

# JOURNAL OF THE FLORIDA SENATE

Thursday, May 8, 1975

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

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Prayer by the Senate Chaplain:

The wise-man our God has taught us that "without council purposes are disappointed: but in many counsellors purposes are established."

We, therefore, ask wisdom in our endeavors of state as we dialogue and share on issues significant to the people.

Grant us the excellent spirit that belongs to the person of understanding and prevent us from being hasty with undisciplined words.

So then shall we have hearts and minds warmed by wise accomplishments and the commendation of those we lead. Amen.

## REPORTS OF COMMITTEES

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

SB 528	SB 637 with 2 amendments
SB 538	SB 683 with 1 amendment

The bills were referred to the Committee on Ways and Means under the original reference.

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

SB 554 with 1 amendment	SB 556 with 1 amendment
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The bills were referred to the Committee on Commerce under the original reference.

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

SB 470	SB 581 with 1 amendment
SB 567	SB 606 with 5 amendments

The bills were placed on the calendar.

The Committee on Education recommends a Committee Substitute for the following: SB 368

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 8, 1975:

SB 174	SB 657	SB 553	SB 516
SB 237	SB 485	SB 698	SB 308
SB 603	SB 311	SB 624	SB 567
SB 470	SB 252	SB 661	SB 581
SB 357	SB 317	HB 1288	SB 265
SB 650	SB 457	SB 629	

Respectfully submitted,  
Lew Brantley, Chairman

## ENGROSSING REPORT

Your Engrossing Clerk has incorporated amendments to SB 316.

Joe Brown, Secretary

The bill was certified to the House.

## ENROLLING REPORT

CS for SB 105 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 8, 1975.

Joe Brown, Secretary

## SUBCOMMITTEE REPORT TO STANDING COMMITTEE

The Select Subcommittee on Retirement, Claims and Ratio Study of the Ways and Means Committee recommends favorably:

SB 356 with 1 amendment	SB 552
SB 635 with 1 amendment	SB 641

## BILLS REFERRED TO SUBCOMMITTEE OR SELECT COMMITTEE

The following have been referred to the Select Subcommittee of Ways and Means on Retirement, Claims and Ratio Study Review (15 days to report):

SB 45 by Senators Tobiassen and Childers	SB 462 by Senator J. Thomas, et al
SB 197 by Senator Deeb	SB 497 by Senator Graham
SB 292 by Senator Spicola	SB 552 by Senator P. Thomas
SB 349 by Senator Gallen, et al	SB 635 by Senator Henderson
SB 353 by Senator Brantley	SB 641 by Senator P. Thomas
SB 356 by Senator Sayler	SB 655 by Senator Renick
SB 374 by Senator Peterson	SB 801 by Senator Scarborough
SB 411 by Senator P. Thomas	

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dunn, by two-thirds vote SB 133 was withdrawn from the Committee on Ways and Means and indefinitely postponed.

On motions by Senator Dunn, by two-thirds vote SB 471 was withdrawn from the Committees on Judiciary-Civil and Ways and Means and indefinitely postponed.

On motion by Senator W. D. Childers, by two-thirds vote SB 770 was withdrawn from the Committee on Commerce.

On motion by Senator Myers, by two-thirds vote, HB 1861 was withdrawn from the Committee on Governmental Operations.

## REQUESTS FOR EXTENSION OF TIME

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 312 by Senator Vogt	SB 354 by Senator Brantley
SB 323 by Senator J. Thomas	SB 361 by Senator Poston
SB 420 by Senator Stolzenburg	SB 386 by Senator Zinkil
SB 421 by Senator Stolzenburg	SB 400 by Senator D. Lane
SB 336 by Senator Hair	SB 422 by Senator Hair
SB 338 by Senator McClain	SB 431 by Senator Hair
SB 341 by Senator W. D. Childers	SB 432 by Senator Holloway
	SB 433 by Senator Holloway

