

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
Gary S. Brooks Miami	Member, Assessment Administration Review Commission	January 7, 1976
Johnny Dampier Gainesville	Member, Fire Fighters Standards Council, Fire Chief Position	September 24, 1977
DeVaughn Green Pensacola	Member, Civil Service Board, Escambia County	February 13, 1977
D. A. Hickman Miami	Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs	October 7, 1976
Robert J. Huckshorn Boca Raton	Member, Florida Elections Commission	December 5, 1977
Jesse V. Jackson Orlando	Member, Fire Fighters Standards Council, Officer Position	September 15, 1977
Wallace F. King Pensacola	Member, Florida Elections Commission	December 10, 1977
C. C. Leiby Ocala	Member, Career Service Commission	December 1, 1977
Helen K. Leslie St. Petersburg	Member, Florida Elections Commission	December 10, 1975
Alyce M. Maddrey Pensacola	Member, Historic Pensacola Preservation Board of Trustees	January 22, 1975
James F. McKillips Miami Beach	Member, Florida Elections Commission	December 10, 1975
Stephen C. O'Connell Tallahassee	Chairman, Florida Elections Commission	December 27, 1976
John Reed, Jr. Pensacola	Member, Board of Funeral Directors and Embalmers, State of Florida Department of Professional and Occupational Regulation, Member at Large	July 17, 1977
Florence G. Rabon Key West	Member, Historic Key West Preservation Board of Trustees	November 29, 1976
Robert J. Serfling Tallahassee	Member, Assessment Administration Review Commission	January 7, 1975
Levie D. Smith, Jr. Lakeland	Member, Assessment Administration Review Commission	January 7, 1975
J. Ray Southerland Panama City	Member, Board of Funeral Directors and Embalmers, State of Florida Department of Pro-	July 23, 1977

NAME	OFFICE	FOR TERM ENDING
Thomas W. Staed Daytona Beach	Member, Florida Elections Commission	December 10, 1977

—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
RICHARD A. PETTIGREW
Vice Chairman
DEMPSEY J. BARRON
GEORGE FIRESTONE
HENRY B. SAYLER

JOHN T. WARE
WILLIAM G. ZINKIL
RICHARD J. DEEB
KENNETH PLANTE
BRUCE A. SMATHERS
LORI WILSON

On motion by Senator Williams, the report of the committee was adopted, and the Senate in open session approved and confirmed the appointments set forth in the foregoing report. The vote was:

Yeas—37

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

Nays—None

Honorable Mallory E. Horne
President, The Florida Senate
The Capitol
March 19, 1974

Dear Mr. President:

Your Standing Committee on Transportation was charged with making inquiry and recommendation on the following appointment subject to confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
Douglas B. Milne Jacksonville	Member, Jacksonville Transportation Authority, Duval County	August 4, 1975

This Committee met this date and after full inquiry hereby submits its recommendation that the Senate advise and consent, and approve the aforesaid appointment made by the Honorable Reubin O'D. Askew, Governor of the State of Florida.

RALPH R. POSTON,
Chairman
ALAN TRASK,
Vice Chairman
THOMAS H. JOHNSON
JULIAN B. LANE

WALTER SIMS
CHESTER STOLZENBURG
RUSSELL E. SYKES
JOHN T. WARE
JAMES H. WILLIAMS

On motion by Senator Poston, the report of the committee was adopted, and the Senate in open session approved and confirmed the appointment set forth in the foregoing report. The vote was:

Yeas—37

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

Nays—None

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

March 19, 1974

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
Tom S. Coldewey Port St. Joe	Member, Northwest Florida Water Management District	July 1, 1977
Kelly F. Swindle Bonifay	Member, Northwest Florida Water Management District	July 1, 1975
Ralph Thomas Clay Palatka	Member, St. Johns River Water Management District	July 1, 1977
Bobby E. White Hastings	Member, St. Johns River Water Management District	July 1, 1975
Jerome Johns Starke	Member, Suwannee River Water Management District	July 1, 1975
William Auley Rowell Shady Grove	Member, Suwannee River Water Management District	July 1, 1977

—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,
W. D. CHILDERS,
Chairman
RICHARD J. DEEB
WARREN S. HENDERSON
JOHN W. VOGT
WILLIAM G. ZINKIL, SR.

LEW BRANTLEY,
Vice Chairman
TOM GALLEN
HENRY SAYLER (dissenting)
SHERMAN S. WINN

On motion by Senator Childers, the report of the committee was adopted, and the Senate in open session approved and confirmed the appointments set forth in the foregoing report. The vote was:

Yeas—37

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

Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 5, 1974

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

HB 98	HB 279	HB 304
HB 549	HB 488	HB 580
HB 729	HB 802	HB 803

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Carlucci and Boyd—

HB 98—A bill to be entitled An act relating to traffic accidents; creating §316.070, Florida Statutes; providing that law

enforcement officers shall require the exchange of specified information at the scene of certain motor vehicle accidents; amending §316.068(1), Florida Statutes, providing that liability insurance policy numbers be included on accident report forms; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

By Representatives Smith and Nuckolls—

HB 279—A bill to be entitled An act relating to garnishment; creating §77.035, Florida Statutes, to require notice to defendant when a writ is served upon a bank or other financial institution; providing an effective date.

