

JOURNAL OF THE FLORIDA SENATE

Wednesday, May 22, 1974

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)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Prayer by Dr. Paul F. Andrus, Pasadena Community Church, St. Petersburg, who was presented to the Senate by the Senate Chaplain:

Eternal Father, author of justice and love; we give you our grateful thanks for the richness of this land and the joys of life, surrounded as we are by your blessings. We are mindful of the great challenge you have placed upon us to be your people in these difficult and trying times. Teach us the discipline of patience, that we might this day season our efforts and temper our strivings with a touch of the infinite. Give us the grace to pause in the midst of our feverish activities to listen for your voice and counsel. Help us to see not only that which serves the immediate hour, but the longer view of our purpose as Your servants, into whose hands a great trust has been given. Reach within us and set us in motion, in tune and responsive to Your eternal plan. So may we be made fit servants, to acquit ourselves with honor as we live and work under your watchful eye, serving those who have placed their trust in us; to the honor and glory of your name. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, May 22, 1974, at 9:00 a.m.:

SB 278	HB 99	HB 2922	SB 817
SB 504	CS for HB	HB 3064	HB 580
SB 431	2700	SB 643	SB 904
CS for HB	HB 3287	HB 2926	HB 2099
3113 & 2747	HB 2809	SB 828	HB 1911
SB 362	SB 579	SB 353	SB 403
SB 689	SB 1012	SB 529	SB 429
SB 941	SB 173	HB 3573	SB 519
HB 1739	SB 1110	SB 758	SB 1020
SB 71	SB 138	CS for HB	CS for CS for
HB 1605	SB 1111	312	HB 3096

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the attached change to Senate Rule 1.8 be adopted.

Respectfully submitted,
Dempsey J. Barron, Chairman

Rule 1.8, Rules of the Florida Senate, is amended to read:

1.8—Upon the death of the President, the President Pro Tempore shall perform the duties of the President until and unless the Senate shall elect a successor. Upon and during disability, absence or incapacity of the President beyond one (1) legislative day, the President Pro Tempore shall perform his duties.

Upon the resignation of the President, the President Pro Tempore shall perform the duties of the President until the next convening of the Senate, at which time a President shall be elected.

In the event the President resigns and there is a vacancy in the office of President Pro Tempore, the President shall appoint, prior to the effective date of such resignation, from amongst those members of the Senate belonging to the same political party as the resigning President, a Senator to serve as President until the next Organization Session of the Senate, which appointee shall perform all of the duties of the Office of the President.

On motion by Senator Firestone the amendment to Rule 1.8, attached to the foregoing report, was adopted.

The Committee on Commerce recommends the following pass: SB 457

The Committee on Education recommends the following pass: SB 943

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:

HB 509 (cs 509, 510, 511, 512)	HB 3041 with 2 amendments
HB 2407 with 1 amendment	HB 3168
CS for HB 2739	HB 3199 with 1 amendment
CS for HB 2848	HM 3336
HB 3040	HB 3834 with 1 amendment

The Committee on Education recommends the following pass:

HB 1199 with 4 amendments	SB 940 with 1 amendment
SB 629 with 4 amendments	SB 995 with 2 amendments
SB 847 with 2 amendments	SB 1049 with 2 amendments
SB 896	

The Committee on Governmental Operations recommends the following pass:

SB 408	HB 687 (cs)
SB 747	CS for HB 2898
SB 1080	HB 3258
HB 232 with 3 amendments	HB 3270
HB 524 with 2 amendments	HB 3441
HB 603	

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 170

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 915

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 818

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

The Committee on Commerce recommends the following not pass:

SB 858	CS for HB 217	HB 1140
SB 909		

The Committee on Education recommends the following not pass: CS for HJR 2036, SB 186

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 50 with 2 amendments reports that the House amendments have been incorporated and the bill is returned herewith.

JOE BROWN, Secretary

The bill was ordered enrolled.

Your Engrossing Clerk to whom was referred—

SB 124 with 2 amendments SB 1100 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.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

CS for SB 99	SB 334	SB 937
SB 210	SB 335	SB 1091
SB 264		

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 22, 1974.

JOE BROWN, Secretary

Communication Formally Filed

The report of the State Officers' Compensation Commission to the 1974 Legislature on the recommended salaries of state and county officers for the fiscal year 1974-75 has been filed with the Secretary of the Senate and a copy delivered to each member of the Senate.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scarborough, CS for HB 1936 was withdrawn from the Committee on Judiciary by two-thirds vote.

On motion by Senator Williams, HB 3250 was withdrawn from the Committee on Governmental Operations by two-thirds vote and referred to the Committee on Rules and Calendar.

