

# JOURNAL OF THE FLORIDA SENATE

Wednesday, April 10, 1974

The Senate was called to order by Senator Scarborough 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 the Committee on Agriculture—

**SB 544**—A bill to be entitled An act relating to the department of agriculture and consumer services; amending section 570.10 (1), Florida Statutes, relating to employment of attorneys; repealing subsections 570.10 (5) and (6), Florida Statutes; providing an effective date.

—to Agriculture and Ways and Means.

By Senator Stolzenburg—

**SB 545**—A bill to be entitled An act relating to blind and disabled persons; amending §413.08(4), Florida Statutes, 1973, and adding a subsection; providing that it is a misdemeanor of the second degree for any person or any employer to discriminate against any blind, visually handicapped, or otherwise physically disabled person on the basis of the disability alone in housing accommodations or in employment, unless the disability involved prevents satisfactory performance of the work involved; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Gordon—

**SB 546**—A bill to be entitled An act relating to the legitimacy of all children; creating §742.010, Florida Statutes, to provide for the legitimacy of all children of their natural parents; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Wilson—

**SB 547**—A bill to be entitled An act relating to cosmetology; creating §477.011 through 477.032, Florida Statutes, relating to cosmetology; providing for the creation of the state board of cosmetology; providing for board members to be selected by the Governor; providing for offices and administration of the board; providing for duties of the board; providing for compensation of board members; providing for an executive secretary; providing for inspectors and other employees; providing for disposition of moneys received by the board; providing for maintenance of records; providing definition of terms, providing for exemptions from this act; providing licensing requirements for instructors of cosmetology; providing licensure in cosmetology to qualified persons; providing for licensure of non-public cosmetology schools; providing procedures for examination of applicants for licensure; providing procedures for renewal of licenses; providing grounds for suspension and revocation of licenses; providing acts that constitute misdemeanors; providing for injunctions; providing for the assistance of the department of legal affairs; providing for the barber law to be unaffected by this act; providing for the fixing of fees; providing for transitory provisions; repealing sections 477.02 through 477.29, Florida Statutes, the same being the existing cosmetology law; providing an effective date.

—to Governmental Operations and Ways and Means.

By Senator Gillespie—

**SB 548**—A bill to be entitled An act relating to motor vehicle licenses; amending §320.10(1)(e), Florida Statutes, 1973, to exempt the work oriented rehabilitation center in Daytona Beach from the provisions of chapter 320, relating to the purchase of regular motor vehicle tags and to authorize said facility to utilize "X" tags upon the payment of a two dollar (\$2) fee for each tag; providing an effective date.

—to Transportation and Ways and Means.

By Senators Childers, Deeb, McClain, Johnston, Lane (23rd), Trask, Sims, Lewis, Scarborough, Smathers, Vogt, Lane (31st), Zinkil, Winn, Gallen, Wilson, Peterson, Sykes, Saylor, Ware, Gruber, Weber, Gillespie, Firestone, de la Parte, Glisson, Johnson and Henderson—

**SB 549**—A bill to be entitled An act relating to the divisions of Florida highway patrol and driver licenses of the department of highway safety and motor vehicles; appropriating funds to the divisions to be used to increase the salaries of all radio-teletype operators, communications equipment technicians and driver licenses examiners; providing an effective date.

—to Transportation and Ways and Means.

By Senator Zinkil—

**SB 550**—A bill to be entitled An act relating to ad valorem taxation; amending §192.042(1), Florida Statutes, 1973; requiring the tax assessor to include in the assessment the value of all improvements including work in progress, as of January 1; providing an effective date.

—to Ways and Means.

By Senator Gordon—

**SB 551**—A bill to be entitled An act relating to beverage containers; providing that no beverage shall be sold in a container without a refund value; providing that the refund value shall be at least five cents (5¢); providing that containers bear a stamp or label indicating refund value; providing that it shall be unlawful to sell any substance in a plastic container after July 1, 1974; making violation a misdemeanor; directing the division of consumer services of the department of agriculture and consumer services to inspect retail outlets and to levy fines for infractions; providing an effective date.

—to Commerce.

By Senator Vogt—

**SB 552**—A bill to be entitled An act relating to mentally disordered sex offenders; amending §§917.14(1)(a) and 917.23, Florida Statutes; providing that a person charged with a non-capital crime committed with violence may not qualify for designation as a mentally disordered sex offender prior to conviction; providing an effective date.

—to Criminal Justice.

By Senator Stolzenburg—

**SB 553**—A bill to be entitled An act relating to motor vehicle licenses; amending §§320.04(1), 320.06(7) and 320.0611 (1) and (2), Florida Statutes; reducing from two dollars to fifty cents the charge for issuance of a duplicate registration certificate; providing for a fee of fifty cents for issuance of transfer of registration certificate; providing an effective date.

—to Transportation and Ways and Means.

By the Committee on Agriculture—

**SB 554**—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.

—to Agriculture and Ways and Means.

By Senator Williams—

**SB 555**—A bill to be entitled An act relating to education; requiring the department of education to conduct a study of pupil populations; authorizing the department of education to employ necessary consultants; providing a report; providing an effective date.

—to Education.

By Senator Plante—

SB 556—A bill to be entitled An act relating to the fuel allocation office in the department of administration; providing an appropriation and positions for operations of the fuel allocation office during fiscal year 1973-74; providing an effective date.

—to Governmental Operations and Ways and Means.

By Senator Winn—

SB 557—A bill to be entitled An act relating to weapons; amending §790.001(13), Florida Statutes, 1973, and adding subsection (14) to said section, to include "Nunchaku karate sticks," "chuka sticks," or "centrifugal force sticks" within the definition of "weapon" for the purposes of chapter 790, Florida Statutes; providing an effective date.

—to Criminal Justice.

By Senator Graham—

SB 558—A bill to be entitled An Act relating to trusts; transferring, renumbering, and amending Section 689.075, Florida Statutes, relating to inter vivos trusts, to clarify the applicability of the section to trusts, the principal of which is composed of property other than real property, and to declare legislative intent; amending Section 736.17(2)(d) and (e), Florida Statutes, relating to the validity of devises or bequests to trustees of trusts, to include the possible expectancy of receiving as a named beneficiary certain death benefits, and to correct a statutory cross-reference; providing an effective date.