—was read the first time and referred to the Committee on Judiciary.

By Representative Tucker—

HB 304—A bill to be entitled An act relating to the interstate compact on juveniles; amending §39.26, Florida Statutes, to add the out-of-state confinement amendment to the compact; providing an effective date.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By Representatives Malloy and Fontana—

HB 549—A bill to be entitled An act relating to the Florida retirement system; amending §121.081(1)(c), Florida Statutes, 1972 Supplement, as created by chapter 72-168, Laws of Florida, to provide for retirement credit for an employee in the Cuban Refugee Assistance Program for service prior to January 1, 1968 regardless of the fund from which paid; providing an effective date.

—was read the first time and referred to the Committee on Ways and Means.

By Representative Hartnett—

HB 488—A bill to be entitled An act relating to days of mourning; providing for alternative methods of state observance of days of mourning; providing an effective date.

—was read the first time and referred to the Committee on Governmental Operations.

By Representative Kutun and others—

HB 580—A bill to be entitled An act relating to public school system personnel; amending §231.29(2)(a), Florida Statutes, 1972 Supplement, to provide that each individual on annual contract status in any school district in the state shall have his performance assessed at least once a year, while those on continuing contract shall be assessed in depth at least once every three (3) years; providing an effective date.

—was read the first time and referred to the Committee on Education.

By Representative Spicola—

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

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By the Committee on Agriculture & Citrus—

HB 802—A bill to be entitled An act relating to plant industry; amending section 581.131, Florida Statutes, to authorize an increase in inspection fee; providing an effective date.

—was read the first time and referred to the Committee on Ways and Means.

By the Committee on Agriculture & Citrus—

HB 803—A bill to be entitled An act relating to the department of agriculture and consumer services; amending section 570.09, Florida Statutes, to reduce the duties of assistant commissioner of agriculture; amending section 570.31(1), Florida Statutes, to authorize a director of the division of administration; providing effective date.

—was read the first time and referred to the Committee on Governmental Operations.

The Honorable Mallory E. Horne, President April 5, 1974

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

HB 99 (cs)	HB 588	HB 732
HB 687 (cs)	HB 617	HB 524
HB 290	HB 282 (cs)	HB 210
HB 303	HB 318	HB 380
HB 218	HB 314	HB 782
HB 840	HB 829	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Rude—

HB 99 (cs)—A bill to be entitled An act relating to the department of transportation; amending chapter 334, Florida Statutes, by adding section 334.27; permitting the department of transportation, with the approval of the board of trustees of the internal improvement trust fund, to lease for certain periods, air rights over or under state highways for such non-highway purposes as will not impair the construction or safety of state highways; subjecting any building erected under this section to the various codes and ordinances of the governmental body where located; providing for payment of taxes on said buildings; requiring disclosure of officers and directors of leasing corporations; prohibiting erection of billboards under this section; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

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.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By Representative Tillman—

HB 732—A bill to be entitled An act relating to Chapter 470, Florida Statutes; directing the statutory revision department to change certain terminology in the funeral directors and embalmers law; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By the Committee on Governmental Operations and Representative Tubbs and others—

HB 687 (cs)—A bill to be entitled An act relating to the Florida public service commission; amending section 350.06, Florida Statutes, relating to employment of clerk and reporter; place of meeting; expenditures; changing method of compensating the official reporter of the commission; authorizing the commission to reproduce and sell copies of all testimony taken by the official reporter; providing for disposition of all revenue derived from sale of copies; providing an effective date.

—was read the first time and referred to the Committee on Governmental Operations.

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.

—was read the first time and referred to the Committees on Criminal Justice and Judiciary.

By Representative Carlucci (by request)—

HB 524—A bill to be entitled An act relating to the various boards under the department of professional and occupational regulation; authorizing the boards to utilize their rule making power to establish the location of their main office and branch offices; providing an effective date.

—was read the first time and referred to the Committee on Governmental Operations.

By Representative Hodes—

HB 290—A bill to be entitled An act relating to public health; repealing §392.241, Florida Statutes, 1971, which authorizes the division of health to establish a tuberculosis hospital in Union County; providing an effective date.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By the Committee on Agriculture & Citrus and Representative Tillman—

HB 282 (cs)—A bill to be entitled An act relating to livestock at large; amending §588.18, Florida Statutes, providing for an increase in fees allowed to be charged for the impounding, serving notice, care and feeding, and disposal of impounded livestock by the county sheriff; providing an effective date.