The Committee on Agriculture requests an extension of 15 days for the consideration of the following: SB 595 by Senator Poston

The Committee on Health and Rehabilitative Services requests an extension of 15 days for the consideration of the following:

SB 451 by Senator D. Lane	SB 332 by Senator Deeb
SB 576 by Senator Gordon	SB 378 by Senator D. Childers
SB 636 by Senator Gordon	SB 389 by Senator Zinkil
SB 651 by Senator Henderson	SB 392 by Senator P. Thomas
SB 362 by Senators Gordon and Myers	SB 415 by Senator J. Thomas
SB 287 by Senator J. Thomas	SB 441 by Senator Scarborough

The Committee on Ways and Means requests an extension of 15 days for the consideration of the following:

SB 4 by Senator Saylor	SB 275 by Senator Poston
SB 7 by Senator Saylor	SB 277 by Senator J. Thomas, et al
SB 14 by Senator Deeb	SB 284 by Senator J. Thomas, et al
SB 17 by Senator Vogt	SB 303 by Senator Plante
SB 18 by Senator Peterson, et al	SB 320 by Senator Henderson
SB 22 by Senator Graham	SB 324 by Senator MacKay
SB 28 by Senator Zinkil	SB 326 by Senator Renick, et al
SB 29 by Senator Plante	SB 327 by Senator Renick
SB 40 by Senator Holloway, et al	SB 328 by Senator Plante, et al
SB 42 by Senator Stolzenburg	SB 331 by Transportation Committee
SB 47 by Senator Graham, et al	SB 342 by Transportation Committee
SB 50 by Senator Deeb	SB 348 by Transportation Committee
SB 52 by Senator Peterson	SB 356 by Senator Saylor
SB 53 by Senator Spicola, et al	SB 372 by Senator Poston
SB 57 by Senator Sims, et al	SB 382 by Senator Lewis, et al
SB 71 by Senator McClain	SB 390 by Senator Lewis
SB 92 by Senator Glisson	SB 394 by Senator J. Thomas
SB 99 by Senator McClain	SB 407 by Senator Gallen
SB 101 by Senator Saylor	SB 412 by Senator Winn
SB 104 by Senator Scarborough	SB 413 by Senator Gallen
SB 114 by Senator Spicola	SB 417 by Senator J. Lane
SB 119 by Senator Dunn	SB 425 by Senator P. Thomas
SB 124 by Senator Poston, et al	SB 446 by Senator Henderson, et al
SB 126 by Senator Holloway	SB 447 by Senator Plante
SB 129 by Senator McClain	SB 454 by Senator Scarborough, et al
SB 137 by Governmental Operations Committee	SB 455 by Senator Henderson, et al
SB 140 by Governmental Operations Committee	SB 465 by Senator MacKay
SB 142 by Governmental Operations Committee	SB 469 by Senator Henderson, et al
SB 161 by Transportation Committee	SB 480 by Senator Graham
SB 167 by Senator Spicola	SB 482 by Senator Graham
SB 168 by Senator P. Thomas	SB 490 by Senator Glisson
SB 172 by Senator Stolzenburg, et al	SB 518 by Senator Graham, et al
SB 175 by Transportation Committee	SB 519 by Senator Gordon
SB 177 by Senator Graham, et al	SB 524 by Senator Graham
SB 185 by Senator Wilson, et al	SB 525 by Senator Poston
SB 192 by Senator Scarborough	SB 552 by Senator P. Thomas
SB 193 by Senator Henderson	SB 584 by Senator Graham, et al
SB 196 by Senator Firestone	SB 615 by Senator Poston
SB 208 by Senator P. Thomas	SB 620 by Senator Johnston
SB 215 by Senator Brantley	SB 645 by Senator Gordon
SB 226 by Senator Holloway, et al	SB 646 by Senator Gordon
SB 234 by Governmental Operations Committee	SB 655 by Senator Renick
SB 238 by Senator Vogt	SB 680 by Senator P. Thomas
SB 248 by Senator Brantley	SB 764 by Senator Zinkil
SB 251 by Senator W. D. Childers, et al	SB 768 by Senator MacKay, et al
SB 257 by Education Committee	SB 771 by Senator Mackay, et al
SB 263 by Senator Plante	HB 41 by Representative Ogden
SB 267 by Senator Trask	HB 95 by Representative Andrews
SB 272 by Senator Brantley, et al	HB 172 by Representative James
	HB 245 by Representative Fulford
	HB 272 by Representative T. Lewis

