

JOURNAL OF THE FLORIDA SENATE

Thursday, April 11, 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 (by request)—

SB 566—A bill to be entitled An act relating to elections; amending ss98.041, Florida Statutes, 1973, to allow municipal exceptions to the permanent single registration system; providing an effective date.

—to Judiciary.

By Senator Johnson (by request)—

SB 567—A bill to be entitled An Act relating to motor fuel tax; amending section 206.60(2) (b), Florida Statutes, 1973; providing that counties will not discriminate between incorporated and unincorporated areas in the expenditure of the 7th cent motor fuel tax; providing an effective date.

—to Transportation and Ways and Means.

By Senator Zinkil—

SB 568—A bill to be entitled An act relating to the state career service system; amending §110.022(1)(c), Florida Statutes, to require the establishment of an incentive pay program for state employees assigned to work the late night shift; providing an effective date.

—to Governmental Operations.

By Senator Zinkil (by request)—

SB 569—A bill to be entitled An act relating to a Florida state registry of natural sites; providing legislative intent and definitions; providing for a Florida state registry of natural sites to be managed by the department of natural resources; providing for powers of said department; providing for rules and regulations governing the use, control and protection of natural sites within the registry; providing for a registry of natural sites commission; providing powers and duties of said commission; providing an effective date.

—to Natural Resources and Conservation.

By Senator de la Parte—

SB 570—A bill to be entitled An act relating to public health; creating §381.601, Florida Statutes; authorizing the use of medical identification bracelets, tags and cards; providing that law enforcement officers attempt to determine if an unconscious or semiconscious person is ill before charging with crime, and if ill, having such person transported to a physician or some facility where the services of a physician are available; providing a penalty for misrepresentation of illness or the falsification of such medical identification; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Scarborough (by request)—

SB 571—A bill to be entitled AN ACT relating to detection of deception examiners; creating Part III of Chapter 493, Florida Statutes; declaring legislative intent; providing definitions; providing qualifications for license; providing qualifications for approved schools; providing exclusions; providing license fees; providing for bond; providing for regulation; providing penalties and providing an effective date.

—to Judiciary and Ways and Means.

By Senators Weber and Scarborough—

SB 572—A bill to be entitled An act relating to campaign financing; amending §106.16(1), Florida Statutes, to prohibit higher than normal charges for political advertising and to require equal charges to political candidates and committees for similar services; providing an effective date.

—to Judiciary.

By the Committee on Judiciary—

SB 573—A bill to be entitled An act relating to candidates for public office; repealing §99.012, Florida Statutes, relating to restrictions on individuals qualifying for public office; amending §99.021(1), Florida Statutes, to delete from the oath form required of candidates the statements that he has qualified for no other public office in the state, the term of which or any part thereof runs concurrent to the office he seeks; providing an effective date.

—to Judiciary.

By Senator Childers—

SB 574—A bill to be entitled An act relating to saltwater fisheries and conservation; amending §370.13(1)(a) and (c), (2)(h) and (i), Florida Statutes, and adding a new paragraph to subsection (2); prohibiting specified methods of transporting stone crab; requiring that any person, firm or corporation acquiring a stone crab trap notify the division of marine resources; providing a penalty; providing an effective date.

—to Natural Resources and Conservation.

By the Committee on Transportation—

SB 575—A bill to be entitled An act relating to drivers' licenses; amending §§322.121(1), 322.18(2)—(4) and 322.21(4), Florida Statutes; providing that drivers' licenses expire on the licensee's birthday and may be renewed thirty days prior to such date; providing that licenses expiring on certain days are valid until the next regular work day; providing for the department to send certificates of eligibility to licensees prior to license expiration; providing that licenses issued prior to effective date of this act shall expire as specified on the license; repealing §322.031(2) and (3), Florida Statutes, relating to issuance of fractional year licenses to nonresidents; repealing §322.121(3), Florida Statutes, relating to license expiration dates; providing an effective date.

—to Transportation.

By Senator Johnson (by request)—

SB 576—A bill to be entitled An act relating to district school systems; amending sections 230.232 and 234.01, Florida Statutes to provide for the conservation of fuel supplies in assigning and transporting pupils within the public school system.

—to Education and Ways and Means.