—was read the first time and referred to the Committee on Ways and Means.

By Representatives Dubbin and Becker—

HB 210—A bill to be entitled An act relating to workmen's compensation; amending §440.45(3), Florida Statutes, 1971, increasing and establishing the salary of judges of industrial claims; providing an effective date.

—was read the first time and referred to the Committee on Ways and Means.

By Representative Tucker—

HB 303—A bill to be entitled An act relating to the parole and probation commission; creating section 947.165, Florida Statutes; providing certain procedures after denial of parole; providing an effective date.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By Representative Williamson—

HB 318—A bill to be entitled An act relating to elevators; prohibiting smoking or the igniting of flame in any elevator in the state; providing a penalty; adding subsection (8) to §399.07, Florida Statutes, 1971, to require that all elevator certificates contain a warning of the provisions of this act; providing an effective date.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By Representative Johnson—

HB 380—A bill to be entitled An act relating to testamentary trustees to establish qualifications; amending §737.02, Florida Statutes, providing for an exemption therefrom for any Florida corporation with trust powers; providing an effective date.

—was read the first time and referred to the Committee on Judiciary.

By Representative Carlucci—

HB 218—A bill to be entitled An act relating to motor vehicle safety equipment; amending §325.13(1), (2), and (3), Florida Statutes, 1972 Supplement, to provide that motor vehicles may be inspected anytime prior to the month of expiration of the current certificate; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

By Representative Tucker (by request)—

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

—was read the first time and referred to the Committee on Commerce.

By Representative G. C. Robinson and others—

HB 782—A bill to be entitled An act relating to the university of west Florida; providing for a two-year pilot project to determine whether improved accountability and maximization of the public tax dollar can be better achieved by delegation of certain responsibilities; providing an effective date.

—was read the first time and referred to the Committee on Governmental Operations.

By Representative Tittle—

HB 840—A bill to be entitled An act relating to driver licenses; amending §322.18(7), Florida Statutes, 1971, relating to the renewal of licenses, to extend the expiration dates falling on weekends or holidays; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

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 domestic 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.

—was read the first time and referred to the Committees on Criminal Justice and Judiciary.

The Honorable Mallory E. Horne, President April 5, 1974

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

HB 851	HB 866	HB 869
HB 872	HB 874	HB 881
HB 980	HB 991	HB 972

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative J. C. Thomas—

HB 851—A bill to be entitled An Act relating to the Florida Public Service Commission; amending subsection (1) of section 350.77, Florida Statutes, by providing for a change in fees for copies; providing an effective date.

—was read the first time and referred to the Committee on Ways and Means.

By Representative Crabtree—

HB 866—A bill to be entitled An act relating to mechanics' liens; amending Section 713.22 (1), Florida Statutes; providing

that the one year limitation period for the duration of a mechanics' lien is extended by the commencement of an action to enforce the lien within one year after recordation; providing that bona fide creditors and purchasers without notice shall not be affected by the action to enforce a lien unless a notice of lis pendens is recorded; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Crabtree—

HB 872—A bill to be entitled An act relating to mechanics liens; amending Section 713.02, Florida Statutes, by adding Subsection (9); providing for liens in connection with allowances in construction contracts; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Crabtree—

HB 874—A bill to be entitled An act relating to mechanics liens; amending subsection (6) of Section 713.02, Florida Statutes, and Section 713.23, Florida Statutes; providing that the bond shall cover all subsequent claims of lien; providing for transfer of liens to the bond; prescribing a form of payment bond; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Crabtree—

HB 881—A bill to be entitled An act relating to mechanics' liens; amending Section 713.05, Florida Statutes, to provide for furnishing a sworn statement by the contractor showing the payment status of lienors as a prerequisite to receiving payment or the final payment from the owner; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Tittle—

HB 980—A bill to be entitled An act relating to drivers' licenses; amending §322.16(2), Florida Statutes, 1971, providing that a restricted license holder may be licensed sixty (60) days prior to his sixteenth birthday; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

By Representative Earle and others—

HB 991—A bill to be entitled An act relating to public assistance; amending §409.325(1), Florida Statutes, 1971, relating to the fraudulent receipt of public assistance payments; providing a change in penalties; providing an effective date.

—was read the first time and referred to the Committee on Health and Rehabilitative Services.

By Representative Webb—

HB 972—A bill to be entitled An act relating to the sale of securities; amending section 517.12(4), Florida Statutes, to provide for filing surety bond by dealers not members of Securities Investors Protection Corporation; and providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Crabtree—

HB 869—A bill to be entitled An act relating to mechanic's liens; amending subsection (4) of Section 713.07, Florida Statutes; providing for the procedure to be followed if construction on an improvement ceases before completion; specifying the persons who are entitled to notice of the abandonment and their rights and obligations; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 5, 1974

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

HB 1135 HB 776

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Andrews and others—

HB 1135—A bill to be entitled An act relating to insurance; amending §627.419(3), Florida Statutes, 1972 Supplement, as amended, to provide that podiatrists be paid from the proceeds of medical policies, if the procedures performed are within the scope of their professional license; providing an effective date.