On motion by Senator Saunders, the rules were waived and SB 1100, which passed May 21 as amended, was immediately certified to the House.

On motion by Senator Weber, the rules were waived and SB 124, which passed May 21 as amended, was immediately certified to the House.

REQUESTS FOR EXTENSION OF TIME

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

SB 20 by Senator Zinkil	SB 944 by Senator Childers
SB 893 by Senator Trask	SB 948 by Senator Winn
SB 894 by Senator Trask	SB 984 by Senator Brantley
SB 911 by Senator Brantley	SB 985 by Senator Gordon
SB 913 by Senator Peterson	SB 996 by Senator McClain
SB 923 by Senator Gordon	SB 999 by Senator Henderson
SB 925 by Senator Williams	
SB 926 by Senator Scarborough	SB 1033 by Senator Glisson
	SB 1044 by Senator McClain
SB 930 by Senator Wilson	SB 1052 by Senator Saunders
SB 936 by Senator Brantley	SB 1064 by Senator Weber

SB 1070 by Senator Gallen	HB 2481 by Insurance Committee
HB 619 by Representative Kutun	HB 3901 by General Legislation Committee

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

SB 16 by Senator Saunders	SB 302 by Senator Wilson
SB 10 by Senator Johnston	SB 303 by Senator Wilson
SB 39 by Senators Myers and Deeb	SB 304 by Senator Wilson
SB 82 by Senator Firestone	SB 363 by Senator Gruber
SB 113 by Senator Glisson	SB 409 by Senator Firestone
SB 142 by Senator Lane	SB 426 by Senator Scarborough
SB 161 by Senator Gillespie	SB 472 by Senator Lane
SB 254 by Senator Gruber	SB 479 by Senator Gallen
SB 301 by Senator Wilson	SB 489 by Senator Pettigrew

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 21, 1974

I am directed to inform the Senate that the House of Representatives has passed CS for SB 830.

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 22, 1974

I am directed to inform the Senate that the House of Representatives has adopted SCR 1104.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 22, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 to House Amendment 1 and passed SB 470, as further amended.

Allen Morris, Clerk

The bill contained in the above message was ordered engrossed.

SPECIAL ORDER

SB 278 was taken up and on motion by Senator Vogt by unanimous consent—

HB 3365—A bill to be entitled An act relating to the control of noise from motor vehicles; creating §403.414, Florida Statutes; providing definitions; prohibiting the sale of new motor vehicles that produce a maximum sound level in excess of specified limits; prohibiting the sale of mufflers or other noise abatement devices that increase the noise above that of the motor vehicle as originally manufactured; requiring certificates of compliance; providing for test procedures; creating §316.293, Florida Statutes; providing definitions; prohibiting the operation of motor vehicles that produce a sound level in excess of specified limits; providing an exemption for emergency vehicles; providing for measurement procedures; prohibiting the modification of motor vehicles to increase their noise and prohibiting the operation of motor vehicles so modified; creating §320.834, Florida Statutes; prohibiting the registration of new motor vehicles for which certification of compliance with new motor vehicle noise limits has not been made; providing for a joint study by the department of pollution control and the department of highway safety and motor vehicles on the effectiveness of this act; providing appropriations; providing an effective date.

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

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 10, line 1, strike Section 8 and renumber Section 9 as Section 8. and insert the language in Section 8 as a new subsection (8) on page 6, between lines 13 and 14.

Amendment 2—On page 7, line 9, strike “either”

Amendment 3—On page 8, line 21, strike “or” and insert: and

Senators McClain and Lane (31st) offered the following amendment which was moved by Senator McClain and adopted:

Amendment 4—On page 9, line 9, strike subsection (b) and insert: (b) Any motor vehicles engaged in a professional or amateur sanctioned, competitive sports event for which admission or entry fee is charged or practice or time trials for such event.

On motion by Senator Vogt, by two-thirds vote HB 3365 as amended was read the third time by title.

Senators Poston and Smathers offered the following amendment which was moved by Senator Poston and adopted by two-thirds vote:

Amendment 5—On page 9, line 14, add (d) Construction or agricultural equipment either on job site or traveling on highways.

Senator Vogt moved the following title amendment which was adopted:

Amendment 6—On page 1, lines 17 and 18, strike “providing an exemption for emergency vehicles” and insert: providing exemptions

HB 3365 as further amended was read by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Gordon	Pettigrew	Trask
Brantley	Graham	Plante	Vogt
Childers	Gruber	Poston	Ware
Deeb	Henderson	Saunders	Williams
Firestone	Lane (23rd)	Sayler	Wilson
Gallen	McClain	Scarborough	Winn
Gillespie	Myers	Smathers	Zinkil
Glisson	Peterson	Stolzenburg	

Nays—4

Barron	Lewis	Sims	Weber
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By unanimous consent Senator Johnston was recorded as voting yea.

