



Journal of the Senate

Number 7

Wednesday, April 13, 1977

The Senate was called to order by Senator Holloway at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Barron—

SB 681—A bill to be entitled An act relating to shells from oysters and clams shucked commercially in Florida; amending s. 370.16(35)(a), (d), Florida Statutes, 1976 Supplement, and adding a new paragraph to said subsection; excepting oysters used directly in the half-shell trade from remaining the property of the Division of Marine Resources; including shells from clams shucked commercially in Florida; providing that moneys derived from the sale of such shells be deposited in the General Revenue Fund; providing that the division publish notice of intent to collect the shells, the time at which the shells are to be collected, and the purpose of collection; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Appropriations.

By Senator Barron—

SB 682—A bill to be entitled An act relating to state lands; amending s. 253.115(4), Florida Statutes; exempting the lease of land acquired under chapter 375, Florida Statutes, to state agencies or political subdivisions of the state from the requirement of public notice and hearing; providing an effective date.

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

By Senator Skinner—

SB 683—A bill to be entitled An act relating to education; amending s. 240.0445, Florida Statutes, providing for the operation of the Center for Training, Research, and Education for the Environmental Occupations as a separate unit of the University of Florida; authorizing the Board of Regents to establish a program for the training of persons seeking certification as water and wastewater plant operators; providing for the teaching of courses under the program; requiring certain persons to complete a course under the program to be certified; providing for fees; declaring the center to be a special vocational center for certain purposes; providing a trust fund for funds obtained for the center; creating s. 240.0446, Florida Statutes, creating an advisory board to the center; providing membership and duties; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

By Senator Don Childers—

SB 684—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.015, Florida Statutes, 1976 Supplement, to allow members of a county property appraisal adjustment board to be replaced from time to time by other members of the respective governing board of the county and district school board on appointment by their respective chairpersons; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By Senator Jon Thomas—

SB 685—A bill to be entitled An act relating to Department of Health and Rehabilitative Services' regulation of the fitting and selling of hearing aids; amending s. 468.122, Florida Statutes; changing references to the Division of Health to the Department of Health and Rehabilitative Services; deleting definition relating to the advisory council on hearing aids; amending s. 468.123(6), Florida Statutes, and adding new subsections to said section; authorizing the department to impose administrative fines, issue cease and desist orders, and to establish, adjust, and revise a fee schedule; amending s. 468.126(3)-(5), Florida Statutes; specifying the qualifications of applicants for registration and prescribing duration of stages of the trainee apprenticeship period and conditions of each stage; limiting the number of trainees a registrant may sponsor at one time; creating s. 468.1261, Florida Statutes; providing for the establishment of academic courses in the fitting, selling, and servicing of hearing aids; amending s. 468.1281, Florida Statutes; deleting reference to the advisory council on hearing aids; amending s. 468.129, Florida Statutes; providing for imposition of administrative fines for specified causes; adding s. 468.130(15), Florida Statutes; providing that canvassing from house to house to sell hearing aids is unethical conduct; providing an exception; amending s. 468.134(4), Florida Statutes, and adding a new subsection to said section; providing for satisfactory completion of continuing education courses as a prerequisite to renewal of registration; adding a new subsection to s. 468.135, Florida Statutes; prescribing requirements for conducting audiometric tests; amending s. 468.136, Florida Statutes; providing for the contents of receipts for the sale of hearing aids; prescribing requirements for packaging of hearing aids; creating s. 468.1365, Florida Statutes; providing for the return of hearing aids, refund guarantees, and cancellation fees; creating s. 468.1375, Florida Statutes; providing for injunctive relief; repealing ss. 468.123(11), 468.124, 468.125, 468.128, 468.131-468.133, Florida Statutes, relating to the advisory council on hearing aids, obsolete administrative procedures, and which prescribes a fee schedule; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Appropriations.

By Senator Johnston—

SB 686—A bill to be entitled An act relating to estates of decedents; repealing s. 731.108, Florida Statutes, relating to waiver by interested party; amending s. 731.110, Florida Statutes, providing that caveat proceedings apply to any person; amending s. 731.301(1)(c) and (2)(b), Florida Statutes, providing for a verified statement instead of an affidavit; amending s. 731.302, Florida Statutes, providing clarification as to who may waive any right or notice, and consent to actions or proceedings under the Florida Probate Code; amending s. 731.303(2) and (4), Florida Statutes, providing order binding a sole holder or all coholders of a general power of appointment binds others; providing when notice must be given; amending s. 732.106, Florida Statutes, providing that heirs, instead of issue, conceived before, but born after decedent's death may inherit; amending s. 732.205, Florida Statutes, providing for elimination of reference to dower rights; amending s. 732.301(1), Florida Statutes, providing for waiver and clarifying marriage contract to be a prenuptial or postnuptial agreement; amending s. 732.402, Florida Statutes, providing that exempt property rights have priority over all claims other than a perfected security interest in exempt property; amending s. 732.502(1), Florida Statutes, providing method for testator and witnesses to execute a will; amending s. 732.503, Florida Statutes; providing that, in the self-proof of will oath, the undersigned declares that the testator signed in the presence of witnesses; providing for the notary seal; amending s. 732.505, Florida Statutes, pro-