By Senator Glisson—

SB 577—A bill to be entitled An act relating to assessments; providing that when any public building is renovated to make it accessible to the physically handicapped the cost of such renovations shall be assessed at their salvage value; providing minimum renovation requirements; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Horne, Trask and Glisson—

SB 578—A bill to be entitled An act relating to rural water and sewer service; directing the Department of Administration, Division of Planning to plan and administer the installation, operation and maintenance of such services in cooperation with

a non-profit corporation; providing for annual reports to the legislature regarding the results; providing an appropriation; providing an effective date.

—to Consumer Affairs and Ways and Means.

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—39:

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
Gordon	Myers	Stolzenburg	

Prayer by the Senate Chaplain:

Our Father, when wisdom and knowledge are preeminent in our lives discretion and understanding will govern our conduct. So shall our actions be separated from the mere contentious and so shall we preserve our own peace of mind and conscience.

Help us not to be afraid of challenge to our convictions. Help us to respect the convictions of others and not view them as opposition to our persons. May opposing ideas within this chamber become the refining abrasive to give our state the best laws and government.

Grant strength for today but perspective for the future. So then shall our government be in the context of the total history of our state and not be isolated in the myopic present.

Hear us, Our God, because we need you. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, April 11, 1974:

SB 134	SB 131	SB 80	SB 276
SB 76	SB 116	SB 259	SB 135
SB 86	SB 133	SB 167	SB 270
SB 256			

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends the following pass: SB 458 SB 353

The Committee on Criminal Justice recommends the following pass: SB 422

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

The Committee on Commerce recommends the following pass: SB 406 SB 453 SB 491 with 1 amendment

The bills were placed on the calendar.

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 365

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

The Committee on Criminal Justice recommends a Committee Substitute for the following: SB 283 SB 119

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Commerce recommends the following not pass:

SB 228	SB 454	SB 455
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The bills were laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Poston, HB 1909 was withdrawn from the Committee on Transportation by two-thirds vote and referred to the Committee on Ways and Means.

On motions by Senator Sayler, SB 32 was withdrawn from the Committees on Natural Resources and Conservation and Ways and Means by two-thirds vote and from further consideration of the Senate.

Senator Gillespie announced cancellation of the meeting of the Select Subcommittee on Judiciary scheduled for April 12 at 8:00 a.m.

EXECUTIVE BUSINESS

By direction of the President Pro Tempore, the Secretary read the following communication and certificate:

Honorable Joe Brown
Secretary of the Senate
The Capitol

April 10, 1974

Dear Mr. Brown:

Pursuant to the provisions of Section 112.071(1), (b), Florida Statutes, we are enclosing a certificate listing the name of a person for whom a commission has been prepared and which is 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

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, a commission which is subject to confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
W. G. Kirk Wauchula	Member, Board of Trustees, South Florida Junior College	May 31, 1977



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

RICHARD (DICK) STONE
Secretary of State

Which was referred to the Committee on Education.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 11, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 505.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

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

I am directed to inform the Senate that the House of Representatives has adopted as amended CS for HCR 2800 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Rules and Calendar and Governmental Operations—

CS for HCR 2800—A concurrent resolution adopting a policy on growth for the State of Florida.

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

The Honorable Mallory E. Horne, President April 10, 1974

I am directed to inform the Senate that the House of Representatives has passed HB 1911 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary—

HB 1911—A bill to be entitled An act relating to jurisdiction in landlord and tenant cases; amending §26.012, (2) (g), Florida Statutes (1972), to remove jurisdiction in landlord and tenant possession cases from the circuit court; amending §34.011, Florida Statutes, to vest jurisdiction in landlord and tenant possession cases exclusively in the county court; providing an effective date.

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

The Honorable Mallory E. Horne, President April 10, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1697 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Dubbin and others—

HB 1697—A bill to be entitled An act curbing monopolies and outlawing restraints of trade; creating §542.15 through §542.34, Florida Statutes; providing civil remedies; providing for injunctive relief; providing penalties; repealing §542.01 through §542.12, Florida Statutes, relating to combinations restricting trade or commerce; providing an effective date.

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

RECONSIDERATION

The motion by Senator Saylor on April 10 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

—was taken up and adopted.

Further consideration of the matter was referred to the Committee on Rules and Calendar.

SPECIAL ORDER

SB 134—A bill to be entitled An act relating to the department of state; amending section 20.10 (2), Florida Statutes, by amending paragraphs (c) and (d) and adding paragraph (e) creating a division of licensing; providing an effective date.

—was read the second time by title. On motion by Senator Williams, by two-thirds vote SB 134 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senators Wilson, Saylor, Trask, Horne and Graham were recorded as voting yea.

