

JOURNAL OF THE FLORIDA SENATE

Wednesday, May 15, 1974

The Senate was called to order by the President Pro Tempore 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 by title and referred to committee(s) as indicated:

By Senators Vogt and Wilson—

SB 1095—A bill to be entitled An act relating to Brevard County; amending §13, art. IV, chapter 28922, Laws of Florida, 1953, as amended by §1, chapter 67-1144, Laws of Florida, relating to the Canaveral Port District, to empower the Canaveral Port Authority to convey fee simple title to lands to the United States government for a United States Coast Guard facility; providing for right of reversion; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1095.

—to Rules and Calendar.

By Senators Vogt and Wilson—

SB 1096—A bill to be entitled An act relating to Brevard County; amending §§19 and 20, art. IV, chapter 28922, Laws of Florida, 1953, relating to the Canaveral Port District, to conform said sections which specify a maximum rate of interest payable on revenue certificates or revenue bonds to the maximum rate of interest set forth in §315.05, Florida Statutes; to delete a referendum election on the issuance of revenue certificates or revenue bonds not supported by an ad valorem tax; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1096.

—to Rules and Calendar.

By Senators Vogt and Wilson—

SB 1097—A bill to be entitled An act relating to Brevard County; amending §16c., art. IV, chapter 28922, Laws of Florida, 1953, as amended by §1, chapter 30606, Laws of Florida, 1955, and §§4 and 7, art. XVIII, chapter 28922, Laws of Florida, 1953, to permit qualified electors residing in the Canaveral Port District to petition for a referendum election and vote in such election on any lease of property for more than ten years or encumbrance for more than ten thousand dollars with a term of more than five years; to delete the requirement to be a "freeholder"; to change the petition period from ten days to thirty days; to delete the requirement that a majority of the freeholders participated in the election; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1097.

—to Rules and Calendar.

By Senators Zinkil and Winn—

SB 1098—A bill to be entitled An act relating to Broward County; creating a municipal corporation; describing said municipal corporation; creating a charter board for said municipal corporation; providing for the adoption of a charter and the election of the governing body and other officers; providing for a referendum; providing an effective date.

—to Rules and Calendar.

By Senator Deeb—

SB 1099—A bill to be entitled An act relating to Pinellas County; providing legislative intent; adopting the Southern Standard Building Code, 1973 Edition, as amended; providing

for inspection and enforcement; providing for the resolving of disputes by the Board of Adjustments and Appeals; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1099.

—to Rules and 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

Excused: Senators Saunders, Williams, Poston and Lewis, for portions of the session, in attendance of Senate duties; Senator Trask for the purpose of working on a conference committee report.

Prayer by the Senate Chaplain:

Our God, you forgive our foolish ways so readily upon our spirit of repentance, and we are glad. Yet, our God, we humans do so little to forgive as we ourselves have been forgiven.

Help us in these days of international and national tensions in governments: In these days when every wrong and human error in the lives of governmental leaders is magnified, to keep our confidence in your pardon and have courage to go on with our task. Do not let us be destroyed either as individuals or as a nation by what our Lord called "wallowing in the mud" of evil.

Grant us sincerity, forgiveness and repentance but may we seek these in the knowledge that it is the character and necessity of all humans to need these graces.

Bless our Senators and give them continuing courage, in these hours, to stand and having done all to stand. Amen.

On motion by Senator Barron, the Senate recessed at 9:05 a.m.

The Senate was called to order by the President Pro Tempore at 9:25 a.m. A quorum present.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, May 15, 1974, at 9:00 a.m.:

SB 492	SB 429	SB 722	SB 173
SB 477	SB 362	HB 99	SB 138
SB 724	SB 941	HB 3287	HB 2922
SB 485	SB 71	SB 579	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends the following pass:

HM 2574	SB 115 with 4 amendments
SB 1073 with 2 amendments	SB 749 with 1 amendment
SB 1067	HM 2261
SM 900	SB 175 with 1 amendment
SB 969	

The bills were placed on the calendar.

The Committee on Rules and Calendar recommends the following not pass: SJR 140

The bill was laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 410 with 2 amendments SB 430 with 1 amendment

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

JOE BROWN, Secretary

The bills were placed on the calendar on third reading.

Your Engrossing Clerk to whom was referred—

SB 218 with 1 amendment
 CS for SB 338 with 1 amendment
 CS for SB 374 with 6 amendments
 SB 601 with 1 amendment
 SB 797 with 2 amendments
 CS for SB 892 with 12 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.