—was read the first time and referred to the Committee on Commerce.

By Representative Harllee—

HB 776—A bill to be entitled An act relating to motor vehicle title certificates; amending §319.28(1)(b), Florida Statutes, 1971, to provide that when the previous owner of a motor vehicle dies testate and when the estate is administered in the probate division of any circuit court in the state, then a title certificate shall be issued to the new owner upon application for new title accompanied by specified documents; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

The Honorable Mallory E. Horne, President April 3, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 768 (cs) and requests the concurrence of the Senate therein.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representatives Tillman and Nuckolls—

HB 768 (cs)—A bill to be entitled An act relating to worthless checks and drafts; amending subsection (2)(b) of section 832.05, Florida Statutes, relating to worthless checks penalty; amending subsection (4) of §832.05, Florida Statutes, providing for payment as a defense; amending subsection (7) of §832.05, Florida Statutes, providing for assessment of costs if suit is dismissed; providing an effective date.

—was read the first time and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 8, 1974

I am directed to inform the Senate that the House of Representatives has passed HB 166 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Gautier and Williams—

HB 166—A bill to be entitled An act relating to execution; amending §§922.07-922.10 and §922.11(1) and (2), Florida Statutes, to provide that the Florida supreme court, instead of the governor, issue execution warrants; amending §922.15, Florida Statutes, deleting the requirement that the governor be sent a copy of the warrant after execution; repealing §§922.12 and 922.14, Florida Statutes, relating to return of warrant issued by the governor and return of the death sentence unexecuted for unjustifiable reasons; providing an effective date.

—was read the first time and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 8, 1974

I am directed to inform the Senate that the House of Representatives has adopted HCR 2529 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Wilson and others—

HCR 2529—A concurrent resolution deploring the passing of John J. (Jack) Savage, Minority Leader pro tempore.

—was read the first time and placed on the calendar.

The Honorable Mallory E. Horne, President April 5, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1145 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Sessums and Conway—

HB 1145—A bill to be entitled An act relating to education; amending subsections 229.57(3) and 229.57(4), Florida Statutes, 1971, to limit application of educational accountability program to the subject areas of reading, writing, and mathematics until implementation of this act has been completed in those specific subject areas; providing an effective date.

—was read the first time and referred to the Committee on Education.

The Honorable Mallory E. Horne, President April 8, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 133 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Gautier and Avon—

HB 133—A bill to be entitled An act relating to limitation of prosecution; amending §932.465, Florida Statutes; providing that prosecution of an offense punishable by death or one punishable by life imprisonment may be commenced at any time; providing a six year limitation for a felony of the first degree, three years for any other felony, two years for a misdemeanor of the first degree, one year for a misdemeanor of the second degree; providing three months extension for defective indictment, information, or affidavit; providing limitations for offenses committed by state, county, or municipal officials; providing an effective date.

—was read the first time and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President April 5, 1974

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

HB 275 HB 191 HB 615
HB 548(cs) HB 435(cs)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Foster—

HB 191—A bill to be entitled An act relating to motor vehicle safety equipment; adding subsection (8) to §325.19, Florida Statutes, to provide that a motor vehicle having specified defects shall be issued an inspection approval certificate under certain circumstances; providing a penalty; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

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 or give money or anything of value pursuant to an attempt to influence a person not to seek public office or to solicit money or anything of value as a consideration for not seeking public office; providing an effective date.

—was read the first time and referred to the Committee on Judiciary.

By the Committee on Community Affairs and Representative Holloway—

HB 548 (cs)—A bill to be entitled An act relating to planning and zoning; requiring that the appropriate planning authority be notified of building permit and zoning change applications; requiring recommendations to local or state government regarding any anticipated increase in traffic; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

By the Committee on Transportation and Representatives Lockward and Holloway—

HB 435 (cs)—A bill to be entitled An act relating to motor vehicle licenses; creating §320.0806, Florida Statutes, and adding subsections (5) and (6) to §320.0842, Florida Statutes, 1972 Supplement, relating to the issuance by the department of highway safety and motor vehicles of "HP" series license plates to certain handicapped persons; exempting persons who have been issued "HP" or "DV" plates from any parking fees or penalties while parking motor vehicles with said plates; providing an effective date.

—was read the first time and referred to the Committee on Transportation.

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.

—was read the first time and referred to the Committee on Criminal Justice.