SB 76—A bill to be entitled An act relating to insurance; amending Section 627.662, Florida Statutes, by adding new Subsection (5) thereto to provide coverage for newborn children; providing an effective date.

—was read the second time by title.

Senator Henderson moved the following amendment:

Amendment 1—On page 1, lines 11-26, strike all of lines 11-26 inclusively and insert: Section 1. Section 627.641, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 627.641, Florida Statutes, for present text.)

627.641 Coverage for newborn children.—

(1) All disability insurance policies providing coverage on an expense incurred basis and all service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the insured or subscriber shall, as to such family member's coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth. The coverage for newly born children shall consist of coverage for injury or sickness including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity.

(2) This section shall apply to all such disability insurance policies and to all such contracts renewed, delivered or issued for delivery after the effective date of this act. This section shall not apply to disability income or hospital indemnity policies.

Section 2. Section 627.6575, Florida Statutes, is created to read:

627.6575 Coverage for newborn children.—

(1) All group, blanket or franchise disability insurance policies providing coverage on an expense incurred basis and group, blanket or franchise service or indemnity type contracts issued by a nonprofit corporation which provide coverage for a family member of the certificate holder or subscriber shall, as to such family member's coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the certificate holder or subscriber from the moment of birth. The coverage for newly born children shall consist of coverage for injury or sickness including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity.

(2) This section shall apply to all such group, blanket or franchise disability insurance policies and to all such contracts renewed, delivered or issued for delivery after the effective date of this act. This section shall not apply to disability income or hospital indemnity policies.

Renumber subsequent sections.

Senator Henderson moved the following amendment to Amendment 1 which was adopted:

Amendment 1a—On page 2, line 2, strike the period and insert: and normal maternity policy provisions applicable to the mother.

Senator Henderson moved the following amendment to Amendment 1 which was adopted:

Amendment 1b—On page 3, line 23, strike the period and insert: and normal maternity policy provisions applicable to the mother.

Amendment 1 as amended was adopted.

Senator Henderson moved the following title amendment which was adopted:

Amendment 2—In title on page 1, lines 4—7, strike all of lines 4—7 inclusively and insert: An act relating to disability insurance policies, service or indemnity type contracts, group blanket or franchise disability insurance policies, and to group, blanket or franchise service or indemnity type contracts; amending section 627.641, Florida Statutes; providing that disability insurance benefits applicable to children of an insured or subscriber shall be payable from the moment of birth; coverage for newly born children shall consist of coverage for injury or sickness including care or treatment of congenital defects, birth abnormalities, or prematurity; creating section 627.6575, Florida Statutes, providing that benefits of group, blanket or franchise disability insurance policies or group, blanket or franchise service or indemnity type contracts applicable to children of a certificate holder or subscriber shall be payable from the moment of birth; the coverage for newly born children shall consist of coverage for injury or sickness including the necessary care or treatment of medically diagnosed congenital defects, birth abnormalities, or prematurity; providing exclusions; providing an effective date.

On motion by Senator Henderson, by two-thirds vote SB 76 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—1

Sayler

By unanimous consent Senator Weber was recorded as voting yea.

On motion by Senator Henderson, the rules were waived and SB 76 was ordered immediately certified to the House after engrossing.

SB 86—A bill to be entitled An act relating to occupational license taxes; creating §205.064, Florida Statutes; exempting the selling of certain agricultural and piscicultural products by the grower or producer; providing that wholesale farmers' produce markets may obtain blanket licenses entitling stall tenants to sell agricultural and horticultural products without individual licenses; 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 Peterson:

Amendment 1—Page 1, line 26, strike the period (.) and insert: in the State of Florida.

On motion by Senator Peterson, by two-thirds vote SB 86 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senator Williams was recorded as voting yea.

The President presiding

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

SR 517—A resolution commending Miami Police Officers Gerald Green and Walter Clerke for their superior police efforts, humanitarian interests, and service to the community.

—which was read the second time in full. On motion by Senator Firestone, SR 517 was adopted. The vote was:

Yeas—37

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

Nays—None

By permission Senators Barron, Brantley, Childers, Deeb, de la Parte, Gallen, Gillespie, Glisson, Gordon, Graham, Gruber, Henderson, Horne, Johnson, Johnston, Lane (23rd), Lewis, McClain, Myers, Peterson, Pettigrew, Plante, Poston, Sayler, Scarborough, Sims, Smathers, Stolzenburg, Sykes, Trask, Vogt, Ware, Weber, Wilson, Winn and Zinkil were recorded as co-introducers of SR 517.