—to Judiciary.

By Senator de la Parte—

SB 559—A bill to be entitled An act relating to the division of corrections; amending §945.091(1)(b), Florida Statutes, to reduce the time of eligibility for participation in a work-release program from the last twelve months to the last six months of an inmate's confinement; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Stolzenburg—

SB 560—A bill to be entitled An act relating to motor vehicle license plates; amending section 320.031, Florida Statutes; providing a fee for the mailing of license plates, registrations and revalidation stickers; providing an effective date.

—to Transportation and Ways and Means.

By Senator Johnson (by request)—

SB 561—A bill to be entitled An act relating to state contracts; amending Section 255.052, Sub-section (1), paragraph (d), Florida Statutes, authorizing certificates of deposit of State and Federal savings and loan associations in Florida for substitution of securities for retainages on state contracts, providing an effective date.

—to Commerce.

By Senator Gordon—

SB 562—A bill to be entitled An act relating to vital statistics; repealing subsection (2) of section 382.35, Florida Statutes, relating to disclosure of illegitimacy of birth; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Plante—

SB 563—A bill to be entitled An act relating to sales tax on intercompany rentals; amending section 212.08, Florida Statutes, by adding thereto a new subsection (7); providing an effective date.

—to Ways and Means.

By Senator Ware (by request)—

SB 564—A bill to be entitled An act relating to Shelly Lewis Natale; providing an appropriation to compensate her for injuries sustained as a result of the negligence of the department of transportation; providing an effective date.

—to Ways and Means.

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

SR 565—A resolution proclaiming April 10, 1974, as "Leila Cofield Day."

—to Calendar.

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 Rabbi Stanley J. Garfein, Temple Israel, Tallahassee, who was presented to the Senate by the Senate Chaplain:

Dear God, during this Holy Week common to both Passover and Easter, help each of us to relate more sensitively to his own religious tradition.

As we re-enact thine acts of redemption, as recognized by our forefathers, enable us to summon the power of our respective traditions for the more purposeful maintenance of our own lives and the lives of those who are dear to us.

When we consume the unleavened bread of affliction, remind us that conflicts and tensions constitute the warp and woof of existence, and that they are challenges to be confronted, neither escaped nor wished away.

When we drink the wine of redemption, cheer us with the realization of the positive possibilities of man. Let cynicism and despair be pruned from our vineyards, lest we lose what we've cultivated over the years, and future harvests be spoiled.

Whether our Holy Mountain be Sinai or Calvary, help us to be bearers of moral regeneration in our society. Renew our lives with the recognition not only of the idealism of the Ten Commandments, but also their practicality for our cohesion through trust and our endurance through respect.

As this special week moves on to its climax,

Open Thou our eyes to the beauty of Celebration!  
Attune our ears to the meaning of the Word!  
Unblock our emotions, that we may rejoice in Thy Love!

Amen.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, April 10, 1974:

|        |        |        |        |
|--------|--------|--------|--------|
| SCR 18 | SB 86  | SB 133 | SB 276 |
| SB 134 | SB 256 | SB 80  | SB 135 |
| SB 293 | SB 131 | SB 259 | SB 270 |
| SB 76  | SB 116 | SB 167 |        |

Respectfully submitted,  
Dempsey J. Barron, Chairman

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

SB 465 with 5 amendments SB 467 with amendment

The bills were placed on the calendar.

**ENGROSSING REPORT**

Your Engrossing Clerk to whom was referred—

CS for SB 54 with 2 amend- SB 122 with 5 amendments  
ments SB 277 with 4 amendments  
SB 64 with 1 amendment SB 505 with 4 amendments  
SB 85 with 2 amendments

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

**JOE BROWN, Secretary**

The bills were certified to the House.

**EXECUTIVE BUSINESS**

By direction of the President, the Secretary read the following reports of committee:

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 |
|----------------------------------|--|-----------------|
| Kenneth A. Barnebey<br>Bradenton | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1974   |
| Kenneth D. Brumbaugh<br>Sarasota | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1974   |
| Martha L. Farman<br>Bradenton    | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1976   |
| A. Sterling Hall<br>Bradenton    | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1976   |
| J. Lynn Harrison<br>Arcadia      | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1974   |
| Mary A. Kumpe<br>Sarasota        | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1975   |
| Latimer H. Turner<br>Sarasota    | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1975   |
| Blake Whisenant<br>Parrish       | Member, Manasota Basin Board, Ridge and Lower Gulf Coast Water Management District | June 30, 1975   |

—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

LEW BRANTLEY,  
Vice Chairman  
TOM GALLEN  
HENRY SAYLER  
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 | Graham      | Plante      | Vogt     |
| Barron        | Gruber      | Poston      | Ware     |
| Brantley      | Henderson   | Saunders    | Weber    |
| Childers      | Johnson     | Sayler      | Williams |
| Deeb          | Lane (31st) | Scarborough | Wilson   |
| Firestone     | Lane (23rd) | Sims        | Winn     |
| Gallen        | Lewis       | Smathers    | Zinkil   |
| Gillespie     | McClain     | Stolzenburg |          |
| Glisson       | Myers       | Sykes       |          |
| Gordon        | Peterson    | Trask       |          |