HB 277 by Representative Melvin	HB 682 by Representative Avon
HB 326 by Representative Rish	HB 696 by Representative Morgan
HB 335 by Representative McCall	HB 753 by Representative Morgan
HB 361 by Representative Hodges	HB 758 by Representative Melvin
HB 458 by Transportation Committee	HB 782 by Growth and Energy Committee
HB 469 by Representative Johnson	HB 808 by Representative Fortune
HB 622 by Representative Brown, et al	

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Dempsey J. Barron, President* May 7, 1975

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

SCR 401 SCR 91

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

Senator Scarborough moved that SJR 548 be referred to an appropriate committee. The motion was adopted.

The President referred SJR 548 to the Committee on Rules and Calendar.

*The Honorable Dempsey J. Barron, President* May 8, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment and passed as further amended HB 461.

*Allen Morris, Clerk*

#### SPECIAL ORDER

CS for SB 174—A bill to be entitled An act relating to energy costs; providing for recommendation or requirement for fuel or abatement equipment under certain conditions; providing for use of fuels with specific sulfur content; providing for revision of existing standards; providing for local pollution control program to be more stringent; providing an effective date.

—having been read the second time and amended May 7, was taken up together with pending Amendment 4, which was withdrawn by Senator Graham.

Senator Graham moved the following amendment:

**Amendment 5**—On page 1, strike all of lines 28-31 and insert: being violated; provided that:

(1) No source of air pollution shall be permitted to burn liquid fuel with a sulfur content of greater than 2.5 percent or solid fuel with a sulfur content of greater than 3.7 percent; and

(2) The provisions of this section shall not apply whenever a state board or state agency determines as a matter of fact that the environmental or health gain from a change of fuel or equipment is greater than the economic cost to the consumer.

The Florida state air

Senators Spicola, W. D. Childers, Graham and J. Lane offered the following amendment to Amendment 5 which was moved by Senator W. D. Childers and adopted:

**Amendment 5A**—On page 1, line 8, after "fact" insert: , resulting from a detailed environmental and economic impact study by the state board or state agency,

Amendment 5 as amended was adopted.

Senator W. D. Childers moved the following amendment:

**Amendment 6**—On page 2, lines 15 and 16, strike “, and will remain in effect until December 31, 1977”

Amendment 6 was adopted by the following vote:

Yeas—20

Mr. President	Glisson	McClain	Thomas, J.
Brantley	Hair	Peterson	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Lane, J.	Sims	Trask
Gallen	Lewis	Spicola	Ware

Nays—18

Childers, D.	Henderson	Renick	Wilson
Dunn	Johnston	Saunders	Winn
Firestone	Lane, D.	Sayler	Zinkil
Gordon	MacKay	Stolzenburg	
Graham	Myers	Vogt	

On motion by Senator J. Lane, by two-thirds vote CS for SB 174 as amended was read the third time by title.

Senator Holloway moved the following amendment which failed:

**Amendment 7**—On page 2, line 15, insert: This act shall remain in effect until July 1, 1979 on a date as determined by the legislature which may be before July 1, 1979

Senator Graham moved the following title amendment which was adopted:

**Amendment 8**—On page 1, line 8, after the semi-colon insert: providing an exception;

On motion by Senator J. Lane, by two-thirds vote CS for SB 174 as amended was read by title, passed and ordered engrossed. The vote on passage was:

Yeas—21

Mr. President	Hair	Poston	Tobiassen
Brantley	Lane, J.	Sims	Trask
Childers, W. D.	Lewis	Spicola	Ware
Dunn	McClain	Stolzenburg	
Gallen	Peterson	Thomas, J.	
Glisson	Plante	Thomas, P.	