viding for revocation by a subsequent inconsistent codicil; amending s. 732.702(1), Florida Statutes, providing which rights may be waived; amending s. 732.801(2),(3),(5) and (6), Florida Statutes, providing what may be disclaimed; providing that if ordered by the court, a guardian shall record a disclaimer; providing that a disclaimer shall relate from when recorded for purposes of disposition of disclaimed interests; providing for time for recording disclaimer instead of filing; providing waiver or bar to disclaim if beneficiary has disposed of property before recording disclaimer; amending s. 732.803(1), Florida Statutes, providing when a charitable devise can be avoided if lineal descendants or a spouse files a notice instead of specified persons; amending s. 733.103, Florida Statutes, providing the probate of a will in Florida shall be conclusive of certain facts; amending s. 733.109(1), Florida Statutes, providing that any interested person may petition for revocation before final discharge; providing for proper statutory references; amending s. 733.202(3), Florida Statutes, providing for clarification as to what the petition shall contain; amending s. 733.203(1), Florida Statutes, providing for proper statutory reference; amending s. 733.301(5), Florida Statutes, providing when a person with a higher preference may have letters revoked and granted to him; amending s. 733.303, Florida Statutes, providing that if a personal representative in a will is not qualified, letters shall be granted as provided in s. 733.301, Florida Statutes; amending s. 733.401(3), Florida Statutes, providing that mistaken noncompliance with certain requirements is not jurisdictional; amending s. 733.402(1), Florida Statutes, providing clarification by changing requirements to requirement; amending s. 733.502, Florida Statutes, providing for clarification that acceptance of resignation shall not exonerate the personal representative; amending s. 733.507, Florida Statutes, providing procedure for appointment of a successor personal representative when a personal representative has resigned or has been removed; amending s. 733.602(1), Florida Statutes, providing that the personal representative shall administer the estate for the best interests of interested persons, not merely beneficiaries; amending s. 733.607, Florida Statutes, providing that the personal representative shall not take possession of the homestead; amending s. 733.608, Florida Statutes, providing that the personal representative shall control all real and personal property except the homestead; amending s. 733.611, Florida Statutes, providing clarification as to what a person dealing with a personal representative does not have to inquire about; amending s. 733.612, Florida Statutes, 1976 Supplement, providing for proper statutory reference; amending s. 733.619(1) and (3), Florida Statutes, providing for clarification as to when a personal representative is individually liable; amending s. 733.701, Florida Statutes, providing for proper statutory reference; amending s. 733.705(4), Florida Statutes, providing that no interest shall be paid or allowed on a claim until the expiration of 5 calendar months from first publication of the notice of administration; amending s. 733.707, Florida Statutes, providing for order of payment of expenses and obligations, not claims; amending s. 733.710, Florida Statutes, providing for a 3-year limitation against actions if no letters have been issued in Florida within 3 years from death of decedent; providing exception to recorded liens and lien of person in possession of personal property; providing no effect on right to foreclose or enforce mortgage or lien; amending s. 733.802(1), Florida Statutes, providing when a beneficiary can compel payment of devises or distributive interest; amending s. 733.808(2), Florida Statutes, providing death benefits shall be paid to the trust upon admission of will to probate; amending s. 733.809, Florida Statutes, providing for clarification that right of retainer refers to beneficiary not distributee; providing for permissible offset of noncontingent indebtedness; amending s. 733.810(2), Florida Statutes, providing clarification as to when a personal representative shall satisfy the devise in kind; adding subsection (3) to said section, providing that with consent, the personal representative may distribute assets non-pro rata among beneficiaries; amending s. 733.817(1), Florida Statutes, providing that tax shall be charged to corpus and not apportioned between temporary and remainder interests when a residuary interest is interest in income or an estate for years or for life or other temporary interest; amending s. 733.901(1), Florida Statutes, providing clarification that the petition is a petition for discharge; amending s. 734.102(2)(b) and (3), Florida Statutes, providing that copies of letters and the petition for letters must be filed; providing that if the will and codicils comply with s. 732.502(1) or (2), Florida Statutes, the court shall admit the will and any codicils to record; amending s. 734.103(1) and (2), Florida Statutes, providing that in testate estate of nonresident decedent, domiciliary personal representative must file tran-

script showing order admitting will to probate; providing for clarification of statutory reference, amending s. 734.104, Florida Statutes, providing for muniment of title involving foreign will of nonresident devising real property in Florida; providing that copy of petition for probate and order admitting it to probate may be admitted to record, not probate, in this state; providing that wills and codicils heretofore recorded in the circuit court whether admitted by order or not, shall be valid and effectual to pass title to real property; providing the record or a certified transcript shall be presumptive evidence of authority of any person authorized by a will to convey or dispose of any real property; amending s. 735.107(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of family administration; creating s. 735.2055, Florida Statutes, providing that a petition for summary administration may be filed any time the estate qualifies; amending s. 735.206(3)(d) and (e), Florida Statutes, providing clarification as to that property which is still liable after order of summary administration; amending s. 735.209(2), Florida Statutes, providing clarification that notice of the petition for summary administration gives notice of the hearing; amending s. 735.301(1), Florida Statutes, providing clarification as to what property may be disposed of under disposition without administration; amending s. 735.302(1)(a), Florida Statutes, providing for refund of taxes in certain cases on a verified application; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senator Scott—