Nays—None

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

February 28, 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          |
|---|--|--------------------------|
| Dale G. Bennett<br>Hialeah                | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Walter G. Brandon, Sr.<br>West Palm Beach | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Robert L. Clark, Jr.<br>Fort Lauderdale   | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Alexander J. Friedman<br>South Miami      | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Ney C. Landrum<br>Tallahassee             | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Omas Morris<br>West Palm Beach            | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Howard Odom<br>Marianna                   | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Robert Padrick<br>Fort Pierce             | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Ogden Mills Phipps<br>Miami               | Member, Everglades Recreational Planning Board | Pleasure of the Governor |
| Wesley W. Sarvis<br>Fort Lauderdale       | Member, Everglades Recreational Planning Board | Pleasure of the Governor |

| NAME                                    | OFFICE  | FOR TERM ENDING             | NAME                                     | OFFICE   | FOR TERM ENDING             |
|---|---|-----------------------------|--|--|-----------------------------|
| Howard E. Tommie<br>Hollywood           | Member, Everglades<br>Recreational<br>Planning Board  | Pleasure of the<br>Governor | Arthur R. Marshall<br>Interlachen        | Member, St. Johns<br>River Water Man-<br>agement District  | July 1, 1975                |
| Robert L. Clark, Jr.<br>Fort Lauderdale | Member, Governing<br>Board, Central and<br>Southern Florida<br>Flood Control District               | July 12, 1976               | James T. Terrell<br>Jacksonville         | Member, St. Johns<br>River Water Man-<br>agement District  | July 1, 1977                |
| Claude O. Godwin<br>Titusville          | Member, Governing<br>Board, Central and<br>Southern Florida<br>Flood Control District               | July 12, 1975               | Donald L. Browning<br>Madison            | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1975                |
| J. R. Spratt<br>LaBelle                 | Member, Governing<br>Board, Central and<br>Southern Florida<br>Flood Control District               | July 1, 1976                | John C. Camp<br>Jasper                   | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1977                |
| C. A. Thomas<br>Lake Harbor             | Member, Governing<br>Board, Central and<br>Southern Florida<br>Flood Control District               | July 11, 1976               | W. J. Carlton<br>Cross City              | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1975                |
| Frank Caldwell<br>Tallahassee           | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1975                | Maywood W. Chesson, Jr.<br>White Springs | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1977                |
| Lloyd Hinote<br>Milton                  | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1975                | B. W. Helvenston, III<br>Live Oak        | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1975                |
| R. L. Hood<br>Quincy                    | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1977                | W. L. Stanley, Jr.<br>High Springs       | Member, Suwannee<br>River Water Man-<br>agement District   | July 1, 1977                |
| Jerry E. Robinson<br>Panama City        | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1975                | Walter S. Hardin<br>Bradenton            | Member, Recreation<br>and Parks Advisory<br>Council, Region Num-<br>ber Three, within<br>the Division of<br>Recreation and<br>Parks of the State<br>of Florida Depart-<br>ment of Natural<br>Resources | Pleasure of the<br>Governor |
| Benson L. Skelton, Jr.<br>Tallahassee   | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1977                | Albert B. Marshall<br>Umatilla           | Member, Board of<br>the Oklawaha Basin<br>Recreation and Water<br>Conservation and<br>Control Authority  | July 13, 1977               |
| James G. Ward<br>Fort Walton Beach      | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1975                | Alice Wainwright<br>Miami                | Member, Pollution<br>Control Board, State<br>of Florida Depart-<br>ment of Pollution<br>Control  | Pleasure of the<br>Governor |
| W. H. Williams<br>Pensacola             | Member, Northwest<br>Florida Water<br>Management District   | July 1, 1977                | Robert H. Hall<br>Key West               | Member, Board of<br>Pilot Commissioners<br>for the Port of Key<br>West, Monroe County  | June 19, 1977               |
| J. R. Graw<br>Ocala                     | Member, Governing<br>Board, Southwest<br>Florida Water<br>Management District                       | July 1, 1976                | William T. Harrell, Jr.<br>Key West      | Member, Board of<br>Pilot Commissioners<br>for the Port of Key<br>West, Monroe County  | June 19, 1977               |
| N. Brooks Johns<br>Lakeland             | Member, Governing<br>Board, Southwest<br>Florida Water<br>Management District                       | July 1, 1976                | Donald Eugene Kinnaman<br>Key West       | Member, Board of<br>Pilot Commissioners<br>for the Port of Key<br>West, Monroe County  | June 19, 1977               |
| Derrill S. McAteer<br>Brooksville       | Member, Governing<br>Board, Southwest<br>Florida Water Man-<br>agement District,<br>Member at Large | July 1, 1976                | Richard T. Steadman<br>Key West          | Member, Board of<br>Pilot Commissioners<br>for the Port of Key<br>West, Monroe County  | June 19, 1977               |
| Suzanne Elizabeth Bayley<br>Gainesville | Member, St. Johns<br>River Water Man-<br>agement District   | July 1, 1975                | John West<br>Big Pine Key                | Member, Board of<br>Pilot Commissioners<br>for the Port of Key<br>West, Monroe County  | June 19, 1977               |
| John Phillip Dicks, Jr.<br>Jacksonville | Member, St. Johns<br>River Water Man-<br>agement District   | July 1, 1975                |  |  |                             |
| Francis M. Knapp<br>DeLand              | Member, St. Johns<br>River Water Man-<br>agement District   | July 1, 1977                |  |  |                             |
| John S. Krider<br>Sanford               | Member, St. Johns<br>River Water Man-<br>agement District   | July 1, 1975                |  |  |                             |

| NAME                                   | OFFICE   | FOR TERM ENDING   |
|--|--|-------------------|
| J. M. Fernandez<br>Miami Beach         | Member, Board of Port Wardens and Pilot Commissioners for the Port of Miami, Dade County | November 1, 1977  |
| Emory Gay Hobbs<br>Panama City         | Harbor Master for the Port of Panama City, Bay County                                    | July 1, 1975      |
| William Vaughn Simms<br>Tampa          | Member, Tampa Port Authority, Hillsborough County  | November 14, 1974 |
| Lawrence J. Sweett<br>New Smyrna Beach | Harbor Master, Port of New Smyrna Beach, Volusia County                                  | February 19, 1975 |
| W. Carey Johnson<br>Boca Grande        | Harbor Master, Port of Boca Grande, Lee County   | November 21, 1975 |
| Louis Gilman (Ted)<br>Tampa            | De La Vergne, Jr. Member, Tampa Port Authority, Hillsborough County                      | November 16, 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     *LEW BRANTLEY*,  
*RICHARD J. DEEB*                     Vice Chairman  
*WARREN S. HENDERSON*     *TOM GALLEN*  
*JOHN W. VOGT*                     *HENRY SAYLER*  
*WILLIAM G. ZINKIL*                 *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 | Graham      | Plante      | Vogt     |
| Barron        | Gruber      | Poston      | Ware     |
| Brantley      | Henderson   | Saunders    | Weber    |
| Childers      | Johnson     | Sayler      | Williams |
| Deeb          | Lane (31st) | Scarborough | Wilson   |
| Firestone     | Lane (23rd) | Sims        | Winn     |
| Gallen        | Lewis       | Smathers    | Zinkil   |
| Gillespie     | McClain     | Stolzenburg |          |
| Glisson       | Myers       | Sykes       |          |
| Gordon        | Peterson    | Trask       |          |