SB 278 was laid on the table.

On motion by Senator Vogt, the rules were waived and HB 3365 was ordered immediately certified to the House.

SB 504 was taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for SB 504—A bill to be entitled An act relating to water management districts and regional water supply authorities; providing legislative findings; providing water production powers and duties of water management districts; providing duties of basin boards; providing for review of water management district action by the department of natural resources and for adoption of review procedures by the department; directing that laws creating southwest Florida water management district and central and south Florida flood control district be included in chapter 373, Florida Statutes; providing for creation of regional water supply authorities by interlocal agreement and providing powers, duties and responsibilities thereof; amending sections 373.0695, 373.026 and 373.043, Florida Statutes; providing for severability and an effective date.

—which was read the first time by title and SB 504 was laid on the table.

On motions by Senator Lane (23rd), by two-thirds vote CS for SB 504 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—19

Mr. President	Gillespie	Plante	Sykes
Brantley	Johnson	Poston	Trask
Deeb	Lane (23rd)	Saunders	Ware
de la Parte	McClain	Sayler	Wilson
Firestone	Pettigrew	Sims	

Nays—16

Childers	Gruber	Peterson	Vogt
Gallen	Henderson	Scarborough	Williams
Glisson	Johnston	Smathers	Winn
Graham	Lane (31st)	Stolzenburg	Zinkil

By unanimous consent, Senator Myers was recorded as voting yea; Senator Lewis, nay.

Senators Ware and Sayler were recorded as co-introducers of CS for SB 504.

On motion by Senator Trask, the rules were waived and CS for SB 504 was ordered immediately certified to the House.

On motion by Senator Gallen, HB 3514 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

SB 431 was taken up and on motion by Senator Gallen—

HB 3514—A bill to be entitled An act relating to sheriffs' budgets; amending §80.49(4), (5), (10) and (11), Florida Statutes; providing review of such budgets by the administration commission; allowing a sheriff thirty days within which to appeal and requiring his petition to set forth the budget proposed by him in the form and manner prescribed by the administration commission; authorizing amendments to budgets to be submitted to the board of county commissioners and if disapproved by them application for additional amounts to be made to the administration commission; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3514 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

SB 431 was laid on the table.

CS for HB's 3113 and 2747—A bill to be entitled An act relating to taxation; amending subsection 166.231(1), Florida Statutes, 1973; providing for an exemption from municipal utility taxation for the fuel oil adjustment charge; providing for a uniform charge; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 20, strike “at a uniform rate upon all taxable purchases”

Amendment 2—On page 1, line 23, strike the remainder of the bill and insert: for the purchase of such service.

Section 2. The tax imposed by subsection 166.231(1), Florida Statutes, shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. "Fuel adjustment charge" shall mean all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to ~~January 1, 1974, October 1, 1973. The exemption granted herein as to the fuel adjustment charge is repealed as of June 30, 1975.~~

Section 3. This act shall take effect July 1, 1974 and the exemption granted herein for the fuel adjustment charge shall apply only to utility bills rendered after that date.

Amendment 3—In title, line 7, after the semi-colon, strike "providing for a uniform charge,"

Amendment 4—In title, line 7, strike "oil"

On motion by Senator Ware, by two-thirds vote CS for HB's 3113 and 2747 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

By unanimous consent Senator Saylor was recorded as voting yea.

SB 362—A bill to be entitled An act relating to community colleges; creating section 230.753(8), Florida Statutes, to provide a student member on each community college board of trustees; providing a method of selection; providing qualifications; providing a term of office; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Brantley and adopted:

Amendment 1—On page 1, strike all of line 25 through line 4 on page 2 and insert on line 24, after "trustees":

and shall be eligible as a student member while remaining a student member of each college. Membership of community college boards of trustees is hereby increased by one.

Amendment 2—In title, line 7, strike "providing a method of selection;" and insert: providing for an increase of one member on all community college boards of trustees;

Senator Deeb moved the following amendment which failed:

Amendment 3—On page 1, strike lines 19-24 and insert: board of trustees shall include the following members: 1 certified public accountant, 1 student of junior college, 1 realtor, 1 contractor, 1 banker, 1 junior college professor, 1 attorney.