Nays—16

Childers, D.	Henderson	Myers	Vogt
Firestone	Holloway	Renick	Wilson
Gordon	Johnston	Sayler	Winn
Graham	MacKay	Scarborough	Zinkil

By unanimous consent Senator D. Lane was recorded as voting Nay; Senator Lewis changed his vote from Yea to Nay.

Senator J. Lane moved that CS for SB 174 be immediately certified to the House. The motion failed to receive the required two-thirds vote for adoption. The vote was:

Yeas—20

Mr. President	Hair	Poston	Thomas, P.
Brantley	Lane, J.	Renick	Tobiassen
Childers, W. D.	Lewis	Sims	Trask
Gallen	McClain	Spicola	Ware
Glisson	Peterson	Thomas, J.	Zinkil

Nays—15

Childers, D.	Graham	Plante	Vogt
Dunn	Johnston	Sayler	Wilson
Firestone	MacKay	Scarborough	Winn
Gordon	Myers	Stolzenburg	

Senator Plante: Mr. President, I would like a clarification and possible ruling from the chair on committee meetings. It has come to my attention that over the past couple of years, and starting again this session, that committees are meeting—in my feeling, illegally—and taking action. This morning the Education Committee met, 7 to 9 a.m. and although we did not take final action, we voted on several amendments to a bill. My feeling is that the committee was not properly meeting and that any action that committee took this morning will have to be retaken at an official meeting. My feeling on the legality of the meeting stems from the fact that, first, the Rules Committee had not granted the Education Committee time to meet 7 to 9 this morning and, number two, a waiver of the rule on the Senate floor had never been requested to authorize the committee to meet at that time. As I said, this is just one instance. We have had several over the past couple of years and we have had several bills pass this Senate that came out of committee meetings that were not authorized. I would like to know whether you agree that time has to be granted for a committee meeting either by the Rules Committee or by a waiver of the rules on the floor with a two-thirds vote.

The President: The chair will rule that in the absence of the required notice to consider legislation, and in the absence of the waiver of the rules, any action taken on a piece of legislation would be without the requisite notice to the public so that they may be heard relative to that amendment and therefore would be ineffective and out of order and subject to legal attack.

**SB 237**—A bill to be entitled An act relating to investment of revenue by county officials; authorizing tax collectors and other county officers collecting any moneys to invest same; providing for apportionment of interest; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Vogt and adopted:

**Amendment 1**—On page 1, line 22, after “dividends.” insert: These investments shall be planned so as not to slow the normal distribution of the subject funds.

Senator Trask presiding

Senator Henderson moved the following amendment which was adopted:

**Amendment 2**—On page 1, line 13, after the word “law” insert: or by ordinance

On motion by Senator Vogt, by two-thirds vote SB 237 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—31

Brantley	Graham	McClain	Stolzenburg
Childers, D.	Hair	Myers	Thomas, P.
Childers, W. D.	Henderson	Peterson	Tobiassen
Dunn	Holloway	Plante	Trask
Firestone	Johnston	Poston	Vogt
Gallen	Lane, D.	Renick	Winn
Glisson	Lewis	Scarborough	Zinkil
Gordon	MacKay	Sims	

Nays—None

By unanimous consent Senators Spicola, J. Thomas, Sayler and Wilson were recorded as voting yea.