SB 687—A bill to be entitled An act relating to guardianship; amending s. 744.301, Florida Statutes, expanding the authority of the natural guardian of a child to collect, receive, manage, and dispose of property of the child; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Senators Dunn, Castor and Trask—

SB 688—A bill to be entitled An act relating to consumer collection practices; creating s. 559.635, Florida Statutes; requiring licensed collection agencies to file annual statements of ownership and management with the Division of General Regulation of the Department of Business Regulation; providing for civil penalties and suspension for failure to file; providing a criminal penalty for knowingly and willfully filing false sworn annual statements or for the omission of material facts; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Ware—

SB 689—A bill to be entitled An act relating to insurance; adding ss. 627.331(6), 624.315(7), 624.316(5), (6), Florida Statutes; providing that automobile liability insurers report annually to the Department of Insurance specified information relating to claims, premiums, income, and expenses; providing that the department publish such information in its annual report; providing that the department examine each insurer regarding such information and follow the guidelines established by the National Association of Insurance Commissioners in its Market Conduct Examination Handbook; providing for four new positions in the department; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Appropriations.

By Senator W. D. Childers—

SB 690—A bill to be entitled An act relating to the practice of veterinary medicine; amending ss. 474.24-474.27, Florida Statutes; providing for biennial license renewal; providing for completion of continuing education as a requirement for license renewal; providing the fee for renewal; providing for suspension or revocation of license upon failure to submit proof of completion of continuing education; providing for automatic suspension for failure to renew license; providing for license reinstatement; creating s. 474.49, Florida Statutes; providing for registration of premises where veterinary medicine is practiced; providing for issuance of permit; providing for refusing

to grant, suspending, or revoking permit without a hearing for certain reasons; providing a penalty for operating without premise permit; providing for permit reinstatement; providing a permit reinstatement fee; repealing s. 474.031(2), (3), (6), Florida Statutes, relating to definitions of "rule", "hearing", and "license"; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Appropriations.

By Senators Dunn, Castor and Trask—

SB 691—A bill to be entitled An act relating to yacht and shipbrokers; creating s. 537.13, Florida Statutes; requiring licensed yacht and shipbrokers to annually file ownership and management statements with the Division of General Regulation of the Department of Business Regulation; providing for civil penalties and suspension for failure to file; providing a criminal penalty for knowingly and willfully filing false sworn annual statements or for the omission of material facts; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senators Dunn, Castor and Trask—

SB 692—A bill to be entitled An act relating to hotels and restaurants; creating s. 509.265, Florida Statutes; requiring licensed public lodging and food service establishments to annually file ownership and management statements with the Division of Hotels and Restaurants of the Department of Business Regulation; providing for civil penalties and suspension for failure to file; providing a criminal penalty for knowingly and willfully filing false sworn annual statements or for the omission of material facts; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senator Jon Thomas—

SB 693—A bill to be entitled An act relating to the upper St. Johns River basin; providing for the creation and termination of an advisory council on the restoration of the upper St. Johns River basin; providing for members, duties, and functions of the council; providing for a council chairman and his duties; directing the St. Johns River Water Management District, the Game and Fresh Water Fish Commission, the Department of Environmental Regulation, and the Department of Natural Resources to implement and enforce the restoration measures developed by the chairman and council and adopted by the head of the Department of Natural Resources; providing that the executive director of the Department of Natural Resources be responsible for supervision and enforcement of such measures; establishing a special trust fund and its funding; requiring annual reports to the Legislature; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Appropriations.

By Senator Firestone—

SB 694—A bill to be entitled An act relating to provision of services to the public; renumbering s. 216.151(5), Florida Statutes, and adding a new subsection (5) to said section; requiring the Secretary of Administration to conduct surveys to determine for the Governor if state services to the public might be more economically provided by private businesses; redesignating s. 216.162(2)(f), Florida Statutes, and adding a new paragraph (f) to said subsection; requiring inclusion in the Governor's annual recommended budget of a list of programs involving provision of services to the public which might be more economically provided by contracting with private business entities to be coupled with recommendations for implementing competitive bidding for the delivery of those services between private businesses and state agencies; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Appropriations.