By direction of the Presiding Officer the following report was read:

Pursuant to Senate Rule 4.4, the Committee on Rules and Calendar recommends the existence of an emergency reasonably compelling consideration by the Senate of Senator J. H. Williams' bill relating to the division of security.

Dempsey J. Barron, Chairman

MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator Williams, SB 716 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

COMMITTEE REQUESTS FOR EXTENSION OF TIME

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

HB 544 by Representative Singleton	SB 676 by Senator Johnson
SB 167 by Criminal Justice Committee	SB 645 by Agriculture Committee
HB 2567 by Representative Crenshaw and others	SB 646 by Senator Johnson

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

SB 137 by Senator Pettigrew	SB 891 by Senator Graham
SB 804 by Senator de la Parte	SB 1006 by Senator Graham
SB 811 by Senator Williams	HB 622 by Environmental Protection Committee
SB 816 by Senator McClain	HB 3270 by Standards and Conduct Select Committee
SB 818 by Senator de la Parte	CS for HB 3418 by Appropriations Committee
SB 826 by Senator Saunders	HJR 3472 by Standards and Conduct Select Committee
SB 875 by Senator Sims	
SB 876 by Senators Weber, Winn, et al	
SB 878 by Senator Peterson	
SB 884 by Senator McClain	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 15, 1974

I am directed to inform the Senate that the House of Representatives has passed—SB 192.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 14, 1974

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Tucker, Baumgartner, Dick Clark, Earle and Martinez as the Conferees on the part of the House on HB 2028.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 14, 1974

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HCR 2800 and requests the Senate to recede, and in the event the Senate refuses to recede, requests a Conference Committee.

By the Committee on Rules & Calendar and the Committee on Governmental Operations and Representative Young—

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

(Amendment attached)

Allen Morris, Clerk

Amendment 1—On page 1, strike lines 7—29 inclusively and pages 2—17 inclusively and insert:

WHEREAS, few areas in America offer so many benefits as a place to live, work, and play as Florida does, and

WHEREAS, because of these benefits, Florida has had an undisciplined growth which has generated problems in shaping the quality of life for Florida's nearly 8,000,000 citizens particularly in the areas listed below:

1. It has been necessary to provide quality education at a greater cost to the taxpayer to the growing enrollment of Florida school students;
2. The additional cost to the taxpayer for providing sewers, roads, solid waste collection and disposal, zoning, police and fire protection;
3. Neighborhoods have been growing too much, too fast, and with the wrong type of growth which has been breeding unrest, delinquency, and decay of family life;
4. Many areas of Florida already are suffering water shortages;
5. The cost of housing has risen to such an extent that many families are now no longer able to buy their own home;
6. There has been too much growth in some areas and not enough in other areas of the state;
7. The cost of living has increased at such a pace that Florida's many citizens on a fixed income have found it impossible to keep pace;
8. There is a growing need for a fair and rational approach to both land-use planning and regulation designed to protect both the general public and the individual property owner; the desired kind, rate and extent of growth shall be primarily determined by the carrying capacity of natural and man-made systems of an area. Carrying capacity shall be based on availability of natural resources such as air, soils, water and space and may vary further depending on available energy, technology, means of waste disposal, other essential public services and the financial capability of an area. In defining carrying capacity local government shall use a uniform statewide method of measurement if one can be determined by the legislature;
9. The people appear to be losing in their government's ability to solve problems arising on the local, state, and federal level;
10. There is a growing need for additional social services particularly for persons living in poverty;
11. State government will take an active role in the restoration, preservation and acquisition of Florida's beaches and

shores for the present and future benefit of all people including insuring adequate public access to public beaches, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring, that:

All state agencies, departments, and the legislature shall work to fund and implement that legislation which will relieve the problems arising out of the "overgrowth" of Florida. However, nothing in this policy statement on growth shall be interpreted as a mandate to any branch of state government unless enacted into general law.

On motion by Senator Williams the Senate refused to recede from Senate Amendment 1 to CS for HCR 2800 and acceded to the request of the House for a conference committee. The action of the Senate was certified to the House.

The Honorable Mallory E. Horne, President May 14, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 & 2 and has refused to concur in Senate Amendment 3 to:

By Representative Forbes—

HB 3542—A bill to be entitled An act relating to foods, drugs, and cosmetics; amending §500.15(2)(a), Florida Statutes, to provide for labeling of packages; providing an effective date.

(Amendment attached)

and requests the Senate to recede.