**SB 603**—A bill to be entitled An act relating to the water and sewer system regulatory law; creating s.367.042, Florida Statutes; adding s.367.081(7), Florida Statutes, 1974 Supplement; providing procedures for short form filing by certain water and sewer utilities; amending s.367.171, Florida Statutes; providing that all private water and sewer systems be under the regulatory authority of the Public Service Commission and providing

a schedule; repealing s.367.81, Florida Statutes, which establishes schedules for utilities holding certificates of public convenience and necessity; providing an effective date.

—was read the second time by title.

Senator Graham raised a point of order that SB 603 had fiscal impact and pursuant to Rule 4.8 should be referred to the Committee on Ways and Means.

Based on two previous rulings during this session on this identical point, the Presiding Officer ruled the point not well taken.

Senator Henderson moved the following amendment:

**Amendment 1**—On pages 2-3, strike sections 2, 3, and 4 (re-number subsequent sections)

Senator Wilson moved the following substitute amendment which failed:

**Amendment 2**—On page 3, between lines 10 and 11, insert: Section 5. Any county may, by ordinance, exempt itself from the provisions of this act.

(Renumber subsequent section.)

Amendment 1 failed by the following vote:

Yeas—13

Dunn	Hair	Lane, J.	Winn
Firestone	Henderson	MacKay	
Gordon	Holloway	McClain	
Graham	Lane, D.	Wilson	

Nays—22

Brantley	Johnston	Scarborough	Trask
Childers, D.	Lewis	Sims	Vogt
Childers, W. D.	Peterson	Spicola	Ware
Deeb	Plante	Stolzenburg	Zinkil
Gallen	Renick	Thomas, P.	
Glisson	Sayler	Tobiassen	

On motion by Senator Gallen, by two-thirds vote SB 603 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Brantley	Holloway	Saunders	Trask
Childers, D.	Johnston	Sayler	Vogt
Childers, W. D.	Lewis	Scarborough	Ware
Deeb	MacKay	Sims	Wilson
Dunn	Peterson	Spicola	Zinkil
Firestone	Plante	Stolzenburg	
Gallen	Poston	Thomas, P.	
Glisson	Renick	Tobiassen	

Nays—8

Gordon	Hair	Lane, D.	McClain
Graham	Henderson	Lane, J.	Winn

By unanimous consent Senator J. Thomas was recorded as voting yea.

**Abstention from Voting**

I have abstained from voting on SB 603 in that, although I have no personal financial interest in any water or sewer utility company, the law firm of which I am a partner has been engaged for the past twenty years, at least in part, in a utility regulatory practice and the firm has been recognized in this speciality field.

Because of this, although I do not feel there is any conflict of interest on the issue of which regulatory agency

will supervise the subject public utilities, I wish to avoid any semblance of conflict by refraining from voting.

*Kenneth M. Myers,*  
Senator, 37th District

Senator Gallen moved that the rules be waived and SB 603 be immediately certified to the House and the motion failed.

On motion by Senator Brantley, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

**INTRODUCTION**

By Senators Barron, Brantley, D. Childers, W. D. Childers, Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, D. Lane, J. Lane, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Sayler, Scarborough, Sims, Spicola, Stolzenburg, J. Thomas, P. Thomas, Tobiassen, Trask, Vogt, Ware, Wilson, Winn and Zinkil—

**SR 1070**—A Resolution commemorating Mothers' Day, May 11, 1975.

WHEREAS, ever mindful of that monumental and never to be defrayed debt of gratitude owed to our respective mothers for the very breath of life itself, the sustenance of our awakening days, the love, patience and unselfish effort, the inspiration, the precept and example in shaping the pattern of our existence, and

WHEREAS, as we don the red rose in honor of our mothers who are with us, and the white rose in loving memory of those in absentia, we would stop for a moment here and countless moments hereafter in reverent contemplation of our one God-given legacy in common, our one peerless possession—a mother, NOW, THEREFORE,

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

That in honor of the day, Sunday, May 11, 1975, nationally fixed for the observance of Mother's Day, this resolution be spread upon the Journal of The Florida Senate as a testimonial of our abiding love for our mothers, an open avowal of lasting gratitude for all they have meant to us, and an acknowledgement of the immeasurable contributions made by the mothers of mankind throughout the world.