By Senator Barron—

SB 695—A bill to be entitled An act relating to the regulation of boats and title certificates; amending ss. 371.021(7), 371.041, 371.131, 371.141(2), 371.151, 371.523(4), (5), 371.67(1), 371.791, Florida Statutes; substituting the Division of Law Enforcement of the Department of Natural Resources for the Division of Marine Resources of said department as the division responsible for enforcement of chapter 371, Florida Statutes; limiting the classifications of boats exempt from the numbering provisions; allows the operation of certain unnumbered boats; requiring boats in exempt classifications to be classified for license purposes; requiring a manufacturer's certificate of origin for the sale of boats and prohibiting the furnishing of a fraudulent certificate of origin; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Appropriations.

By Senators Graham, Lewis, Peterson and MacKay—

SB 696—A bill to be entitled An act relating to educational facilities; amending various sections of chapters 235 and 236 and s. 230.776, Florida Statutes; clarifying existing terminology; deleting obsolete provisions; making current provisions applicable to school boards also apply to community college boards of trustees, the Board of Regents, and the Board of Trustees of the Florida School for the Deaf and the Blind; providing intent and purpose; providing that the State Board of Education adopt rules for the administration of the Office of Educational Facilities Construction; providing that the respective boards be within the jurisdiction of the Office of Educational Facilities Construction; providing for interdepartmental cooperation; providing that said office administer the Public Education Capital Outlay and Debt Service Trust Fund, update the uniform building code for facilities construction and capital improvement, and may delegate its inspection process to the respective boards; providing that such boards may permit use of educational facilities for other purposes and may dispose of unnecessary property; authorizing the construction or location of educational facilities on leased private property under certain conditions; providing that the respective boards establish comprehensive programs of safety and sanitation, provide for periodic inspection of educational plants, and correct deficiencies; providing for inspection of plants by other public agencies; authorizing rules prescribing standards for maintenance and operation of educational plants; providing for emergency drills for all education facilities; providing for educational plant surveys and for the adoption, submission, review, and approval of proposed educational facilities programs based on the surveys; providing for adoption of capital outlay budgets by the respective boards, for site planning, selection of sites, and renovation of sites, and for cooperative development and use of educational facilities; providing for the use of relocatable facilities, for provision and use of prototype designs, for the lease of facilities, and for construction procedures; requiring that educational facilities be constructed in compliance with the State Uniform Building Code for Public Educational Facilities Construction and that the applicable board supervise and inspect construction; providing for approval of construction, alteration, renovation, repair, purchasing, or leasing of an educational plant over a certain cost by the Office of Educational Facilities Construction; deleting provisions for school fallout shelters; providing for legal effect of the Uniform Building Code; providing requirements with respect to advertising and awarding of and entering into contracts for construction, repair, or alteration of educational facilities; providing for substance of contracts, contractors' bonds, penalties for not adhering to plans, contract changes, payments, and expenditures for improvements to educational facilities; providing for submission of comprehensive budget request by the Commissioner of Education for all levels of education and the elements to be included in the request; providing for transfer, distribution, and allocation of appropriations and moneys for capital outlay projects and for records maintained by the office identifying advances, transfers, investments, sinking funds and revenue receipts by source; providing that the Public Education Capital Outlay and Debt Service Trust Fund includes premiums and accrued interest from the sale of public education bonds; appropriating such premiums and interest to such fund; providing for advance funding; providing for financing of approved capital outlay projects; providing definitions; providing for educational plant and annual debt service needs; providing for expenditure of funds allocated for such purpose; repealing s. 7 of chapter 76-280, Laws of Florida, appearing as

s. 235.221, Florida Statutes, 1976 Supplement, relating to the Special Facility Construction Account and use of funds therein; repealing s. 235.30, Florida Statutes, relating to a school board providing for inspection and supervision of building construction; repealing s. 235.43(1), Florida Statutes, relating to the discretion of the Commissioner of Education to organize the functions of the Department of Education which pertain to educational facilities; repealing s. 236.013(4)-(9), (12), (14), Florida Statutes; relating to definitions reenacted elsewhere by the act; repealing ss. 236.612-236.617, Florida Statutes, relating to revenue bonds; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

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

HB 37	HB 52	HB 112
HB 116	HB 121	HB 960
HB 6	HB 383	HB 288

CS for HB 334

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rish—

HB 37—A bill to be entitled An act relating to county government; adding paragraph (y) to subsection (1) of s. 125.01, Florida Statutes, authorizing county legislative and governing bodies to place questions on the ballot at certain elections to obtain an expression of elector sentiment; providing a limitation; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Representative Conway—

HB 52—A bill to be entitled An act relating to Pascua Florida Day; adding a new paragraph (g) to s. 683.01(1), Florida Statutes, providing that Pascua Florida Day is a legal and public holiday; amending s. 683.06(2), Florida Statutes, providing for conformity with respect to the day upon which such holiday is to be observed when the regularly designated calendar day falls on a Sunday; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Commerce.