Allen Morris, Clerk

Amendment 3—On page 1, line 17, strike all of paragraph (a) and insert:

(a) The name and place of business of the manufacturer, packer, or distributor. In the case of medicinal drugs as defined in Section 465.031(5), F.S., the label shall contain the name and place of business of the manufacturer of the finished dosage form of the drug and the name and place of business of the packer or distributor; provided, however, if the finished dosage form of a drug is manufactured or fabricated by one company pursuant to the specifications of another company and the latter company accepts full responsibility for the integrity of the product, only the name of the company assuming responsibility need appear on the label, provided a statement is filed with the department disclosing the name of the manufacturer or fabricator.

On motion by Senator Brantley the Senate receded from Senate Amendment 3 to HB 3542.

HB 3542 passed and was certified to the House. The vote was:

Yeas—37

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

Nays—None

The Honorable Mallory E. Horne, President May 13, 1974

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

HB 2975	HB 2295	HB 2475
CS for HB's 2288 & 3001	HB 3927	HB 2569

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kutun—

HB 2975—A bill to be entitled An act providing for the relief of Dale D. Gordon; providing an appropriation of two thousand one hundred dollars (\$2,100) for injury sustained while in the custody of the Florida division of corrections; providing an effective date.

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

By Representative Lewis—

HB 2295—A bill to be entitled An act providing for the relief of Margaret Case, Palm Beach County; providing an appropriation to compensate her for loss sustained by injury as a result of a fall caused by debris carelessly left by employees of the State on State property; providing an effective date.

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

By Representative Cunningham and others—

HB 2475—A bill to be entitled An act for the relief of Thomas S. Loadholtz; providing an appropriation to compensate him for injury to his personal and financial well-being; providing an effective date.

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

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

CS for HB's 2288 and 3001—A bill to be entitled An act relating to mobile home parks; creating section 83.695, Florida Statutes, 1973, offering written lease to mobile home tenants, providing application of §83.69, Florida Statutes, upon expiration of lease or failure to enter into lease agreement, including certain provisions in lease, providing civil remedy for breach of lease, requiring local government to consider effect of zoning change; exempting parks with ten (10) or less lots; repealing section 83.68, Florida Statutes, relating to refund of entrance fees; amending section 83.70(6), Florida Statutes, relating to refund of entrance fees; providing an effective date.

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

By Representative Forbes—

HB 3927—A bill to be entitled An act for the relief of Thomas W. Baine; directing the Leon County School Board to investigate and determine the amount of damages sustained by Mr. Baine, as a result of entering into an agreement with authorized representatives of the Lively Area Vocational-Technical School, Tallahassee for the repair of one Colonial C-1 aircraft owned by him, and to pay Mr. Baine an amount not to exceed ten thousand dollars (\$10,000) as compensation; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 3927.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Forbes—

HB 2569—A bill to be entitled An Act for the relief of Miss Elizabeth Green; directing the Duval County School Board to determine and pay damages resulting from injuries sustained by Miss Green while on property owned by the school board; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 2569.

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

The Honorable Mallory E. Horne, President May 13, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 3653

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Culbreath—

HB 3653—A bill to be entitled An act for the relief of Kenneth G. Cannon; providing compensation for loss in income incurred in defending a civil action brought by the Florida Construction Industry Licensing Board; providing an effective date.

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

The Honorable Mallory E. Horne, President May 13, 1974

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

HB 2247 **HB 3098**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kutun—

HB 2247—A bill to be entitled An act for the relief of Donna Sue Sutton; providing an appropriation to compensate her for injuries sustained at Florida State University; providing an effective date.

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

By Representative David Clark—

HB 3098—A bill to be entitled An act providing for the relief of Mrs. Gertrude Fogelson; compensating her for property loss sustained and expenses incurred as a result of the negligence of the state attorney's office of the fifteenth judicial circuit; providing an appropriation; providing an effective date.

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

The Honorable Mallory E. Horne, President May 13, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—**HB 3095**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Melvin and others—

HB 3095—A bill to be entitled An act relating to Florida tourism; recognizing the vital part of the economy the tourism industry plays, the decline of visitor traffic as a result of the current national energy crisis, the inadequacy of current advertising and promotional funds in the face of the crisis; providing for a reserve emergency appropriation of three hundred thousand (\$300,000) dollars for advertising and promotional projects until June 30, 1974, to the Division of Tourism of the department of commerce; providing that any money not spent during the critical period, or before June 30, 1974, shall return to the General Revenue Fund; providing an effective date.

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

The Honorable Mallory E. Horne, President May 13, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—**HB 2387**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazelton—

HB 2387—A bill to be entitled An act for the relief of Rosa Brinson, a minor, providing an appropriation to compensate her for severe personal injuries and disfigurement arising out of an accident on April 15, 1968, while she was a pupil in the public schools of Palm Beach County, Florida; and providing an effective date.