The Honorable Mallory E. Horne, President

April 5, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2028 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Bass and others—

HB 2028—A bill to be entitled An act relating to labor, implementing Section 6 of Article I of the Constitution of the State of Florida; amending section 447.03, Florida Statutes, 1971, to include the right to refrain from participation in labor organizations; creating section 447.17, Florida Statutes, to provide civil and injunctive relief for denial or abridgement of rights; amending chapter 447, Florida Statutes, by adding Part II; providing right to organize and bargain collectively as to terms and conditions of employment; providing method of bargaining procedure; creating and providing administration by the Florida public employees relations commission within the department of commerce defining rights of public employees and employers; providing payroll dues deduction; providing rules and procedures for registration, recognition, and certification of employee organizations and bargaining agents; providing payment of fees and expenses in collective bargaining process; providing grievance procedures; providing procedures for resolution of impasse; providing factors to be considered by the special master; providing for compensation and records; establishing unfair labor practices by employers and employee organizations; providing procedures to resolve unlawful actions and practices, penalties and remedies; providing injunctive relief; providing effect on merit and civil service systems and state and local control of same; providing for a local option; providing certain exceptions to §286.011 and chapter 119, Florida Statutes, and providing limits to such exceptions; providing for severability; repealing §230.22 (1)(a), Florida Statutes, as created by chapter 73-338, Laws of Florida, relating to general powers of school boards; providing for repeal of chapter 72-275, Laws of Florida, which creates the Fire Fighters Bargaining Act; providing repeal of §839.221, Florida Statutes, which prohibits participation in strikes or membership in organizations that assert right to strike against government employer by governmental officers and employees; providing an effective date.

—was read the first time and referred to the Committees on Judiciary and Ways and Means.

RECONSIDERATION

The motion by Senator Graham to reconsider the vote by which CS for SB 54 passed April 4 was deferred.

SPECIAL ORDER

SB 132 was taken up, together with:

By the Committee on Commerce—

CS for SB 132—A bill to be entitled An act relating to the oil spill prevention and pollution control act; amending §376.09, Florida Statutes, to delete references to navigable waters of the United States and to department of natural resources incurred costs of removal, to provide references to current federal water pollution law; amending §376.11(6)(b), Florida Statutes, to require waiver by the department of natural resources of the right to reimbursement for oil spills resulting from an act of war, an act of government, or an act of God; creating §376.11(6)(c), Florida Statutes, to authorize the department to waive the right to reimbursement to the fund for abatement costs due to the act of a third party; amending §376.12, Florida Statutes, to limit liability to \$14,000,000; providing an effective date.

—which was read the first time by title and SB 132 was laid on the table.

On motion by Senator Brantley, by two-thirds vote CS for SB 132 was read the second time by title.

Senator Brantley moved the following amendment which was adopted:

Amendment 1—On page 3, lines 25 and 26, strike "and for damages resulting from injury to others" and insert a period

Senator Sayler moved the following amendment which failed:

Amendment 2—On page 1, between lines 22 and 23, insert: Section 1. Subsection (5) is added to section 376.051, Florida Statutes, to read:

376.051 Powers and duties of the department.—

(5) *The department is granted full power and authority to revoke or suspend the license of any person, firm or corporation holding a license under this chapter when the department determines that said person, firm or corporation has violated any provision of this chapter or any rule, regulation or order of the department, including a violation which requires the payment of an administrative fine.*

(RENUMBER SUBSEQUENT SECTIONS)

Senator Sayler moved the following amendment:

Amendment 3—On page 1, between lines 22 and 23 insert:

Section 1. Subsection (5) is added to section 376.051, Florida Statutes, to read:

376.051 Powers and duties of the department.—

(5) *It is the duty of the department to initiate and carry out a thorough investigation of each alleged violation of this chapter. The department and its designated deputies, agents and employees may arrest any person without warrant where there are reasonable and probable grounds for belief that the person has committed a criminal offense prescribed by this chapter. Any person arrested for such an offense shall be surrendered without delay to the sheriff of the county in which the arrest was made and formal complaint made against such person in accordance with law.*

(Renumber subsequent sections)

Senator de la Parte moved the following substitute amendment which was adopted:

Amendment 4—On page 1, between lines 22 and 23 insert: Section 1. Subsection (5) is added to section 376.051, Florida Statutes, to read:

376.051 Powers and duties of the department.—

(5) *It is the duty of the department to initiate and carry out a thorough investigation of each alleged violation of this chapter. Any employee of the department who has arrest*

powers pursuant to law shall be authorized to arrest any person who has committed a misdemeanor in his presence or any person whom he has probable cause to believe has committed a felony. Any person arrested for such an offense shall be surrendered without delay to the sheriff of the county in which the arrest was made and formal complaint made against such person in accordance with law.