Nays—None

Senator Sayler moved that the Senate reconsider the vote by which the report of the Committee on Natural Resources and Conservation was adopted and the following executive appointments were approved and confirmed on April 9, 1974: Tom S. Coldewey, Port St. Joe, Member, Northwest Florida Water Management District; Kelly F. Swindle, Bonifay, Member, Northwest Florida Water Management District; Ralph Thomas Clay, Palatka, Member, St. Johns River Water Management District; Bobby E. White, Hastings, Member, St. Johns River Water Management District; Jerome Johns, Starke, Member, Suwannee River Water Management District and William Auley Rowell, Shady Grove, Member Suwannee River Water Management District.

On motion by Senator Henderson, unanimous consent was obtained to take up out of order—

SR 565—A resolution proclaiming April 10, 1974, as “Leila Cofield Day.”

WHEREAS, Mrs. Leila K. Cofield, an assistant to the Secretary of the Senate, was born on April 10, and

WHEREAS, Mrs. Cofield has served the State of Florida faithfully and well since first she came to the Florida Supreme Court as a law clerk in 1921, and

WHEREAS, Mrs. Cofield, as an attache of the Senate since 1943, has earned the recognition of being a peerless researcher and of an indefatigable keeper of the Senate’s records of Executive communications, and

WHEREAS, Mrs. Cofield befriended all searchers after information, Senators, staff, and general public, to the extent that her helpfulness was recognized in 1968 by the Headliner Award of the Capital Press Club, which saluted her as the “Senate’s lawyer,” and

WHEREAS, in coming to the Supreme Court as a teen-ager, Mrs. Cofield was informed by Justice William H. Ellis that he needed no secretary but a law clerk and that she should study law, and

WHEREAS, Mrs. Cofield followed Justice Ellis’s admonition so successfully that when his sight failed, she became his “eyes” and thus enabled him to perform his duties as Justice, and then served as law clerk to Justice Elwyn Thomas and subsequently as legal assistant to Attorney General George Couper Gibbs, and

WHEREAS, Mrs. Cofield moved with her husband, the late George Cofield, to Tampa, where she was employed by the State Beverage Department, and then returned to Tallahassee in 1949 as aide to the Chief of the Department of Criminal Appeals in the Office of the Attorney General, where she remained until joining the staff of the Secretary of the Senate on a full-time basis in 1959, having previously served since 1943 on a legislative session basis, and

WHEREAS, Mrs. Leila K. Cofield has contributed significantly to the functioning of the Office of the Secretary of the Senate, and therefore to the well-being of the Senate, the Legislature, and the State, NOW, THEREFORE,

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

That the Senate takes the occasion of her birthday to salute Mrs. Leila K. Cofield as a person who has contributed uniquely to the Senate through her intellectual capacity, undoubted integrity, and well-honed sense of humor.

That, in recognition of this event, the Senate proclaims and designates April 10 as “Leila Cofield Day” as an expression of gratitude.

BE IT FURTHER RESOLVED that a copy of this Resolution, signed by the President, with the Seal of the Senate attached, be presented to Mrs. Cofield as a tangible token of the lasting respect and appreciation of the members and former members of the Senate and of the people of Florida generally.

—which was read the second time in full. On motion by Senator Henderson, SR 565 was adopted.

The vote was:

Yeas—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      |

Nays—None

The President read the following which he ordered spread upon the Journal:

“Mr. President, members of this august body, Mr. Secretary, guests, my co-workers and the members of the fourth estate, not since my friends of the latter estate presented me with the John Kilgore award have I been so completely overwhelmed. Like Methuselah, I am exceedingly grateful for the years which the Lord has allotted me in which to clutter up his earth,

thankful for the reasonable possession of my mental faculties and for the power of locomotion which still allows me to work all day and—when rare occasion affords—to dance all night. But sometimes I deplore the 20-20 vision which cruelly reveals to me every ugly wrinkle in my no longer pleasing physiognomy. However, there is no completely Utopian situation here below, and as I thank my Creator for all he has done for me and as I pray for guidance that my remaining days may be more of a credit to him and to the memory of the beautiful deceased husband of my youth, and to my beloved mother, who is still alive, I shall also pray for his grace that I may prove myself worthy of the signal honor you have done my most unworthy self this day. Thank you most profoundly and sincerely." s/Leila K. Cofield

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Mallory E. Horne, President* April 9, 1974

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

|         |              |              |
|---------|--------------|--------------|
| HB 1297 | HB 1537      | HB 1547 (cs) |
| HB 1857 | HB 1972      | HB 1757      |
| HB 1279 | HB 1538 (cs) |              |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Harris—

**HB 1297**—A bill to be entitled An act relating to education, public school finance and taxation; amending §§236.25 and 236.251, 1972 Supplement to Florida Statutes; deleting authorizations to levy millage in excess of ten mills without vote of the electors; providing a method for computing deficit in state funding of retirement matching; limiting participation in the minimum foundation program; providing an effective date.

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

By Representative Mattox—

**HB 1537**—A bill to be entitled An act relating to fire prevention; providing that it is unlawful for any person to smoke, carry or possess any lighted match, pipe, cigar, or cigarette or carry or use any portable open flame in certain portions of buildings wherein certain highly flammable materials or products are sold at retail or kept, stored, or displayed for sale at retail; providing for the erection and placement by the owner or manager of such portions of buildings of "NO SMOKING" signs; providing for the number, manner and wording of such signs; providing penalties for violation of act; providing an effective date.

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

By the Committee on Appropriations and Representative David Clark—

**HB 1547 (cs)**—A bill to be entitled An act relating to a joint committee of the Senate and the House of Representatives to study publications; streamlining the tangible and intangible personal property state tax returns; providing an effective date.