By Representative Easley—

HB 112—A bill to be entitled An act relating to marriage licenses; amending s. 741.04, Florida Statutes, lowering to age 18 the lawful age for the issuance of a marriage license and requiring a posting of a copy of the application for said license in certain counties at the county courthouse for a certain period of time; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By Representative Maxwell—

HB 116—A bill to be entitled An act relating to property assessments; amending s. 193.085(4), Florida Statutes, directing the Department of Revenue to submit county railroad property assessments to the respective county property appraisers not later than a certain date; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Representative Nelson—

HB 121—A bill to be entitled An act relating to courts; amending s. 43.29(3), Florida Statutes, prohibiting members of

a Judicial Nominating Commission from serving more than one consecutive 4-year term; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Rules & Calendar—

HB 960—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to conform them to chapter 75-22, Laws of Florida, which created a new Department of Environmental Regulation; repealing ss. 193.501(6)(d); 253.015; 253.66; 298.70; 298.71; 298.72; 298.73; 370.017; 370.02(3)(a), (b), and (e); 373.175(5); and 403.045, Florida Statutes, as being redundant or obsolete.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Representative Margolis—

HB 6—A bill to be entitled An act for the relief of Benjamin Smith; providing an appropriation to compensate him for injuries received due to the negligence of the Department of Transportation; limiting attorney fees; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Representative Mixson—

HB 383—A bill to be entitled An act for the relief of Marvin J. Bryan; providing an appropriation to compensate him for losses incurred due to the erection of a dam by the Game and Fresh Water Fish Commission; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

By Representatives Langley and Hazelton—

HB 288—A bill to be entitled An act relating to judgments; amending s. 55.03, Florida Statutes, providing that, unless otherwise specified at a lesser rate, certain judgments and decrees shall bear interest at the rate of 9 percent a year; limiting applicability; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

By the Committee on Corrections, Probation & Parole and Representatives Boyd and Lehman—

CS for HB 334—A bill to be entitled An act relating to mental health; adding subsection (4) to s. 394.461, Florida Statutes, to require separate treatment facilities for criminally charged or convicted mentally ill persons who are determined by the Department of Health and Rehabilitative Services to be dangerous to others or security risks; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Appropriations.

The Honorable Lew Brantley, President

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

CS for HB 42	HB 114	HB 264
HB 779	HB 868	HB 757
HB 962	HB 963	HB 964
HB 965	HB 966	HB 967
HB 961	HB 40	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Community Affairs and Representatives Rish and Hutto—

CS for HB 42—A bill to be entitled An act relating to local government volunteer personnel; amending s. 112.08, Florida

Statutes, 1976 Supplement, to allow local governments to provide group insurance to volunteer or auxiliary firefighters, volunteer or auxiliary law enforcement agents, and volunteer or auxiliary ambulance and emergency service personnel; providing limitations on such coverage; providing an effective date.

—was read the first time by title and referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Maxwell—

HB 114—A bill to be entitled An act relating to boards of education; amending s. 230.17(1), Florida Statutes, providing for regular and special meetings of such boards at or near the office of the superintendent; providing an effective date.

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

By Representative Moffitt—

HB 264—A bill to be entitled An act relating to public property and public buildings; adding subsection (3) to s. 255.05, Florida Statutes, providing venue for suits by persons supplying labor, material, or supplies to a contractor or subcontractor constructing or repairing a public building or public work in the county which is the site of the construction or repair; excluding actions instituted prior to the effective date of the act; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Transportation—

HB 779—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.131(3), Florida Statutes, relating to uniform traffic signals and devices, extending the mandatory compliance date with respect to traffic control signals purchased prior to January 1, 1972, to January 1, 1980; providing an effective date.

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

By the Committee on Natural Resources and Representative Dyer—

HB 868—A bill to be entitled An act relating to energy resources; creating s. 377.702, Florida Statutes, providing a state energy policy; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By the Committee on Agriculture & General Legislation—

HB 757—A bill to be entitled An act relating to the Citrus Code; amending s. 601.9909, Florida Statutes; increasing the maximum Brix and ratio levels for frozen concentrated orange juice; deletes the provision which provides that such section shall not prohibit the sale of certain frozen concentrated orange juice in institutional size containers and which authorizes the Department of Citrus to define institutional size containers and establish the Brix range for certain frozen concentrated orange juice; providing an effective date.

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

By the Committee on Rules & Calendar—

HB 962—A reviser's bill to be entitled An act relating to occupational and professional licensing; conforming the language of various sections of the Florida Statutes to chapter 74-37, Laws of Florida, which provides that no person may be disqualified from practicing an occupation or profession that is regulated by the State of Florida because he is not a United States citizen.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Rules & Calendar—

HB 963—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections to delete references to the parts of Chapter 120, Florida Statutes, consistent with the revision of that chapter by Chapter 74-310, Laws of Florida.

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

By the Committee on Rules & Calendar—

HB 964—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to conform them to chapter 76-281, Laws of Florida, which transferred the powers, duties, and functions of the Bureau of Financial Responsibility of the Division of Consumer Services of the Department of Insurance to the Department of Highway Safety and Motor Vehicles.