Senator Saylor moved the following amendment which was adopted:

Amendment 5—On page 4, between lines 13 and 14, insert: Section 4. Subsection (5) is added to section 376.14, Florida Statutes, to read:

376.14 Terminal facilities and vessels required to file bond+ fees.—

(5) The department is authorized to charge a fee for processing each evidence of financial responsibility. The fee shall be reasonably related to the administrative cost of verifying data submitted pursuant to obtaining a certificate of financial responsibility and shall not exceed the sum of \$100 per application plus the sum of \$10 per vessel. Fees collected pursuant to this subsection shall be deposited in the Florida coastal protection fund.

(RENUMBER SUBSEQUENT SECTION)

Senator Saylor moved the following amendment which was adopted:

Amendment 6—On page 1, between lines 22 and 23 insert: Section 1. Subsection (1) of section 376.06, Florida Statutes, is amended to read:

376.06 Operation without license prohibited; penalty.—

(1) No person shall operate or cause to be operated a terminal facility as defined in §376.031(9) without a license. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083. In addition, after notice and hearing in accordance with part II of chapter 120, the department may assess an administrative fine against such person of \$100 per day of operation without a license.

(Renumber subsequent sections)

Senator Saylor moved the following amendment which failed:

Amendment 7—On page 4, between lines 13 and 14 insert: Section 4. Subsection (5) is added to section 376.14, Florida Statutes, to read:

376.14 Terminal facilities and vessels required to file bond; penalty.—

(5) Any person who operates or causes to be operated a vessel carrying pollutants as cargo without a certificate of financial responsibility is guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083. In addition, after notice and hearing in accordance with part II of chapter 120, the department may assess an administrative fine against such person of up to \$50,000 per day. Each day during any portion of which such violation occurs constitutes a separate offense.

(Renumber subsequent section)

Senator Saylor moved the following amendment which failed:

Amendment 8—On page 1, between lines 22 and 23 insert: Section 1. Subsection (5) of section 376.06, Florida Statutes, is amended to read:

376.06 Operation without license prohibited.—

(5) The department shall may require, in connection with the issuance of an annual a terminal facility license, the payment of a reasonable fee for processing applications for registration certificates. The fee shall be reasonably related to the administrative costs of verifying data submitted pursuant to obtaining the certificates and reasonable inspections; however, the fee shall not exceed \$250 per terminal facility per year plus two cents per barrel of the total storage capacity to a maximum fee of \$2,500.

(Renumber subsequent sections)

Senator Saylor moved the following amendment:

Amendment 9—On page 3, line 16, strike all of lines 16 through 29 on page 3 and all of lines 1 through 13 on page 4 and insert: 376.12 Liabilities of licensees.—

(1) Because it is the intent of this chapter to provide the means for rapid and effective cleanup and to minimize damages, any registrant licensee and its agents or servants, or the owner or operator of a vessel including vessels destined for or leaving a licensee's terminal facility, who permits or suffers a prohibited discharge or other polluting condition to take place within state boundaries shall be liable to the state for all costs of cleanup and or other damage incurred as a result of such discharge by the state and for damages resulting from injury to others; except as provided in this section.

(2) Except when the registrant or vessel owner or operator can prove that damages in connection with or resulting from the prohibited discharge were caused by an act of war or negligence of the United States, the State of Florida, other governmental entity, or the damaged party, such registrant or vessel owner or operator shall be strictly liable to all damaged parties, public or private, without regard to fault. A claim for damages may be determined by agreement among the parties, arbitration, or judicial proceedings. In any legal action, whether it be arbitration or judicial proceedings, brought suit to enforce claims of the state under this chapter, it shall not be necessary for the claimant state to plead or prove negligence in any form or manner on the part of the licensee or any vessel. If the state is damaged by a discharge prohibited by this chapter it need only plead and prove the fact of the prohibited discharge or other polluting condition and that it occurred.

(3) The liability of an owner or operator of a vessel other than a barge shall be limited under this section to 100,000,000 for any one incident involving a prohibited discharge. The liability of a vessel other than a barge in excess of 100,000,000 shall be in accord with prevailing rules of negligence.

(4) The liability of an owner or operator of a barge shall be limited under this section to \$250 per barrel of pollutant transported or capable of being transported upon or within each barge involved in the prohibited discharge.

(5) The liability of an owner or operator of a terminal facility shall be limited under this section to \$250 per barrel of pollutant stored or capable of being stored in the registrant's terminal facility.

(6) Notwithstanding provisions for defenses against claims set out in subsection (2) or any other provision of law, an owner or operator of a pipeline or facility used or capable of being used for drilling, pumping, transferring, processing or refining petroleum and petroleum products shall be strictly liable without regard to fault for all damages, including cleanup costs, sustained by any person or entity, public or private, as the result of a prohibited discharge arising from the operation of such pipeline or other facility. If a prohibited discharge occurs during the transfer at a terminal facility of a pollutant from a pipeline or other facility to a vessel, such occurrence shall be deemed to have resulted from the operation of the pipeline or other facility as described in this subsection.