Evidence of notice and publication was established by the Senate as to **HB 2387**.

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

The Honorable Mallory E. Horne, President May 13, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—**CS for HB 2799**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representatives Williams and Cohen—

CS for HB 2799—A bill to be entitled An act relating to civil defense; creating §§252.31—252.52, Florida Statutes; providing for civil defense preparedness; providing rules, regulations, powers, duties and authority for preparing for disaster or imminent disastrous conditions; providing for transfer of funds and use of unappropriated surplus funds; providing penalty; amending §20.18(2)(b), Florida Statutes, and adding subsection (16) to said section; establishing a division of disaster preparedness in the department of community affairs; repealing §20.18(7), (8) and (9), Florida Statutes, relating to the department of civil defense, the state civil defense council and the civil defense advisory board; repealing the present chapter 252, consisting of §§252.01—252.28, Florida Statutes, relating to civil defense; providing an effective date.

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

The Honorable Mallory E. Horne, President May 13, 1974

I am directed to inform the Senate that the House of Representatives has passed—**HB 2820**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hodges—

HB 2820—A bill to be entitled An act for the relief of Mr. H. E. Brown; authorizing and directing Gilchrist County to appropriate certain funds out of the county general fund to compensate Mr. Brown for damage to his truck; providing an effective date.

Evidence of notice and publication was established by the Senate as to **HB 2820**.

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

The Honorable Mallory E. Horne, President May 13, 1974

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

HB 2400 **HB 3145**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fulford—

HB 2400—A bill to be entitled An act for the relief of Ida Mae Joiner of Orange County, on account of medical and hospital expenses and loss of earnings sustained as a result of infection caused by the course of treatment administered by employees of the Winter Garden Clinic of the Orange County Health Department during 1971 and 1972; authorizing and empowering the board of county commissioners of Orange County to investigate the claim of Ida Mae Joiner and settle the same out of designated funds in such amount as they may determine lawful and proper; providing an effective date.

Evidence of notice and publication was established by the Senate as to **HB 2400**.

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

By Representative Williams—

HB 3145—A bill to be entitled An act for the relief of L.D. Van Vleck; authorizing the district school board for Clay County to compensate him for injuries sustained by his son, Randall Van Vleck, while playing baseball for Clay High School; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 3145.

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

RECONSIDERATION

The motion by Senator Myers on May 14 that the Senate reconsider the vote by which—

CS for SJR 730—A joint resolution proposing an amendment to section 12 of Article V of the State Constitution relating to the judicial qualifications commission; providing that the commission shall have the power to investigate and recommend removal or a reprimand of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, demonstrates a present unfitness to hold office; providing that the commission shall adopt rules which may be repealed by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring; providing that the commission may by majority vote recommend the temporary suspension of any justice or judge against whom formal charges are pending; providing that if the supreme court suspends, all proceedings shall be public, otherwise all proceedings shall be confidential until a recommendation is filed by the commission; providing that the commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries; providing that the commission shall make available information for use in consideration of impeachment suspension.

—as amended failed to pass, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Ware, the rules were waived and the Senate reconsidered the vote by which CS for SJR 730 as amended was placed on third reading.

On motion by Senator Zinkil the Senate reconsidered the vote by which Amendment 2 was adopted.

The question recurred on the adoption of Amendment 2 which failed.

On motion by Senator Lewis the Senate reconsidered the vote by which Amendment 3 was adopted.

The question recurred on the adoption of Amendment 3 which failed.

Senator Johnston moved the following amendments which were adopted:

Amendment 5—On page 4, line 20, and page 6, line 16, strike “including grand juries”

Amendment 6—On page 1, line 30, strike “including grand juries”

Senator McClain moved the following amendment which was adopted:

Amendment 7—On page 1, line 19, strike “majority” and insert: two-thirds

The President presiding

On motion by Senator Myers, CS for SJR 730 as further amended was read in full as follows:

CS for SJR 730—A joint resolution proposing an amendment to section 12 of Article V of the State Constitution relating to the judicial qualifications commission; providing that the commission shall have the power to investigate and recommend removal or a reprimand of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, demonstrates a present unfitness to hold office; providing that the commission shall adopt rules which may be repealed by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring; providing that the commission may by two-thirds vote recommend the temporary suspension of any justice or judge against whom formal charges are pending; providing that if the supreme court suspends, all proceedings shall be public, otherwise all proceedings shall be confidential until a recommendation is filed by the commission; providing that the commission shall have access to all information from all executive, legislative and judicial agencies; providing that the commission shall make available information for use in consideration of impeachment or suspension.