SB 256—A bill to be entitled An act relating to motor vehicle license taxes; amending §320.08(8)(e), Florida Statutes, as amended by §1, chapter 73-197 and §4, chapter 73-284, Laws of Florida, abolishing the tax on slide-in campers; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were adopted on motions by Senator Childers:

Amendment 1—On page 2, following line 10 insert: Section 2. Paragraph (b) of subsection (1) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—In construing these statutes, the word, phrase or term:

(1) "Motor vehicle" includes:

(b) Recreational vehicle-type units primarily designed as temporary living quarters for recreational, camping, or travel use, which either have their own motive power or are mounted on or drawn by another vehicle. As defined below, the basic entities are:

1. Travel trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It is

of a body width of no more than eight feet and a body length of no more than thirty-two feet when factory equipped for the road.

2. **Camping trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

3. **Truck camper:** A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping, or travel use. Truck campers are of two basic types—

a. ~~Slide-in camper: A portable unit designed to be loaded onto, and unloaded from, the bed of a pickup truck, constructed to provide temporary living quarters for recreational, travel, or camping use.~~

b. **Chassis mount camper:** A portable units designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, travel, or camping use.

4. **Motor home:** A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.

Amendment 2—On page 2, line 11, strike all of lines 11 and 12 and insert: Section 3. This act shall become effective on July 1, 1974.

Amendment 3—On page 1, line 8, strike all of lines 8 and 9 and insert: on slide-in campers; amending paragraph (b) of subsection (1) of section 320.01, Florida Statutes, to delete the definition of slide-in campers; providing an effective date.

On motion by Senator Childers, by two-thirds vote SB 256 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

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

Nays—None

On motion by Senator Barron, the rules were waived and the order of introduction and referencng of bills on April 12 was cancelled in observance of Good Friday.

Senator Scarborough announced the cancellation of the meeting of the Committee on Judiciary scheduled for April 12.

Senator Childers announced the cancellation of the meeting of the Committee on Natural Resources and Conservation scheduled for April 12.

Senator Poston announced the cancellation of the meeting of the Committee on Transportation scheduled for April 12.

On motion by Senator Pettigrew, the rules were waived and Vince Reo, member of the staff of the Committee on Criminal Justice was accorded privileges of the floor during consideration of SB 116.

SB 131—A bill to be entitled An act relating to the licensure of physicians; amending subsection (5) of §458.05, Florida Statutes, allowing any physician who has been practicing medicine for ten (10) years in another state and whose license is currently valid to obtain a temporary certificate to practice medicine in any area of critical medical need within the state; stating that the Department of Health and Rehabilitative Services shall determine these areas of critical medical need and requiring the Department to report at least annually; adding paragraph (d) to require that the Board of Medical Examiners

in cooperation with the Department report annually on the status of those physicians who have applied for temporary certification and the extent to which the certification program is meeting the demand for physicians in these areas; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were adopted on motions by Senator Myers:

Amendment 1—On page 2, line 19, after "Persist" insert: and the Florida board of medical examiners so certify.

Amendment 2—On page 2, lines 4 and 5 reinsert the stricken language: and only in communities where the population is less than 7,500.

Amendment 3—On page 1, line 16, after "Department" insert: to

On motion by Senator Myers, by two-thirds vote SB 131 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—37

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

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

SB 116—A bill to be entitled An act relating to conflicts of interest by public officers and employees; amending §§112.311, 112.312 and 112.317, Florida Statutes; creating §§112.320-112.325, Florida Statutes; repealing §§112.313, 112.314, 112.315 and 112.316, Florida Statutes, relating to standards of conduct; declaring purpose; providing definitions; prohibiting certain business transactions by public officers and employees; prohibiting membership on regulatory boards by certain persons; prohibiting voting on certain matters by public officers; prohibiting representation of certain persons before public bodies by public officers and employees; providing for disqualification, removal, impeachment, expulsion or dismissal and criminal penalties for public officers or employees who violate part III, chapter 112, Florida Statutes; providing for injunctive relief; providing that contracts executed in violation of part III, chapter 112, Florida Statutes, are voidable; providing an effective date.

—was read the second time by title.