On motion by Senator Brantley, by two-thirds vote SB 362 as amended was read the third time by title and failed to pass. The vote was:

Yeas—14

Mr. President	Gillespie	Gruber	Sykes
Brantley	Glisson	Myers	Winn
Firestone	Gordon	Pettigrew	
Gallen	Graham	Smathers	

Nays—20

Childers	Lane (31st)	Poston	Stolzenburg
Deeb	Lewis	Saunders	Trask
Henderson	McClain	Saylor	Ware
Johnson	Peterson	Scarborough	Weber
Johnston	Plante	Sims	Wilson

By unanimous consent Senator Vogt was recorded as voting nay.

SB 689—A bill to be entitled An act relating to the regulation of aircraft and pilots; amending §330.46(2), Florida Statutes, by redefining "class 1 aircraft" as aircraft seating in excess of 99 passengers; amending §330.46(3), Florida Statutes, by redefining "airport" as an area designed for landing aircraft; repealing §330.46(7), Florida Statutes, pertaining to the definition of area; amending §330.48(2), Florida Statutes, by providing that the commission shall have authority to approve all rates and schedules; amending §330.49(1), and paragraphs (b) and (d), Florida Statutes, by providing that an applicant for a certificate or an extension of a certificate specify the airports it intends to serve and the proposed rates and schedules between those airports; amending §330.49(2), Florida Statutes, by providing a fee of up to \$500 for certificate extension applications; amending §330.49(4), Florida Statutes, by providing an annual certificate renewal fee of \$100; amending §330.49(5), Florida Statutes, by providing for notice of applications to all persons serving airports involved; amending §330.49(6)(h), Florida Statutes, by providing that the commission shall take into consideration the experience of existing certificated carriers in granting new certificates; amending §330.49(6)(i), Florida Statutes, by providing that the commission may consider public convenience and necessity in issuing a certificate; substantial rewording of §330.49(7), Florida Statutes, to provide that the commission may issue certificates with or without modifications, and that when an application is denied, an identical or similar application may not be considered for six months; amending §330.49(8), Florida Statutes, by providing that all certificates list the airports to be served; creating §330.491, Florida Statutes, to provide that certificated air carriers maintain a tariff on file, to authorize the commission, after hearing, to prescribe reasonable rates, to supersede rates found to be unreasonable, to authorize the commission to adopt rules governing the filing of tariffs, to provide that general rate increases may not be authorized by the commission without public hearing, to prohibit carriers from charging other than approved rates; creating §330.492, Florida Statutes, to provide for transfer of a certificate after application and approval; amending §330.52(1), Florida Statutes, by authorizing the commission to suspend a certificate where holder fails to conform to the law, commission rules and regulations, by requiring one bona fide flight per week between authorized airports to prevent certificate dormancy, by providing procedure for declaring certificate dormancy and for obtaining approval to suspend certificated operations; amending §330.52(3), Florida Statutes, by authorizing the commission to grant authority to temporarily suspend or delete a certificated route or airport; amending §330.52(4), Florida Statutes, by authorizing the commission to adopt rules applicable to carriers, provide for taking testimony and depositions, prescribe procedure, exercise all judicial powers, and issue writs to enforce commission orders or requirements, by authorizing the courts of this state to enjoin the illegal operation of air carriers at the instance of the commission; amending §330.52(5), Florida Statutes, by providing that the evidentiary rules of the circuit courts shall apply to commission hearings, except as otherwise provided by commission rule; amending §330.52(6), Florida Statutes, by authorizing parties aggrieved by actions of the commission to request reconsideration within fifteen days, deleting the requirement that the commission act on requests for reconsideration within thirty days, and providing for review of commission orders by the supreme court of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Sykes, by two-thirds vote SB 689 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Deeb	Gallen	Gordon
Brantley	de la Parte	Gillespie	Gruber
Childers	Firestone	Glisson	Henderson

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

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

SB 941—A bill to be entitled An act relating to education; authorizing the purchase of tax sheltered annuities for employees of district school boards, community college boards of trustees and the board of regents; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Gordon and failed:

Amendment 1—On page 1, lines 14—15, strike “or” on line 14 and all of line 15 and insert on line 15: tem, or any other public employer, may provide by written agreement between such board or public agency and

Amendment 2—On page 1, line 20, strike “owned by” and insert: issued in the name of

Amendment 3—On page 2, line 5, strike “an employing board or its members” and insert: the employing agency

Amendment 4—In title, line 4, strike “education” and insert: public employees and on page 1, line 7, after “and the board of regents” insert: and any other public agency

Senators Sayler, Gordon and Smathers offered the following amendments which were moved by Senator Gordon and adopted:

Amendment 5—On page 1, line 12, strike all of section 1 and insert: Section 1. Tax sheltered annuities for employees of governmental agencies.—A governmental agency, which means any state, county, local or municipal governmental entity or any unit of government created or established by law, which is qualified under the United States internal revenue code, may provide by written agreement between any such agency and any employee to reduce the contract salary payable to such employee and, in consideration thereof, to pay an amount equal to the amount of such reduction to an insurance company licensed to do business in Florida, as selected by the employee or employees (notwithstanding any other provision of law) with the concurrence of the employing agency, as premiums on an annuity contract issued in the name of such employee.