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

By Representative Cunningham—

**HB 1857**—A bill to be entitled An act relating to public assistance; adding subsection (3) to §409.266, Florida Statutes, 1971, to provide for inclusion of podiatry services within programs of medical assistance for the needy; providing an effective date.

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

By the Committee on Insurance—

**HB 1972**—A bill to be entitled An act relating to insurance; creating section 631.135, Florida Statutes, providing a defini-

tion of a non-reciprocal state; providing that the department as ancillary receiver of an insurer domiciled in a non-reciprocal state shall be vested by operation of law with title to all of the property, contracts, rights of action, assets, and all the books, accounts, and records located in this state belonging to the insurer; providing procedures for the conduct of delinquency proceedings involving an insurer domiciled in a non-reciprocal state; providing an effective date.

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

By Representative Holloway—

**HB 1757**—A bill to be entitled An act relating to electrical contractors; amending subsection (5) of section 468.181, Florida Statutes, by adding the term "Florida licensed" to the definition of electrical contractor; and by the addition of subsections (6) and (7) defining respectively "applicant" and "qualifying agent;" creating section 468.1831, Florida Statutes, providing for registration; amending subsection (2) of section 468.184, Florida Statutes, changing the examination for qualifying agent from quarterly to semi-annually to conform with the required meetings of the board; amending subsections (2), (3), (4), (5) and (6) of section 468.184, Florida Statutes, to conform references therein related to "applicant" and "qualifying agent" to the definitions herein provided; amending subsections (1) and (2) of section 468.185, Florida Statutes, to conform references therein related to "individual" and "persons" to the definition of "applicant" and "qualifying agent" as herein provided; providing an effective date.

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

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; increasing certain penalties; providing an effective date.

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

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

**HB 1538 (cs)**—A bill to be entitled An act relating to arrest records; providing certain procedures for expunging records if person is acquitted or released without being adjudicated guilty; providing for retention of nonpublic records by department of law enforcement; providing restoration of status; providing exceptions; providing an effective date.

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

*The Honorable Mallory E. Horne, President* April 9, 1974

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

|              |                         |         |
|--------------|-------------------------|---------|
| HB 1171      | HB 1271                 | HB 1293 |
| HB 1289 (cs) | HB 1317                 | HB 1318 |
| HB 1459      | HB 1617 (cs 1617, 1711) |         |
| HB 1675 (cs) | HB 1790                 | HB 1837 |
| HB 1929      | HB 2088                 | HB 1909 |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Harris and others—

**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 at-

tempting to use a weapon or firearm or for committing a battery during the commission of a felony; providing an effective date.

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

By Representative Hair and others—

**HB 1271**—A bill to be entitled An act relating to pollution control; declaring legislative intent; creating a pollution control awards program to be administered by the department of commerce; providing awards and special awards in certain categories; providing for submission of nominations; providing for consideration of nominations at least twice a year; providing for promulgation of rules and regulations by the department of commerce; providing for a veto of awards by the department of pollution control under certain circumstances; providing an effective date.

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

By Representative Turlington—

**HB 1293**—A bill to be entitled An act relating to taxation; amending §214.71(3), Florida Statutes, 1971, Addendum, which relates to general methods of apportionment applicable to designated nonproperty taxes, to provide for determination of apportionment of sales other than sales of tangible personal property; providing an effective date retroactive to January 1, 1972.

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

By the Committee on Judiciary and Representative Richmond and others—

**HB 1289 (cs)**—A bill to be entitled An act relating to the regulation of the practice of law; amending section 454.23, Florida Statutes; providing penalty for unauthorized practice of law; providing an effective date.

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

By Representative Harris—

**HB 1317**—A bill to be entitled An act relating to taxation; repealing subsection (2) of section 195.101, Florida Statutes, which provides that the department of revenue shall determine whether municipalities are assessing real and tangible personal property in accordance with law; providing an effective date.

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

By Representative Harris—

**HB 1318**—A bill to be entitled An act relating to taxation; amending subsection 193.052(3), Florida Statutes, to clarify who shall file a return required by that section; providing an effective date.

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

By Representative J. C. Thomas and others—

**HB 1459**—A bill to be entitled An act relating to condominiums and cooperative apartments; amending the introductory paragraph of §711.24(3), Florida Statutes, 1972 Supplement, to clarify language relating to prohibited misleading statements; providing an effective date.

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

By the Committee on Retirement, Personnel & Claims and Representatives Tucker and Harris—

**HB 1617 (cs 1617, 1711)**—A bill to be entitled An act relating to employee compensation; defining the term "employee"; authorizing the state or any county, municipality or other political subdivision to adopt a "deferred compensation plan" and to

defer, with the voluntary consent of an employee, a portion of such employee's compensation; providing for administration of the plan; authorizing employee payments to the plan; providing that any such plan shall be supplemental to any existing retirement, pension or benefit plan; providing for arrangement of services without any cost to the governmental entity; providing an effective date.

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

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

**HB 1675 (cs)**—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.

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

By Representative Sessums (by request)—

**HB 1790**—A bill to be entitled An Act relating to industrial claims; amending subsection (3) (b) of section 440.25, Florida Statutes, providing for the Judge of Industrial Claims in the county where the injury occurred to move venue; extending the time provided for therein from twenty to thirty days; providing an effective date.

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

By Representative Hodes—

**HB 1837**—A bill to be entitled An act relating to specialized state educational institutions; amending section 242.331(1), Florida Statutes, 1971, providing that there shall be one blind person and one deaf person on the board of trustees of the Florida school for the deaf and the blind; providing an effective date.

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

By the Committee on Community Affairs and Representative Craig—

**HB 1929**—A bill to be entitled An act relating to the destruction of records; amending section 119.041, Florida Statutes; creating subsections (2), (3), and (4); providing for exemptions for paid bonds and bond interest coupons issued by the governing body of the several counties, municipalities, special districts, and school districts; providing an effective date.

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

By the Committee on Transportation and Representative Holloway—

**HB 2088**—A bill to be entitled An act relating to the department of highway safety and motor vehicles, amending section 322.02(2), Florida Statutes; eliminating the requirement that the director of the division of driver license be a member of the Florida highway patrol, providing an effective date.