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

On motion by Senator Brantley, by two-thirds vote SR 1070 was withdrawn from the Committee on Rules and Calendar and placed on the calendar and, by unanimous consent, taken up out of order.

On motion by Senator Brantley, by two-thirds vote SR 1070 was read the second time in full and adopted. The vote on adoption was:

Yeas—35

Mr. President	Graham	McClain	Thomas, J.
Brantley	Hair	Plante	Thomas, P.
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Vogt
Deeb	Johnston	Sayler	Ware
Dunn	Lane, D.	Scarborough	Wilson
Firestone	Lane, J.	Sims	Winn
Glisson	Lewis	Spicola	Zinkil
Gordon	MacKay	Stolzenburg	

Nays—None

By unanimous consent Senators Peterson and Tobiassen were recorded as voting yea.

On motion by Senator Dunn, by unanimous consent the following concurrent resolution was introduced out of order:

By Senators Dunn, Glisson and P. Thomas—

SCR 1344—A concurrent resolution in commendation Dr. Richard V. Moore.

WHEREAS, during the past four decades Dr. Richard V. Moore, a native Floridian, has dedicated his life to the betterment of humanity through his efforts in the field of education, and

WHEREAS, he began his career as an educator in 1932 at Pinellas High School in Clearwater, subsequently serving as principal of Union Academy in Tarpon Springs, Rosenwald High School in Panama City, Booker Washington High School in Pensacola, and for the past twenty-eight years has served with great distinction as President of Bethune-Cookman College in Daytona Beach, and

WHEREAS, Dr. Moore has served as President of the Florida Association of Colleges and Universities, President of the Independent Colleges and Universities of Florida, President of the Council of Presidents of the Board of Education for the United Methodist Church, and

WHEREAS, he has brought his talents to significant use as a member of the Board of Trustees of Florida Southern College, the Board of Directors of the National Methodist Foundation of Christian Higher Education, the Board of Directors of Winn Dixie, and the Board of Directors of the Afro American Life Insurance Company of Jacksonville, and is presently exemplifying his dedication to community leadership and to his church in the Florida Conference of Lay Leaders for the Florida Methodist Church, and

WHEREAS, he has served in these various capacities in a selfless, dedicated manner for the ultimate purpose of the betterment of all mankind, and has been the recipient of eleven honorary doctorate degrees for his outstanding contributions and achievements in the field of education, NOW, THEREFORE,

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

That this resolution be spread upon the Journals of the respective Houses of the Florida Legislature in recognition and commendation of Dr. Richard V. Moore's untiring efforts and dedication to the betterment of the state's educational system during his long and distinguished service.

BE IT FURTHER RESOLVED that a copy of this resolution, duly attested, be forwarded to Dr. Moore, together with the felicitations of these Bodies upon the occasion of his retirement as President of Bethune Cookman College.

—was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Dunn, by two-thirds vote SCR 1344 was withdrawn from the Committee on Rules and Calendar and placed on the calendar and by unanimous consent taken up out of order.

On motion by Senator Dunn, by two-thirds vote SCR 1344 was read the second time by title and adopted. The vote on adoption was:

Yeas—35

Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, J.	Saunders	Vogt
Firestone	Lewis	Saylor	Ware
Glisson	MacKay	Scarborough	Wilson
Gordon	McClain	Sims	Winn
Graham	Myers	Spicola	

Nays—None

On motion by Senator Dunn, the rules were waived and SCR 1344 was ordered immediately certified to the House.

Senator Lewis announced cancellation of the meeting of the Committee on Natural Resources and Conservation on May 14.

Senator Lewis announced that the Joint Administrative Procedures Committee would meet May 12 at 5:00 p.m.