(1) Any such annuity contract shall be in the form and be based upon such terms as will qualify the payments thereon for tax deferment under the United States internal revenue code.

(2) The amount of such reduction shall not exceed the amount excludible from income under section 403(b) of the United States internal revenue code, and amendments and successor provisions thereto, and shall be considered a part of the employee's salary for all purposes other than federal income taxation.

(3) The purchase of such tax sheltered annuity for an employee shall impose no liability nor responsibility whatsoever on the employing agency except to show that the payments have been remitted for the purposes for which deducted.

Amendment 6—In title, strike all of lines 3 through 8 and insert: A bill to be entitled An act relating to public employees; authorizing the purchase of tax sheltered annuities for employees of governmental agencies; providing an effective date.

On motion by Senator Gordon, by two-thirds vote SB 941 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senators Vogt and Graham were recorded as voting yea.

Senator Sayler was recorded as a co-introducer of SB 941.

CS for CS for HB 1739 (cs)—A bill to be entitled An act relating to municipal and charter county government recall; authorizing and providing procedures for the recall of any member of the governing body of a municipality or charter county by the municipal or charter county electors; providing penalties; providing an effective date.

—was read the second time by title.

Senator McClain moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, strike “two hundred fifty (250)” and insert: one thousand (1,000)

Senator Stolzenburg moved the following amendment which failed:

Amendment 2—On page 7, line 22, strike “Except as otherwise provided, no petition to recall any member of the governing body of a municipality shall be filed within one (1) year after he takes office.

Senator Lewis moved the following amendment which was adopted:

Amendment 3—On page 2, line 12, after the first comma insert: legal

On motion by Senator Scarborough, by two-thirds vote CS for CS for HB 1739 (cs) as amended was read the third time by title and failed to pass. The vote was:

Yeas—8

Brantley	Gallen	Pettigrew	Wilson
Firestone	Johnston	Scarborough	Zinkil

Nays—25

Mr. President	Gruber	Peterson	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnson	Poston	Weber
Gillespie	Lane (31st)	Sayler	Williams
Glisson	Lane (23rd)	Sims	
Gordon	Lewis	Stolzenburg	
Graham	McClain	Sykes	

By unanimous consent, Senator Smathers was recorded as voting yea; Senator Myers, nay.

SB 71 was taken up and on motion by Senator Wilson—

HB 2736—A bill to be entitled An act relating to cattle, horses, and livestock; amending §828.07, Florida Statutes, 1971, to make the actual or attempted killing, maiming, poisoning, or disfiguring of the livestock of another person unlawful; repealing §828.09, Florida Statutes, 1971, relating to the killing, maiming, or disfiguring of the animal of another person without malice; providing an effective date.

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

Senator Pettigrew moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, strike “beast” and insert: animals

On motion by Senator Gallen, by two-thirds vote HB 2736 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—None

By unanimous consent Senators Brantley and Gruber were recorded as voting yea.

Consideration of CS for CS for HB 1605 was deferred.

HB 99 (cs)—A bill to be entitled An act relating to the department of transportation; amending chapter 334, Florida Statutes, by adding section 334.27; permitting the department of transportation, with the approval of the board of trustees of the internal improvement trust fund, to lease for certain periods, air rights over or under state highways for such non-highway purposes as will not impair the construction or safety of state highways; subjecting any building erected under this

section to the various codes and ordinances of the governmental body where located; providing for payment of taxes on said buildings; requiring disclosure of officers and directors of leasing corporations; prohibiting erection of billboards under this section; providing an effective date.

—was taken up with the following pending amendment 5 which was adopted:

Amendment 5—On page 4, between lines 21 and 22 insert: (8) No lease shall be entered into under the terms of this act unless all governmental units in the county have signified by proper resolution that they have no interest in using the space for a public purpose.

Senator Wilson moved the following amendment:

Amendment 6—On page 4, line 21, after motel insert: condominiums, apartment houses, restaurants

On motions by Senator Brantley, House Bills 3281, 3531, 3759, 2931 and 3428 were withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider Senate Bills 610, 618 and 619 and HB 2799 this day or on May 23.

The Journal of May 21 was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to convene at 9:00 a.m., May 23, 1974.