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

That the amendment to section 12 of Article V of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November, 1974:

Article V

Section 12. DISCIPLINE; REMOVAL AND RETIREMENT.—

~~(a) There shall be a judicial qualifications commission composed of:~~

(a) *There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the reprimand of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such a reprimand. The commission shall be composed of:*

(1) Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit court and two judges of county courts selected by the judges of those courts;

(2) Two electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

(3) Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(b) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a justice or judge shall be eligible for state judicial office so long as he is a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may participate in his own campaign for judicial office and hold that office. The commission shall elect one of its members as its chairman.

~~(c) The supreme court shall adopt rules regulating proceedings of the commission, the filling of vacancies by the appointing authorities and the temporary replacement of disqualified or incapacitated members. After a recommendation of removal of any justice or judge, the record of the proceedings before the commission shall be made public.~~

(c) *The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. After a recommendation of removal or public reprimand of any justice or judge, the record of the proceedings before the commission shall be made public. The commission may by a*

two-thirds vote recommend to the supreme court the temporary suspension of any justice or judge against whom formal charges are pending and in the event the supreme court suspends such justice or judge all proceedings before the commission and all hearings shall be public. Otherwise, all proceedings before the commission shall be confidential until a recommendation is filed with the clerk of the supreme court recommending removal or public reprimand at which time such proceedings shall become public record.

(d) The commission shall have access to all information from all executive, legislative and judicial agencies, subject to the rules of the commission. On request of the speaker of the house of representatives or the governor, the commission shall make available information for use in consideration of impeachment or suspension, respectively.

(d) (e) Upon recommendation of two-thirds of the members of the judicial qualifications commission, the supreme court may order that the justice or judge be disciplined by appropriate reprimand, or be removed from office with termination of compensation for willful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary, or be involuntarily retired for any permanent disability that seriously interferes with the performance of his duties. After the filing of a formal proceeding and upon request of the commission, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(e) (f) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment and to the power of suspension by the governor and removal by the senate.

SCHEDULE

The existing judicial qualifications commission shall exercise the additional jurisdiction, powers and duties provided herein. The terms of office of the present members of the judicial qualifications commission shall not be affected by this amendment.

Be It Further Resolved that in accordance with the requirements of section 101.161, Florida Statutes, the substance of the amendment proposed herein shall appear on the ballot as follows:

An amendment to section 12 of Article V of the State Constitution to permit the judicial qualifications commission to investigate and recommend to the supreme court the removal or reprimand of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, demonstrates a present unfitness to hold office or warrants a reprimand, to permit the commission to adopt rules regulating its proceedings which rules may be repealed by general law enacted by majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring, to require all proceedings before the commission to be confidential until a recommendation is filed by the commission or unless the supreme court suspends a justice or judge as recommended by a majority vote of the commission, then all proceedings shall be public, further permitting the commission access to all information from all executive, legislative, and judicial agencies, and requiring the commission to make available information for use in consideration of impeachment or suspension when requested by the speaker of the house of representatives or the governor, respectively.

—and passed with the required constitutional three-fifths vote of the membership and ordered engrossed. The vote was:

Yeas—34

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

Nays—4

Henderson	Peterson	Plante	Weber
-----------	----------	--------	-------

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

The motion by Senator Lane (31st) on May 14 that the Senate reconsider the vote by which—

SB 11—A bill to be entitled An act relating to jurors; providing compensation for wage loss suffered by employees required to serve on juries of court; providing an effective date.

—passed as amended on May 14, was taken up and adopted; and the Senate reconsidered. The vote was:

Yeas—25

Barron	Glisson	Poston	Ware
Brantley	Gruber	Saunders	Weber
Childers	Henderson	Saylor	Wilson
Deeb	Johnson	Sims	Winn
de la Parte	Lane (31st)	Stolzenburg	
Firestone	McClain	Sykes	
Gallen	Peterson	Vogt	

Nays—11

Gordon	Lane (23rd)	Pettigrew	Williams
Graham	Lewis	Plante	Zinkil
Johnston	Myers	Smathers	

On motion by Senator Lane (31st), SB 11 as amended was read by title and failed to pass. The vote was:

Yeas—10

Mr. President	Johnston	Pettigrew	Zinkil
Gordon	Lane (23rd)	Plante	
Graham	Myers	Smathers	

Nays—24

Barron	Glisson	McClain	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Poston	Vogt
Deeb	Johnson	Saunders	Ware
de la Parte	Lane (31st)	Saylor	Weber
Gallen	Lewis	Sims	Williams

SPECIAL ORDER CALENDAR

SB 492 was taken up, together with:

By the Committee on Education—

CS for SB 492—A bill to be entitled An act relating to schools; amending sections 233.07, 233.08, 233.09, 233.10, 233.11, 233.14, 233.16, 233.17, 233.25, 233.33, 233.34, 233.37; 233.39, 233.43, 233.44, 233.46, 233.47, 233.48, Florida Statutes, providing for changing the name of the textbook councils to the instructional materials councils; providing for membership, powers and duties of the instructional materials councils; providing for guidelines for recommendation of instructional materials; providing for unlawful contacts between state instructional materials council members and publishers or manufacturers of instructional materials; providing for term of adoption of instructional materials deleting authorization for purchase of instructional materials by the department; providing for duties and responsibilities of publishers and manufacturers of instructional materials; deleting prohibition against use of materials not on adopted list; providing for use of the instructional materials allocations by school boards; providing for duties of superintendents and principals; providing for responsibility of pupils, parents or guardians, providing for dropping of textbooks from records; providing for administrative expenses; creating section 233.115, Florida Statutes, providing for prohibited acts, and providing penalties therefor; repealing sections 233.01, 233.02, 233.03, 233.04, 233.05, 233.06, Florida Statutes, relating to the courses of study council and special courses of study councils, section 233.13, Florida Statutes, relating to the state furnishing textbooks in the public schools, section 233.22, Florida Statutes,

relating to the department of education filling orders with the publisher, section 233.23, Florida Statutes, relating to duties of superintendent regarding invoices, section 233.24, Florida Statutes, relating to approval and payment of textbook invoices, section 233.32, Florida Statutes, relating to rules and regulations for textbook accounting, distribution and preservation, section 233.36, Florida Statutes, relating to records, section 233.41, Florida Statutes, relating to suits in the name of the state, section 233.42, Florida Statutes, relating to suits for damage to books, section 233.44(2), Florida Statutes, relating to books destroyed by fire or storm, section 233.46(1) through (4) Florida Statutes, relating to requisition, storage, distribution and receipt for books by principals and teachers, and section 233.50, Florida Statutes, relating to textbook related materials; providing an effective date.

—which was read the first time by title and SB 492 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 492 was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

Amendment 1—On page 3, line 3, strike “June” and insert: April

Amendment 2—On page 3, line 13, strike “There shall be established instruc-”

all of lines 14 through 21.

all of line 22 to the period

and insert on line 13, after the period: *There shall be councils for the recommendation of instructional materials for the elementary and secondary grades as may be necessary and recommended by the commissioner of education.*

Amendment 3—On page 4, line 11, strike “January 1, 1975” and insert: June 30, 1974

Amendment 4—On page 6, line 8, strike “the” and insert: a district or

Amendment 5—On page 36, line 9, insert a new Section 22: Section 22. If any one or more of the provisions of this act shall for any reason be held invalid, then such provisions shall be deemed separable from the remaining provisions of this act, and such invalid provisions shall in no way affect the validity of any of the other provisions of this act.

Renumber remaining sections.

Senator Plante moved the following amendment which was adopted:

Amendment 6—On page 23, line 22, strike everything after “order” through line 16 on page 24.

Senator Sims moved the following amendment:

Amendment 7—On page 36, line 9, insert: Section 23: Florida Statutes, Chapter 233.063 shall be amended to prevent the establishment of any new systems or enlarging upon any existing systems in a county where there is already a school operating under the provisions of chapter 488, Florida statutes.

Section 24. This act shall take effect July 1, 1974.

Senator Graham raised a point of order that Amendment 7 was not germane to CS for SB 492. The amendment would prohibit the operation of a driver program under certain conditions when they come in conflict with commercial driving schools and the bill relates to the selection of textbooks; further, the bill that was presently being proposed as an amendment had previously been defeated by the Senate.

The President ruled the point not well taken, and stated there was a significant difference in the measure previously defeated and Amendment 7. The amendment was germane as it related to the same chapter as the bill but alluded to a different chapter.

Amendment 7 failed by the following vote:

Yeas—8

Glisson Gruber	Johnson Lane (31st)	Sims Stolzenburg	Sykes Weber
-------------------	------------------------	---------------------	----------------

Nays—13

Mr. President Childers Gallen Gillespie	Gordon Graham Johnston Peterson	Pettigrew Plante Smathers Wilson	Winn
--	--	---	------

Senator Brantley presiding

On motion by Senator Plante, the Senate reconsidered the vote by which Amendment 1 was adopted. The question recurred on Amendment 1 which failed.

The President presiding

Senator Weber moved the following amendment which was adopted:

Amendment 8—On page 11, lines 1 and 2, strike all after “occupation” on line 1 and all of line 2 and insert a period (.)