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

By the Committee on Retirement, Personnel & Claims—

**HB 1909**—A bill to be entitled An act relating to the Florida retirement system; adding subsection (38) to §121.021, Florida Statutes, 1972 Supplement, to provide a definition of the term continuous service for the purposes of the Florida retirement system; providing an effective date.

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

*The Honorable Mallory E. Horne, President*

April 9, 1974

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

|             |             |             |
|-------------|-------------|-------------|
| HB 1066     | HB 1180     | HB 1024     |
| HB 1174     | HB 995      | HB 1298     |
| HB 1364     | HB 1403     | HB 1452     |
| HB 1520     | HB 1067     | HB 1315     |
| HB 1395(cs) | HB 1460(cs) | HB 1474     |
| HB 1955     | HB 1958     | HB 1974     |
| HB 701(cs)  | HB 1836     | HB 1908     |
| HB 1997     | HB 1782(cs) | HB 1702     |
| HB 1259     | HB 1772     | HB 1798     |
| HB 1975     | HB 1696     | HB 1524(cs) |
| HB 1982     |             |             |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Shreve—

**HB 1066**—A bill to be entitled An act relating to regulation of execution; amending §922.11(2), Florida Statutes, to provide that the secretary of the department of health and rehabilitative services approve regulations under which representatives of the news media may be present at executions; providing an effective date.

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

By Representative Randell and others—

**HB 1180**—A bill to be entitled An act relating to game and fresh water fish; amending §372.71, Florida Statutes, 1971, relating to fines, penalties and forfeiture of licenses for violation of the provisions of chapter 372, Florida Statutes; providing specifically for resisting arrest and wounding or killing persons or domestic animals; modifying forfeiture of license provisions for violations of the chapter generally; providing an effective date.

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

By Representative Forbes—

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

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

By Representative Tillman—

**HB 1174**—A bill to be entitled An act relating to the location of the office of the superintendent of a district school system; amending section 230.29, Florida Statutes, as amended by chapter 72-221, Laws of Florida, to allow the office to be located anywhere in the district; providing for an effective date.

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

By Representative Earle and others—

**HB 995**—A bill to be entitled An act relating to food stamps; amending §409.275, Florida Statutes, 1972 Supplement, as amended by §§1 and 2, chapter 72-298, Laws of Florida, adding subsection (3) to said section making it unlawful to falsify any application to receive food stamps and to purchase or sell food stamps; providing penalties; providing an effective date.

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

By Representative Harris—

**HB 1298**—A bill to be entitled An act relating to the department of health and rehabilitative services; amending chapter

402.17(3), Florida Statutes, relating to money received by the department in payment of claims for care and maintenance; providing an effective date.

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

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.

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

By Representative Steinberg—

**HB 1403**—A bill to be entitled An act relating to the subpoena powers of the division of general regulation of the department of business regulation under the electronic repair act; amending subsections (6) and (7) of section 468.153, Florida Statutes, to provide for a punctuation and sentence construction correction and further amending section 468.153, Florida Statutes, by adding subsection (8) to authorize the division to issue subpoenas during the course of its investigations and to issue subpoenas for any witness and subpoenas duces tecums in connection with any matter within the jurisdiction of the division; providing an effective date.

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

By Representative Kutun and others—

**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.

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

By Representative Williamson and others—

**HB 1520**—A bill to be entitled An act relating to public health; requiring persons involved in the wholesale and retail preparation, processing, and distribution of food to wear hair nets or other hair covering at any time the person is working with exposed or unpackaged food; providing penalties; providing an effective date.

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

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.

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

By Representative Harris—

**HB 1315**—A bill to be entitled An act relating to governmental efficiency; adding paragraph (f) 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 post-

audit to be retained as a public document; providing penalties for willful failure to furnish necessary records or information; providing an effective date.

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

By the Committee on Transportation and Representative Tolton and others—

**HB 1395 (cs)**—A bill to be entitled An act relating to road designation; to provide that a portion of State Road 4A be named the Gandyville Road; authorizing and directing the department of transportation to erect appropriate markers; providing an effective date.

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

By the Committee on Commerce and Representative Rish and others—

**HB 1460 (cs)**—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 and a family corporation from the requirements of coverage under this section; providing an effective date.

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

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.

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

By the Committee on Finance & Taxation—

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

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

By the Committee on Appropriations—

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

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

By the Committee on Insurance—

**HB 1974**—A bill to be entitled An act relating to insurance; adding a new subsection (2) to section 627.479, Florida Statutes, 1971; prohibiting the issuance of policies containing annual endowments and the issuance of founders, coupon or certain other specialty policies; requiring the department of insurance to define such policies by rules and regulations; providing an effective date.

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

By the Committee on Criminal Justice and Representative Blackburn—

**HB 701 (cs)**—A bill to be entitled An act relating to introduction or removal of certain articles into treatment facilities; creating §394.47, Florida Statutes; providing penalties; prohibiting transmittal to patients therein; providing an effective date.

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

By Representative Hodes—

**HB 1836**—A bill to be entitled An act relating to the placement of children; providing for participation in and enactment of the Interstate Compact on the Placement of Children; providing definitions; providing conditions of placement between participating states; providing penalty for illegal placement; providing retention of jurisdiction; providing institutional care of delinquent children; providing for a compact administrator; providing for limitations of the compact; providing an effective date.

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

By the Committee on Retirement, Personnel & Claims—

**HB 1908**—A bill to be entitled An act relating to retirement; amending §121.051(2)(a), Florida Statutes, 1972 Supplement; extending the time limit from January 1, 1974, to July 1, 1975, for repayment of retirement funds transferred for retroactive social security coverage for members of existing retirement systems who transferred to the retirement system established by chapter 121, Florida Statutes, when it was reopened in 1972; extending the time limit from July 1, 1974, to July 1, 1975, for employers to pay the matching contributions for retroactive social security coverage which were paid out of the retirement trust fund; providing an effective date.