(7) Claims arising from a prohibited discharge when the source of the pollutant is unknown and claims in excess of the limitations set out in this section for damages, public or private, including cleanup costs, shall be made against the Florida coastal protection fund. In addition to the civil penalty, the pilot and the master of any vessel or person in charge of any licensee's terminal facility who fails to give immediate notification of a discharge to the port manager and the nearest coast guard station shall be guilty of a felony of the third degree, punishable as provided in §775.082, §775.083, or §775.084. The department shall, by rules and regulations, require that the licensee designate a person at the terminal facility who shall be the person in charge of that facility for the purposes specified by this section.

Further consideration of Amendment 9 was deferred.

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

Amendment 10—On page 2, line 18, strike "shall" and insert: may

The vote was:

Yeas—18

Firestone	Gruber	Pettigrew	Ware
Gallen	Henderson	Saylor	Wilson
Gillespie	Johnson	Scarborough	Winn
Gordon	Lewis	Smathers	
Graham	Myers	Vogt	

Nays—15

Mr. President	Glisson	McClain	Sykes
Brantley	Johnston	Peterson	Trask
Childers	Lane (31st)	Plante	Weber
Deeb	Lane (23rd)	Sims	

Senator Ware moved that CS for SB 132 be removed from the calendar and referred to a committee.

Senator de la Parte moved that consideration of CS for SB 132 with pending amendment be deferred. The motion was adopted by the following vote:

Yeas—21

Mr. President	Gallen	Peterson	Trask
Barron	Glisson	Plante	Williams
Brantley	Graham	Poston	Zinkil
Childers	Henderson	Saunders	
Deeb	Lane (23rd)	Sims	
de la Parte	Lewis	Sykes	

Nays—18

Firestone	Johnston	Saylor	Ware
Gillespie	Lane (31st)	Scarborough	Wilson
Gordon	McClain	Smathers	Winn
Gruber	Myers	Stolzenburg	
Johnson	Pettigrew	Vogt	

By unanimous consent Senator Weber was recorded as voting yea.

SB 505—A bill to be entitled An act relating to the Tortugas shrimp bed; amending section 370.151(2)(a), Florida Statutes, 1972 Supplement; redesigning the boundaries of the Tortugas shrimp bed; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment which was adopted:

Amendment 1—On page 1, line 13, strike "1972 Supplement,"

Senator Childers moved the following amendment which was adopted:

Amendment 2—On page 1, line 15, strike "1972 Supplement,"

Senator Childers moved the following amendment which was adopted:

Amendment 3—On page 2, line 19, strike "July 1, 1974" and insert: upon becoming a law

Senator Childers moved the following title amendment which was adopted:

Amendment 4—On page 1, lines 5 and 6, strike "(a), Florida Statutes, 1972 Supplement;" and insert: , Florida Statutes;

On motion by Senator Childers, by two-thirds vote SB 505 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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	Williams
Firestone	Lane (31st)	Saylor	Wilson
Gallen	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	

Nays—None

By unanimous consent Senator Weber was recorded as voting yea.

SB 64—A bill to be entitled An act relating to deposits of public money outside of the state treasury; revolving funds; adding a new subsection to section 18.101, Florida Statutes; providing for the quarterly reporting of clearing account and revolving fund balances to the state treasurer; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 21, strike "of each division, bureau and section under said department's jurisdiction and as authorized by the department of administration." and insert: within each department's jurisdiction.

On motion by Senator Saylor, by two-thirds vote SB 64 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

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

Nays—2

Lane (23rd) Sims

By unanimous consent Senator Childers was recorded as voting yea.

SB 85—A bill to be entitled An act relating to forestry practice; amending §492.01, Florida Statutes; prohibiting persons who are not registered foresters from engaging in professional forestry practice; providing exclusions; amending §492.02(2), Florida Statutes, defining "professional forestry" and "practice of forestry"; amending §492.16, Florida Statutes; raising the limitation upon the amount of the annual renewal fee for certificates of registration; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were adopted on motions by Senator Peterson:

Amendment 1—On page 1, line 20, underscore "(1)"

Amendment 2—On page 2, between lines 22 and 23 insert: 492.02 Definitions.—

On motion by Senator Peterson, by two-thirds vote SB 85 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

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

Nays—None

SB 122—A bill to be entitled An act relating to eminent domain; requiring written notice to an owner of property upon which homestead tax exemption is claimed prior to passage of an ordinance or resolution authorizing an action to acquire such property or prior to the action being filed; providing an effective date.

—was taken up pending roll call.

Senator Poston moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 1, line 18, after the word “mail” insert: or by personal contact

Senator Poston moved the following amendment which was adopted:

Amendment 6—On page 1, line 5, in title after “written notice” insert: or by personal contact,

Senator Johnston moved that the Senate reconsider the vote by which SB 122 as amended was read the third time and the Senate reconsidered.