Senator Stolzenburg moved the following amendment which was adopted:

Amendment 9—On page 5, line 13, strike “and per diem” and insert: and per diem shall be paid to non-lay council members

On motion by Senator Gordon, by two-thirds vote CS for SB 492 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—27

Mr. President Brantley Childers Gillespie Glisson Gordon Graham	Gruber Johnson Johnston Lane (23rd) McClain Myers Peterson	Pettigrew Plante Poston Scarborough Sims Smathers Stolzenburg	Sykes Vogt Ware Weber Winn Zinkil
---	--	---	--

Nays—None

By unanimous consent Senators Wilson, Lewis, de la Parte, Gallen and Firestone were recorded as voting yea.

On motion by Senator Graham, by two-thirds vote HB 157 (cs) was withdrawn from the Committee on Education and placed on the calendar.

SB 477 was taken up and on motion by Senator Graham—

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

—a similar measure to SB 477 was substituted therefor and read the second time by title.

Senator Graham moved the following amendment which was adopted:

Amendment 1—On page 5, continue on line 6: A downward salary adjustment may not be put into effect until one year from the date of the reassignment.

Senator Gordon offered the following amendments which were moved by Senator Graham and adopted:

Amendment 2—On page 3, strike all of lines 8 through 11 and insert in Chapter 230: *A supervisor or principal may receive a written contract for an initial period not to exceed three years, subject to annual renewal, and such contracts may be subsequently renewed for a period not to exceed three years, which renewal contracts shall contain provisions for dismissal only for just cause and such other provisions as prescribed by the school board.*

Amendment 3—On page 3, continue on line 11: *Periods of service as a supervisor or principal prior to the effective date of this act or such service in another district or state may be recognized by the school board to satisfy the requirements of the initial written contract referred to herein.*

Amendment 4—On page 5, line 12, insert new subsection (h): *(h) School boards are authorized to enter into continuing contracts with principals and supervisors who were employed as principals or supervisors on or before the effective date of this act and who otherwise meet the requirements of paragraph (a) of this subsection; provided, however, that this authorization shall expire three years from the effective date of this act or, in any case where the period of service has been extended to four years as provided in paragraph (c) of this subsection, four years from the effective date of this act.*

Amendment 5—On page 5, line 19, strike "upon becoming law." and insert: July 1, 1974

On motion by Senator Graham, by two-thirds vote HB 157 (cs) as amended was read the third time by title and passed. The vote was:

Yeas—30

Mr. President	Graham	Pettigrew	Vogt
Brantley	Gruber	Plante	Ware
Childers	Johnson	Poston	Weber
Firestone	Johnston	Scarborough	Wilson
Gallen	Lane (31st)	Sims	Winn
Gillespie	Lane (23rd)	Smathers	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

By unanimous consent Senators Myers, de la Parte and Lewis were recorded as voting yea.

SB 477 was laid on the table.

Senator Lane (31st) moved that the Senate reconsider the vote by which CS for HB 157 as amended passed.

By unanimous consent Senator Ware was recorded as voting yea on SB 450, CS for SB 338, HB 3536, HB 1135, CS for SB 366, SB 825, SB 797 and HB 1503 which passed the Senate on May 14.

On motion by Senator Scarborough, SB 1036 was withdrawn from the Committee on Commerce by two-thirds vote and from further consideration of the Senate.

On motion by Senator Childers, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 504 May 16.

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

CS for SB 492—A bill to be entitled An act relating to schools; amending section 233.07, 233.08, 233.09, 233.10, 233.11, 233.14, 233.16, 233.17, 233.25, 233.33, 233.34, 233.37; 233.39, 233.43, 233.44, 233.46, 233.47, 233.48, Florida Statutes, providing for changing the name of the textbook councils to the instructional materials councils; providing for membership, powers and duties of the instructional materials councils; providing for guidelines for recommendation of instructional materials; providing for unlawful contacts between state instructional materials council members and publishers or manufacturers of instructional materials; providing for term of adoption of instructional materials