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

By the Committee on Judiciary—

**HB 1997**—A bill to be entitled An act relating to security of communications; amending §934.07, Florida Statutes; providing that a state attorney may authorize interception only within his judicial circuit; providing that the authority to issue authorization may not be delegated to a deputy or an assistant; providing an effective date.

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

By the Committee on Education and Representative Nelson and others—

**HB 1782 (cs)**—A bill to be entitled An act relating to school bus safety; amending §234.02, Florida Statutes, 1972 Supplement, by adding subsection (3) to said section; eliminating children standing on school buses; providing exceptions under emergency conditions; providing for a study by the department of education to be made to determine costs of providing transportation in hazardous situations within the two mile limit; providing an effective date.

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

By Representative Webb and others—

**HB 1702**—A bill to be entitled An act relating to equal accommodations for the handicapped, amends subsection (1)(a) of section 413.08, Florida Statutes, to provide that physically handicapped persons have equal privileges in all places of public accommodation; amends subsection (2) of section 413.08, Florida Statutes, to provide that it shall be a misdemeanor offense for any person or corporation to deny admittance to a public facility to a physically handicapped person; amends subsection (4) of section 413.08, Florida Statutes, to provide equal access for physically handicapped persons as renters, lessees, or purchasers of housing accommodations; amends subsection (4)(b) of section 413.08, Florida Statutes, to provide that a lessor or vendor of property is not required to modify his property or provide a higher degree of care for a handicapped person than for a person not so handicapped; provides an effective date.

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

By Representative Becker—

**HB 1259**—A bill to be entitled An act relating to court costs; amending §57.081(1) and (3), Florida Statutes; providing for the right of plaintiffs and defendants to proceed in forma

pauperis in all the courts of the state; providing for applicability in probate and guardianship matters, other matters, and appeals therefrom; providing an effective date.

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

By Representative Harllee and others—

HB 1772—A bill to be entitled An act relating to the protection of underground pipelines and utilities; creating chapter 960, Florida Statutes; stating the legislative intent; defining the terms used; establishing notice requirements for excavation on public property, dedicated easements, or rights of way; providing notice requirements and outlining when marking of utility lines is necessary; providing penalties and damages recoverable for violation of the provisions of the chapter; providing for mandamus and injunction in cases of negligence; providing emergency exceptions; providing a saving clause; and providing an effective date.

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

By Representative Forbes—

HB 1798—bill to be entitled An act relating to employees of public lodging or public food service establishments who prepare or handle food; requiring appropriate sanitizing procedures after handling certain items; providing a penalty; providing an effective date.

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

By the Committee on Elections and Representative Martinez—

HB 1775—A bill to be entitled An act relating to bond elections; amending §§100.201, 100.211, 100.241, and 100.251, Florida Statutes, relating to bond referendum elections to remove requirements that voters therein be freeholders and authorizing any qualified voter to participate; repealing §97.021(7), Florida Statutes, defining the term "freeholder"; repealing §104.14, Florida Statutes, relating to illegal voting in bond elections; providing an effective date.

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

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 redefine 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.

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

By the Committee on Criminal Justice and Representative Harllee—

HB 1524 (cs)—A bill to be entitled An act relating to prosecution for worthless checks given tax collector for hunting and fishing licenses; amending Section 832.06(1), Florida Statutes; requiring county tax collectors to swear out a warrant against persons for the issuance of worthless checks or drafts given as payment for hunting and fishing licenses; providing that county tax collectors may make a written report to the game and fresh water fish commission 30 days after service of the warrant or 60 days after the issuance of the warrant if service

of the warrant is not effective certifying that the amount of the worthless check has not been paid and requesting that the sum of money certified be refunded to the tax collector by the game and fresh water fish commission; authorizing the game and fresh water fish commission to refund to the county tax collector the sum of money so certified; providing an effective date.

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

By the Committee on Transportation and Representative Holloway—

HB 1982—A bill to be entitled An act relating to the department of transportation; amending §§339.06 and 339.07, Florida Statutes, 1971, providing that the department instead of the division of road operations shall administer federal funds for road building purposes; providing an effective date.

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

*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 2155                      HB 183(cs)                      CS for HB 2674

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

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

HB 2155—A bill to be entitled An act relating to condominiums and cooperative apartments; amending §711.03(9), Florida Statutes, 1971, and adding new subsections, to define the terms "board of administration", "condominium property", and "developers"; amending §711.04(1), Florida Statutes, 1971, relating to the term "condominium parcel", to include certain leaseholds within its meaning; amending §711.06(1)(a), Florida Statutes, 1971, relating to the term "common elements", and adding a subsection to accommodate the use of a leasehold and to provide for the incorporation of recreation areas; amending §711.08, Florida Statutes, 1971, to incorporate the use of certain leaseholds and to provide for the contents of the declaration of creation; amending §711.10(3), Florida Statutes, 1971, relating to amendment of the declaration, to provide that a unit owner's share in common expenses and surplus may not be changed unless the unit owner joins in the amendment; amending §711.11(1) and (2), Florida Statutes, 1971, to provide for inclusion of certain provisions in the bylaws of a condominium; amending §711.12, Florida Statutes, 1971, to permit an association to operate more than one (1) condominium and to provide certain other powers for condominium associations; repealing §711.13(4), Florida Statutes, 1971, as amended, which relates to cancellation of contracts for maintenance, management, or operation of a condominium; amending §711.15(6), Florida Statutes, 1971, relating to assessment liability, to provide protection for certain purchasers at mortgage foreclosure sales; repealing §711.19(3), Florida Statutes, 1971, which relates to the application of homestead exemption from taxation; amending §711.20(1), Florida Statutes, 1971, to provide for notice of liens; redesignating §711.23, Florida Statutes, 1971, as §711.62 and amending said section to provide for obligations for unit owners and penalties for violations; repealing §711.24, Florida Statutes, 1972 Supplement, which relates to full disclosure prior to sale; redesignating §711.25, Florida Statutes, 1971, as §711.67 and amending said section to provide for the use of proceeds from the sale of condominiums and cooperative apartments prior to closing; repealing §§711.30, 711.31, and 711.32, all Florida Statutes, 1971, which relate to maintenance, disclosure prior to sale, and deposits for cooperative apartments; creating §§711.41, 711.42, 711.43, 711.44, 711.45, 711.46, and 711.47, Florida Statutes, relating to cooperative apartments; providing for cooperative parcels, appurtenances, possession, and enjoyment; providing for bylaws; providing for cooperative associations; providing for common expenses and common surplus; providing for assessments and liabilities; creating §§711.61, 711.63, 711.64, 711.65, 711.66, 711.68, 711.69, 711.70, and 711.71, Florida Statutes, relating to creation, sale and lease of condominiums and cooperative apartments; providing for contents of leases; providing that rent payable under certain leases shall not be secured by a lien on a residential unit;

providing for completion of phase projects; providing warranties at sale; providing for transfer of association control; providing for contents of prospectuses; providing for disclosure; providing for publication of false or misleading information; declaring recreational leases void as against public policy; providing an effective date.