On motion by Senator Johnston, the Senate reconsidered the vote by which Amendment 2 was adopted on April 4.

By permission Senator Johnston withdrew Amendment 2.

Senator Peterson moved the following amendment which was adopted:

Amendment 7—On page 1, line 17, after the word “thereof” insert: or any other person, firm or corporation

Senator Peterson moved the following title amendment which was adopted:

Amendment 8—On page 1, lines 5 and 6, strike “upon which homestead tax exemption is claimed”

Senator Ware moved the following amendment which was adopted:

Amendment 9—On page 1, line 24, after the period insert: The notice required herein shall not be considered as jurisdictional in any condemnation proceedings instituted in a court of competent jurisdiction

SB 122 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—34

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

Nays—3

Johnson	Pettigrew	Ware
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RECONSIDERATION

The motion by Senator Graham on April 8 that the Senate reconsider the vote by which—

CS for SB 54—A bill to be entitled An act relating to school personnel; creating section 231.025, Florida Statutes; authorizing every school board to require a complete set of fingerprints as a condition of employment; requiring that fingerprint sets be processed by or through the Florida department of law enforcement and funded by the state; providing accessibility criteria;

—passed on April 4, was taken up and adopted; and the Senate reconsidered the vote.

Further consideration of CS for SB 54 was deferred.

The Senate resumed Special Order.

SB 277—A bill to be entitled An act relating to health and rehabilitative services; requiring licenses for child care facilities; providing a short title; establishing legislative intent; providing definitions; establishing licensing standards and providing for legislative review; providing for issuance, renewal and revocation of licenses; providing for provisional licenses; providing for consultation services; providing for hearings upon denial or revocation of licenses; providing for inspection by the department; providing for exemptions; 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 Myers:

Amendment 1—On page 7, line 1, strike “January 1, 1975” and insert: July 1, 1975 except for section 5 which shall take effect July 1, 1974.

The Committee on Ways and Means offered the following amendment which was moved by Senator Myers:

Amendment 2—On page 6, line 22 strike lines 22 through 29 and insert a new Section 10:

Section 10. Exemptions.—The provisions of this act shall not apply to day care facilities or to day care programs which are an integral part of a church, or church, parochial, private, or public schools conducting regularly scheduled classes, courses of study or educational programs accredited by an organization which publishes and requires compliance with its own standards for health, safety, and sanitation, including but not limited to those schools accredited by or members of the Florida Association of Christian Schools, the Florida Catholic Conference, the Florida Council of Independent Schools, the Southern Association of Schools and Colleges and the State Department of Education. Any exempt facilities may avail itself of services of the department provided under this act.

Senator Graham moved the following amendment to amendment 2 which failed:

Amendment 2a—Line 13, after the period (.) insert:

Each such exempt facility or organization shall 30 days after the effective date of this act and annually thereafter file with the department a copy of the applicable standards for health, safety and sanitation and procedures for assuring compliance therewith by such facility or its members.

Amendment 2 was adopted.

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

Amendment 3—On page 2, line 17, strike the period and insert:

; but does not include public or nonpublic schools which are in compliance with the Compulsory School Attendance Law, Chapter 232, Florida Statutes.

Senator Weber moved the following amendment which was adopted:

Amendment 4—On page 4, line 21, strike “meet” and insert: substantially meet

On motion by Senator Myers, by two-thirds vote SB 277 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on CS for SB 54.

The Senate resumed consideration of—

CS for SB 54—A bill to be entitled An act relating to school personnel; creating section 231.025, Florida Statutes; authorizing every school board to require a complete set of fingerprints as a condition of employment; requiring that fingerprint sets be processed by or through the Florida department of law enforcement and funded by the state; providing accessibility criteria;

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

Amendment 3—On page 1, lines 17-21, strike all of section 1. and insert: Section 1. Section 231.025, Florida Statutes, is created to read:

231.025 Fingerprinting.—Every school board is authorized to require every person to be employed in the district school system for the first time in any employment category determined by resolution of the school board, to file with the school

board prior to his employment a complete set of his fingerprints as a condition of employment. The person to be employed may comply with the requirement of filing by submitting his personnel file which file includes a complete set of his fingerprints previously provided to any other governmental agency.

Senator Graham moved the following title amendment which was adopted:

Amendment 4—On page 1, line 11, after “criteria;” insert: and requiring an effective date.

CS for SB 54 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—30

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

Nays—8

Childers	Firestone	Gordon	Sykes
de la Parte	Glisson	Johnson	Winn

The Journal of April 8 was corrected and approved.

CO-INTRODUCERS

By permission, Senator Johnston was recorded as a co-introducer of SB 190, Senator Horne as a co-introducer of SB 427, Senator Lewis as a co-introducer of SB 127, Senators Zinkil and de la Parte as co-introducers of SB 288.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to reconvene at 8:30 a.m., for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., April 10, 1974.