Senator Pettigrew moved the following amendment which was adopted:

Amendment 1—On page 7, line 14, insert: (9) Nothing in this section shall prohibit any officer or employee who is not required to devote his full time to his official duties, his spouse or child or any business entity in which he, his spouse or child or any combination of them has a material interest from being reimbursed by the state for actual costs up to fair market value for office space or other elements of expense incurred on behalf of the officer or employee in the performance of his official duties, when such reimbursement is otherwise properly authorized by the state, county, or municipality; provided that full disclosure of the terms of such reimbursement is first made in writing to the department of state or, in the case of a county or municipality, to the clerk of the circuit court of the county involved or of the county in which the municipality involved is located.

RENUMBER CURRENT SUBSECTIONS 112.320(9) and (10) to be 112.320(10) and (11) respectively.

Senator Myers presiding

Senator Pettigrew moved the following amendment which was adopted:

Amendment 2—On page 9, lines 17 and 18, strike “or his spouse, child or associate”

The President presiding

Senator Pettigrew moved the following amendment which was adopted:

Amendment 3—On page 8, line 5, after the word “which” insert: materially

Senator Scarborough moved that SB 116 be removed from the calendar and recommitted to the Committee on Judiciary.

Senator Poston presiding

The President presiding

The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—19

Childers	Lane (31st)	Scarborough	Vogt
Gallen	McClain	Sims	Ware
Henderson	Peterson	Stolzenburg	Weber
Johnson	Plante	Sykes	Williams
Johnston	Saylor	Trask	

Nays—16

Mr. President	Glisson	Lewis	Smathers
de la Parte	Gordon	Myers	Wilson
Firestone	Graham	Pettigrew	Winn
Gillespie	Gruber	Poston	Zinkil

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

Senator Pettigrew moved the following amendment:

Amendment 4—On page 10, line 11, strike through page 11, line 9, all of subsection 7 and insert: (7) With respect to any officer or employee who is not required by law to devote full time to the duties of his public office or employment, nothing in this section shall prohibit any such officer or employee, his spouse, child or associate who, prior to entering the office or employment, was regularly engaged in a business or profession which required him to periodically make application to any agency for performance of an action from continuing to make the same applications, provided that the officer or employee shall file a statement describing the exact nature of such business or profession and the applications he, his spouse, child, or associate is periodically required to make and further provided that the officer or employee shall not personally appear at any hearing conducted on such application. A candidate for nomination or election to any such state, county or municipal office shall file this statement no later than noon on the tenth day after the last day to qualify as a candidate. Anyone appointed to such public office or employment shall file this statement no later than noon on the tenth day after he takes office. If the officer or employee does not file this statement in the time provided by this subsection, he shall not continue to make such

applications. Such officer or employee shall also file a copy of each application as it is made. No application shall be made except in the form and manner usually prescribed by the agency and no personal contact in connection with the application shall be made by the officer or employee with the agency, and any contact made by his spouse, child or associate in connection therewith shall only be that which is usually required by the agency. All statements and copies of applications which are required to be filed by this subsection shall be filed with the department of state in the case of candidates and officers elected statewide and candidates for and members of the legislature and with the clerk of the circuit court in the case of all other candidates and officers.

Senator McClain moved the following substitute amendment:

Amendment 5—On pages 10 and 11, lines 10—11, strike all subparagraph (7)

Senator Ware moved the following amendment to amendment 5 which was adopted:

Amendment 5a—On pages 10 and 11, strike all of subparagraph (7) and insert in lieu thereof the following: (7) It is not the intent of the legislature to prevent any public officer or employee from practicing his profession or engaging in his normal occupation or employment while serving as a public officer or employee on a part time basis; nor from representing his own or his family's interest before any public body. Such action shall not be considered as a crime or other violation of this act.

The vote was:

Yeas—20

Barron	Johnston	Poston	Vogt
Brantley	Lane (23rd)	Saunders	Ware
Childers	Lewis	Sims	Weber
Deeb	McClain	Sykes	Williams
Gallen	Peterson	Trask	Wilson

Nays—12

Mr. President	Gillespie	Gruber	Scarborough
de la Parte	Glisson	Myers	Smathers
Firestone	Graham	Pettigrew	Zinkil

The Journal of April 10 was corrected and approved as follows:

Page 100, column 1, strike line 11; and between lines 9 and 10 insert: ment of agriculture and consumer services; amending section

CO-INTRODUCERS

By permission, Senator Poston was recorded as a co-introducer of SB 329; Senator Gallen as a co-introducer of SB 281; Senator Lane (23rd) as a co-introducer of SB 127; Senator Smathers as a co-introducer of SB 116; Senator Gruber as a co-introducer of SB 214.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:01 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 15, 1974.