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

By the Committee on Commerce and Representative Ryals—

HB 183 (cs)—A bill to be entitled An act relating to locksmiths; providing authorization for locksmith registration, fees and bonding provisions; requiring certification by the department of professional and occupational regulation before engaging in locksmithing; requiring that certificate be displayed in place of business; providing for a qualification examination; prohibiting the possession of or control over locksmithing tools for purposes in derogation of the provisions of this act; providing a penalty; providing an effective date.

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

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

CS for HB 2674—A bill to be entitled An act relating to public business; requiring trusts, fictitious name enterprises, and certain corporations to disclose their beneficiaries, parties in interest, and shareholders, respectively, pursuant to executing contracts and agreements with state or local agencies; providing for voidability of contracts in violation; providing a time limit to assert voidability; requiring affidavits of disclosure upon conveyance of interests; providing a penalty; providing an effective date.

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

#### SPECIAL ORDER

SCR 18—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was read the second time in full.

Senators Sims, Childers, Gallen and Ware offered the following amendment which was moved by Senator Sims:

Amendment 1—On page 2, strike all of lines 10—12 and insert: That the proposed amendment set forth below to the Constitution of the United States be presented to the voters of this State on the ballot in the election on September 10, 1974 whereby the people of the State of Florida can indicate their preference in regards to said amendment.

Senator Myers raised a point of order to the amendment stating that Senate Concurrent Resolution 18 is a proposal to ratify an amendment to the Constitution of the United States in accordance with Article V and, therefore, an amendment adding a referendum would in effect destroy the intent and purpose of the resolution.

Senator Firestone: To the point, Mr. President, I concur with Senator Myers in the point of order and raise the further point that the power granted the legislature by the Constitution of the State of Florida to seek advisory opinions is superseded by Article V of the Constitution of the United States.

Several state legislatures have attempted, during the period that ratification of the Equal Rights Amendment was before them, to refuse to act on the Amendment until citizens in their states had voiced their opinion through a referendum.

States cannot require that the Equal Rights Amendment, or any other Constitutional Amendment, be sent to referendum before the state legislature determines whether or not it will ratify.

The Library of Congress has published an analysis and interpretation of the amendment provisions of the United States

Constitution as outlined in Article V. This analysis contains definitive Supreme Court decisions which deal with the subject of referendum. The analysis says:

“The term ‘legislature’ as used in Article V means deliberative, representative bodies of the type which in 1789 exercised the legislative power in the several States. It does not comprehend the popular referendum which has subsequently become a part of the legislative process in many of the States, nor may a State validly condition ratification of a proposed constitutional amendment on its approval by such a referendum.”

“In the words of the Court: ‘. . . the function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing amendment, is a federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State.’”

The President: The chair will rule that the amendment is not in order, both on the point raised by Senator Myers that an amendment is not in order to a resolution ratifying an amendment to the United States Constitution and for the further reason raised by Senator Firestone that the Constitution of the State of Florida empowering the legislature to seek advisory opinions is inconsistent with the specific grant of authority to a legislature with the respect to the act of ratification. I want to read from the court in the case of *Hawke v. Smith* [253 U.S. 221, 231 (1920)]. In addition to the analysis given by Senator Firestone, the Court said, “The Fifth Article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress, and is limited to two methods, by action of the legislatures of three-fourths of the States, or conventions in a like number of States.”

Senator Barron suggested that the President might include in his ruling the case of *Leser v. Garnett* [258 U.S. 130, 137 (1922)] which was quoted by Senator Firestone.

The President concurred.

On motion by Senator Barron, by two-thirds vote debate on final passage was limited to 10 minutes per Senator.

Senator Gillespie presiding.

The President presiding.

On motion by Senator Firestone, the rules were waived and time of adjournment was extended until final action on SCR 18.

The Secretary called the roll on SCR 18 and the vote was:

#### Yeas—19

|               |           |             |          |
|---------------|-----------|-------------|----------|
| Mr. President | Graham    | Sayler      | Williams |
| Firestone     | Lewis     | Scarborough | Wilson   |
| Gillespie     | Myers     | Smathers    | Winn     |
| Glisson       | Pettigrew | Trask       | Zinkil   |
| Gordon        | Poston    | Vogt        |          |

#### Nays—21

|             |             |             |        |
|-------------|-------------|-------------|--------|
| Barron      | Gruber      | McClain     | ‘Sykes |
| Brantley    | Henderson   | Peterson    | Ware   |
| Childers    | Johnson     | Plante      | Weber  |
| Deeb        | Johnston    | Saunders    |        |
| de la Parte | Lane (31st) | Sims        |        |
| Gallen      | Lane (23rd) | Stolzenburg |        |

#### Explanation of vote.

To explain my vote against SCR 18: Lack of specificity in the language of Section 1, the jurisdictional authority of the Congress in Section 2, and the recent broad interpretations of appointed federal judges, preclude my favorable vote despite my support of anti discrimination measures.

*Curtis Peterson, 12th District*

On motion by Senator Saunders, the rules were waived and the Committee on Ways and Means was granted permission to consider SB 427 at the meeting this day.

Senator Barron announced that the Committee on Rules and Calendar will meet immediately upon adjournment this day for the purpose of establishing the schedule for the week of April 15 through 19.

The Journal of April 9 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:32 p.m. to convene at 8:30 a.m. for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 2:00 p.m. April 11, 1974.