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

By the Committee on Rules & Calendar—

HB 965—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to reflect the abolition of municipal courts as of January 3, 1977, by Art. V, s. 20(d)(4), of the Florida Constitution; repealing ss. 34.192, 43.40, 924.41, 924.42, and 951.20 as having been rendered obsolete by said Art. V, s. 20(d)(4).

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Rules & Calendar—

HB 966—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to conform to Section 1. (d) of Article VIII, State Constitution, as amended by H.J.R. 1907, 1973, adopted in 1974, changing the name of "tax assessor" to "property appraiser."

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

By the Committee on Rules & Calendar—

HB 967—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to conform them to ch. 75-49, Laws of Florida, which created the Department of Offender Rehabilitation; repealing ss. 944.12 and 944.56 as having been rendered obsolete by ch. 75-49.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By the Committee on Rules & Calendar—

HB 961—A reviser's bill to be entitled An act relating to the Florida Statutes; amending various sections and subunits of sections to conform them to chapter 75-48, Laws of Florida, which reorganized the Department of Health and Rehabilitative Services; repealing sections 381.011, 381.131, 381.141, 391.02, 391.03, 395.10, 395.11, 401.28, 402.01, 402.02, 402.03, 402.11, 402.15, 402.303, 402.304, 409.046, 409.047, 409.115, 409.125, 468.124, 468.125, 483.081, and 959.07, all Florida Statutes, relating to abolished advisory councils; repealing sections 381.221 and 413.45, Florida Statutes, relating to annual reports; and repealing sections 409.035 and 959.031, Florida Statutes, relating to directors of abolished divisions.

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

By Representatives Rish and Hutto—

HB 40—A bill to be entitled An act for the relief of Mr. Auburn D. Hood; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Finance, Taxation and Claims.

The Senate recessed at 8:45 a.m.

The Senate was called to order by the President at 10:00 a.m.
A quorum present—40:

Mr. President	Gordon	Myers	Thomas, Jon
Barron	Gorman	Peterson	Thomas, Pat
Castor	Graham	Plante	Tobiassen
Chamberlin	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Sayler	Ware
Dunn	Johnston	Scarborough	Williamson
Firestone	Lewis	Scott	Wilson
Gallen	MacKay	Skinner	Winn
Glisson	McClain	Spicola	Zinkil

Prayer by the Reverend George D. Kontos, Rector, Holy Comforter Episcopal Church, Tallahassee:

Most Holy Lord, you are the source of all wisdom—your will is good, your law is truth.

Give to our Senators, and all these who make laws in our state, courage, wisdom and foresight in responding to the needs of all our people.

And by your life-giving spirit so move every human heart, that barriers which divide us may crumble, suspicions disappear and hatreds cease.

For you are gracious, O lover of souls, and to you we give glory. Father, Son and Holy Spirit now and forever. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order for Wednesday, April 13, 1977:

SCR 2	SB 26	SB 279	SB 82
CS for SB 563	SB 30	SB 280	SB 95
SB 116	SB 156	SB 281	SB 389
SB 43	SB 5	SB 282	SB 515
CS for SB 19	SB 174	SB 283	SB 37
SB 65	SB 182	SB 363	
SB 29	SB 195	SB 92	

Respectfully submitted,
Tom Gallen
Chairman

The Committee on Education recommends the following pass:
SB 213 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 255 with 6 amendments

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

The Committee on Commerce recommends the following pass:
SB 599 with 1 amendment

The bill was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Commerce recommends the following pass:
SB 590

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends the following pass: SB 455 with 1 amendment

The Committee on Commerce recommends the following pass:
SB 443 with 2 amendments SB 656 with 4 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SJR 143

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 501

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 336 and SB 202

The bills with Committee Substitute attached were referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends a Committee Substitute for the following: SB 321

The bill with Committee Substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Appropriations recommends the following pass:

CS for SB 145 (by the Committee on Education) with 4 amendments

CS for SB 317 (by the Committee on Transportation) with 2 amendments

CS for SB 318 (by the Committee on Economic, Community and Consumer Affairs) with 1 amendment

SB 351 with 1 amendment

The Committee on Commerce recommends the following pass:

SB 147 with 9 amendments SB 465 with 2 amendments
SB 343 with 2 amendments SB 495

The Committee on Economic, Community, and Consumer Affairs recommends the following pass:

SB 83 SB 404
SB 377 with 1 amendment

The Committee on Judiciary-Civil recommends the following pass:

SB 456 with 1 amendment SB 616
SB 489

The Committee on Natural Resources and Conservation recommends the following pass: SB 453

The Committee on Transportation recommends the following pass:

SB 235 SB 376 with 1 amendment

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 209

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 297

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

Senator Hair announced that the Committee on Judiciary-Civil would not meet as scheduled April 14.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scarborough, by two-thirds vote SB 519 was recommitted to the Committee on Transportation.

On motion by Senator Sayler, the rules were waived and by two-thirds vote SB 400 was withdrawn from the committee of reference and indefinitely postponed.

SPECIAL ORDER CALENDAR

SCR 2—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was read the second time in full.