On motion by Senator Lewis, by two-thirds vote SB 767 was withdrawn from the Committee on Health and Rehabilitative Services.

The Senate resumed Special Order.

SB 470—A bill to be entitled An act relating to controlled substances; amending s.893.02(15), Florida Statutes, providing that no prescription order shall be issued for controlled substances listed in different schedules; providing that no prescription order for controlled substances shall be issued on the same prescription blank as a prescription order for noncontrolled substances; amending s.893.04(1)(c), Florida Statutes, providing for the initialing of prescriptions relating to controlled substances; providing for certain information appearing on prescriptions to be in printed form; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 470 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Brantley	Graham	Myers	Tobiassen
Childers, D.	Hair	Peterson	Trask
Childers, W. D.	Henderson	Renick	Vogt
Deeb	Holloway	Saunders	Ware
Dunn	Johnston	Scarborough	Wilson
Firestone	Lane, J.	Sims	Winn
Gallen	Lewis	Spicola	Zinkil
Glisson	MacKay	Thomas, J.	
Gordon	McClain	Thomas, P.	

Nays—None

By unanimous consent Senators Stolzenburg and Saylor were recorded as voting yea.

On motion by Senator D. Lane, the rules were waived and SB 470 was ordered immediately certified to the House.

SB 357—A bill to be entitled An act relating to domestic relations; adding s.61.181(3)-(5), Florida Statutes; authorizing the creation of a domestic relations payment enforcement system in each circuit, or county within a circuit; providing guidelines for the operation of such an enforcement system; providing for the funding thereof; providing an effective date.

—was read the second time by title.

The President presiding

Point of Order

Senator McClain: Mr. President, this bill does not repeal Rule 1.611 of the Florida Rules of Civil Procedure, which does the same thing the bill proposes. Under Article V, if we are going to do by statute what they are supposed to be doing by rule, I think it would take a repealer of the rule and a two-thirds vote. This bill does not provide for the repealer nor the two-thirds vote.

The rule provides that the chief judge of each circuit shall create, or is authorized to create, a central governing depository and place an officer in charge to keep records, to receive payments, disburse payments and to provide for a court proceeding for any defaulting party at a hearing before the court. This bill does essentially the same thing. We are superimposing a statute over a rule so we have a constitutional question here. I would therefore request the President to ask the Rules Chairman to look at this statute, the Constitution and the rule, and advise the President.

The President: Senator from the 8th is recognized.

Senator Brantley: Mr. President, I wouldn't want to make a recommendation to the President at this point without doing some research and it concerns me that a rule of the executive or judicial branch may be more powerful than a law so we will research the question and report back to you, Mr. President.

The President: Senator from the 18th is recognized.

Senator Ware: Mr. President, to the point, the problem we face I think is that the Constitution does provide that if we change a Supreme Court Rule that relates to procedure it takes two-thirds vote. It is not a question of whether we want to do it or not, that is what the Constitution says. The issue is, does this affect the Supreme Court Rule, and I think that would be a question of fact rather than trying to take a position now on something that might be in contravention of the constitutional requirement.

The President: The Rules Chairman will study the matter and report back.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 12:10 p.m.

On motion by Senator Myers, by two-thirds vote HB 1861 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

Senator Myers requested unanimous consent to take up HB 1861 out of order. Senator Plante objected.

Senator P. Thomas moved that the Senate do now adjourn and the motion failed.

Senator Gordon announced that the conferees on the part of the Senate and House on SB 165 would meet at noon, May 12, 1975.

On motion by Senator Saunders, the rules were waived and the Committee on Ways and Means was granted permission to consider the general appropriations bill this day.

The Journal of May 7 was corrected and approved.

#### CO-INTRODUCERS

Senators Sayler and Renick were recorded as co-introducers of SB 478.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:10 p.m. to convene at 8:30 a.m., May 9 and 12, 1975 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 2:00 p.m., May 12, 1975.