deleting authorization for purchase of instructional materials by the department; providing for duties and responsibilities of publishers and manufacturers of instructional materials; deleting prohibition against use of materials not on adopted list; providing for use of the instructional materials allocations by school boards; providing for duties of superintendents and principals; providing for responsibility of pupils, parents or guardians, providing for dropping of textbooks from records; providing for administrative expenses; creating section 233.115, Florida Statutes, providing for prohibited acts, and providing penalties therefor; repealing sections 233.01, 233.02, 233.03, 233.04, 233.05, 233.06, Florida Statutes, relating to the courses of study council and special courses of study councils, section 233.13, Florida Statutes, relating to the state furnishing textbooks in the public schools, section 233.22, Florida Statutes, relating to the department of education filling orders with the publisher, section 233.23, Florida Statutes, relating to duties of superintendent regarding invoices, section 233.24, Florida Statutes, relating to approval and payment of textbook invoices, section 233.32, Florida Statutes, relating to rules and regulations for textbook accounting, distribution and preservation, section 233.36, Florida Statutes, relating to records, section 233.41, Florida Statutes, relating to suits in the name of the state, section 233.42, Florida Statutes, relating to suits for damage to books, section 233.44(2), Florida Statutes, relating to books destroyed by fire or storm, section 233.46(1) through (4) Florida Statutes, relating to requisition, storage, distribution and receipt for books by principals and teachers, and section 233.50, Florida Statutes, relating to textbook related materials; providing an effective date.

—as amended passed this day.

On motion by Senator Plante, the Senate reconsidered the vote by which Amendment 1 failed.

The question recurred on Amendment 1 which was adopted by two-thirds vote.

On motion by Senator Plante, the Senate reconsidered the vote by which Amendment 3 was adopted.

The question recurred on Amendment 3 which failed.

CS for SB 492 as further amended was read by title, passed and was ordered engrossed. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senators Lewis and de la Parte were recorded as voting yea.

On motion by Senator Saunders, unanimous consent was obtained to take up SB 311 out of order. On motion by Senator Saunders—

HB 3095—A bill to be entitled An act relating to Florida tourism; recognizing the vital part of the economy the tourism industry plays, the decline of visitor traffic as a result of the current national energy crisis, the inadequacy of current advertising and promotional funds in the face of the crisis; providing for a reserve emergency appropriation of three hundred thousand (\$300,000) dollars for advertising and promotional projects until June 30, 1974, to the Division of Tourism of the department of commerce; providing that any money not spent during the critical period, or before June 30, 1974, shall return to the General Revenue Fund; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Saunders, by two-thirds vote HB 3095 was

read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gruber	Plante	Vogt
Brantley	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Scarborough	Williams
Gillespie	Lane (23rd)	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Peterson	Stolzenburg	
Graham	Pettigrew	Sykes	

Nays—None

By unanimous consent Senators Myers, Lewis and Childers were recorded as voting yea.

SB 811 was laid on the table.

SB 724 was taken up, together with:

By the Committee on Education—

CS for SB 724—A bill to be entitled An act relating to school discipline; providing definitions; providing authority for school discipline; providing grounds and procedures for suspension or assignment to alternative programs; providing procedures for expulsion; providing for records; providing for a code of student rights and obligations; amending section 232.28, Florida Statutes, regarding the authority of bus drivers; repealing sections 232.26(1) and 232.27, Florida Statutes, relating to authority of principals and authority of teachers; providing an effective date.

—which was read the first time by title and SB 724 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 724 was read the second time by title.

Senators Glisson and Sims offered the following amendment which was moved by Senator Glisson:

Amendment 1—On page 2, line 4, strike the rest of the bill, page 2 through 6 and insert: Section 3. Authority for school

discipline.—each district school board shall have the full responsibility and authority to implement rules and regulations insuring the orderly continuation of the educational process within the school district by preventing violent and disruptive activities harmful to school property, students and instructional personnel. Each school board shall promulgate policies and guidelines to aid the individual schools within the district in implementing standards of behavior and discipline procedures as is necessary for the effective functioning of the educational process including the specific grounds and procedures for the suspension or expulsion of any pupil and, when deemed necessary and proper, the assigning of that pupil to an alternative program as defined by this act. The school board shall have further authority to delegate specific responsibility for the discipline of students and the effective functioning of the individual schools to the principals and teachers working within the school district.

Section 4. Subsection (1) of section 232.26, Florida Statutes, and section 232.27, Florida Statutes, are hereby repealed.

Section 5. This act shall take effect January 1, 1975.

Senator Barron moved that the Senate reconsider the vote by which CS for SB 663 passed on May 14.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider Senate Bills 829, 278, 965, 365, 698, 870, 108, 971, 463, 931, 700, 711, 718, 720, 732, 733, 553; House Bills 4005, 3422, 3424, 851, 1293, 1315, 1408 and 1554 this day.

The Journal of May 14 was corrected and approved as follows:

Page 402, counting from the bottom of column 2, between lines 16 and 17 insert:

Senator Lane (31st) moved the following amendment:

Amendment 5—On page 2, strike all of lines 1—5

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:05 p.m. to convene at 2:00 p.m., May 16, 1974.