On motion by Senator Plante, the rules were waived and time of adjournment was extended until final consideration of SCR 2.

Senators Myers and Gordon offered the following amendment which was moved by Senator Myers:

Amendment 1—On page 1, insert a new section and renumber. Section 3. This Act shall not be construed to invalidate any existing state laws regarding the sanctity, protection, and preservation of marriage, home, and family, protective legislation for women, personal privacy, or unnatural sex-acts or unions.

Point of Order

Senator Barron raised a point of order that the amendment was out of order because SCR 2 is a proposal to ratify an amendment to the Constitution of the United States and cannot be amended.

Senator Gallen spoke on the point as follows:

To accomplish what Senator Myers' amendment attempts to do would require a resolution passed by the Legislature asking Congress to propose a new amendment to the United States Constitution including the new language that Senator Myers suggests . . .

The resolution before us says, "whereas the 92nd Congress of the United States of America, in both houses, by constitutional majority of two-thirds, has made the following proposition to amend the Constitution of America." It would be out of order for us to attempt to amend, after the fact, something the 92nd Congress did, and that's what we would be doing if we adopted this amendment. It says further that the proposed amendment set forth is hereby ratified. If we add anything, one additional word or comma, then we are not ratifying what the 92nd Congress proposed to do. I, therefore, submit that any amendment would be completely out of order.

Senator Barron: Mr. President, one other point. The constitution of the United States sets out the manner in which it can be amended and that is the only way you can amend it—by two-thirds vote of the members of the Congress and ratification by the States. If you could do what Senator Myers is attempting to do, you could never amend the constitution of the United States because when you got through you would have fifty different amendments with fifty different kinds of language in them and it would be meaningless.

Mr. President: This point was raised in a previous administration by Senator Myers and further raised by Senator Firestone, who cited the method of amending the United States Constitution and court rulings in that regard. Then Rules chairman Senator Barron cited other cases in the ruling of President Horne. The Federal court spoke on the point, saying that the function of a state legislature in ratifying a proposed amendment to the federal constitution, like the function of Congress in proposing an amendment, is a federal function derived from the U. S. Constitution and it transcends the limitations sought to be imposed by the people of a state.

It would be the ruling of the chair that an alteration of this language as a proposal to the United States Constitution is not in order. The Amendment is therefore not in order.

SCR 2 failed and the vote was:

Yeas—19

Castor	Glisson	MacKay	Thomas, Jon
Chamberlin	Gordon	Myers	Vogt
Childers, Don	Graham	Scarborough	Wilson
Dunn	Hair	Skinner	Winn
Firestone	Johnston	Spicola	

Nays—21

Mr. President	Holloway	Renick	Ware
Barron	Lewis	Sayler	Williamson
Childers, W. D.	McClain	Scott	Zinkil
Gallen	Peterson	Thomas, Pat	
Gorman	Plante	Tobiassen	
Henderson	Poston	Trask	

On motion by Senator Tobiassen the closing remarks by Senators Barron and Wilson were ordered spread upon the Journal.

Senator Barron: Mr. President, fellow Senators, first let me point out to those of you who have come to the Senate recently that I speak to you not void of credentials.

In 1954, the Supreme Court of the United States rendered the Brown decision. In 1957 we took up in Florida a bill called "the last resort bill," designed to close the schools of Florida in the event of integration. The bill quickly passed both the Senate and the House. I was in the House at the time. Governor Collins vetoed the bill and it was my vote alone that sustained his veto. I was the only person west of the Suwannee River who voted that way and some people said it took political courage to do it. Maybe it did, but to me it took the voting of my conscience.

That same year we had a bill to deny child support to black children. I debated it. We defeated it. I was the only man this side of the Suwannee to do that.

We wrestled with the question of fair apportionment in Florida. I wrote the apportionment bill that gave protection to all the people of Florida and I believe it was the first apportionment bill ever to be affirmed by the Supreme Court of the United States.

There were those who said we were not getting justice under the law. So I sponsored the Article V amendment to give justice to everyone. But I did it here because we had the authority to do it here.

Let's see where the Equal Rights Amendment is this year. We've had a lot of discussion about all the bad things that happened a hundred years ago, but let's talk about this day. This year, eight states rejected it—Virginia, Georgia, Mississippi, Arkansas, Nevada, Oklahoma, Missouri and North Carolina. One ratified it by one vote. One rescinded it—Idaho—twelve are in the process of trying to rescind it.

Are all those people crazy? Are all of them nuts? Are all of them extremists? I submit to you that they are not. I submit to you that the real truth is beginning to be known about the effect of this amendment.

Ask people today how they feel about the Equal Rights Amendment. In a national poll just completed April 11th by a prestigious polling organization in California in 48 states, the question was asked, "Would you vote for ERA if it means should a war occur, women would be drafted and sent into combat?" Sixty-one percent of the people said "no" they wouldn't vote for it if that's what it meant. "If the ERA means that the final power over marriage, divorce and child custody will be transferred from state to federal government, would you favor or oppose it?" Sixty-five percent said they would oppose it. "If it means that every school and college, including all their activities, must be co-ed, would you vote for it or oppose it?" Fifty-one percent said they would oppose it. "If it means homosexuals can marry, would you vote for it or oppose it?" Sixty-six percent of the people said, "No".

Let me tell you how I got so wrought up about this thing. I was asked to speak to a group of church women—cross denominational—about the Equal Rights Amendment. I told them my position in the beginning and said they should get someone to speak on the other side if they desired to do so. At that engagement they asked, "What can we do to stop the passage of the ERA? What can we do?" I said, "nothing." They said, "can we vote on it?" I said, "No". They said, "Can you rescind it if you make a mistake and it has a wrong effect?" I said, "No". They said, "What can we do?" Since that time I've talked to every Senator I could about the wisdom of defeating this amendment. It's not difficult to find out what it will do. It's clear. It's in the Congressional Record.

I submit to you that you shouldn't have to be convinced to a moral certainty before you give away the rights of Florida—your state, your people. If you are in doubt, you should vote against it.

Amendments offered but defeated in the Congress in 1972 included one which said, "This Article shall not impair the validity of any law of the United States or any State which exempts persons from compulsory military service or any other law of the United States or any State which reasonably promotes the health, safety and welfare of the people." If they had adopted that amendment the state legislatures could act in those fields. That was offered in the Senate. It was defeated.

"This Article shall not impair the validity of any laws of the United States or any State which exempt women from service in combat units of the Armed Forces." That amendment was defeated. What was the legislative intent?

"This Article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to women." What would have been wrong with putting that on to the Equal Rights Amendment? That was defeated.

Let me talk to you about the exemption of women. Senator Lewis has about 30 or 40 children. Seriously, I don't know how many he's got.

I have to check with him every day. He is the top Catholic in Florida. I asked him to talk to the Pope about it and if he did I'm sure the Pope told him the right thing. Senator Lewis' priest is opposed to this amendment.

The law of Florida says that if Senator Lewis dies he cannot deny part of the money he has accumulated, while his wife looked after all those children, going to his wife—that's the dower rights of Florida. If this amendment passes—since Senator Ervin tried but failed to preserve that right to the states—the states could no longer act in that field.

Senator Castor and Senator Wilson say they speak for women. I suggest to you that they do not. They speak for the women that are for the Equal Rights Amendment. They don't speak for the women who are opposed to it.

We got into that box one time before. The law used to be that you could not transfer your property without the consent of your wife, on the grounds that your wife's contribution helped you get the property. We had a woman Senator then. She got up on the floor and said, "I am speaking for the women of Florida. We want to change that law because it makes the women too equal." One bill said a woman does not have to join with her husband in transferring of property. Another bill said a man does not have to join with his wife. We first passed the one that said the man does not have to join with his wife. Then we took the other one up right behind it—the one that protected the women. There was a man in the Senate at that time who didn't feel one woman in the Senate necessarily spoke for all the women in Florida. Some of you will remember him, Verle Pope, one of the greatest men ever to serve in the Legislature, one of the greatest fighters for human rights to ever come down the pike. He won the St. Petersburg Times award every year. Nobody questioned his sincerity. He spoke for people, and was highly regarded by the members of the Senate. He was later President of the Senate, but he wasn't President at this time. We were all ready to vote for the other bill to make men equal to women when he took the floor and said, "Fellow Senators, this one woman might not be speaking for all women. Many women might prefer their husbands not to convey that property."

"Can you imagine, some guy fifty years old, goes off to Atlanta, and sees some good looking gal up there. She finds out he's worth two or three or four or five million dollars. He decides to marry her and transfer her all his property. She gets rich in the deal. Are you going to do that to the women of Florida, are you going to discriminate against them or in favor of them, you must preserve their rights."

The bill got one vote—Beth Johnson's vote. The men voted to protect the women. And Senator Castor, it is true that there are more women in the world than men—they live longer. When their husbands die they want to be entitled to some of their property and they don't want me to transfer this opportunity to protect them to the Congressman from New York or California, or the Supreme Court. I submit that women probably will not ever get control of the Legislature because of our

system of living in this country. Although we are glad to have all of you. Women don't vote for women; it's not men that vote against women—women vote against women. If you ever do get there, I hope you are as fair to the men in the Legislature and in the state as we have tried to be to the women in Florida.

Another amendment offered in Congress stated, "This article shall not impair the validity, however, of any of the laws of the United States or any State which extend protections or exemptions to wives, mothers or widows." It was defeated. That means we can't have any more such laws. We cannot even act on any more laws like that because only the Supreme Court of the United States or the Congress can.

Another amendment, "This article shall not impair the validity, however, of any laws of the United States or any State which impose upon fathers responsibility for the support of their children." How do you like that? Do you fathers think you ought to support your children? I wonder if the women in the audience think that fathers should support children. If the Equal Rights Amendment passes I have grave doubts, in fact, I am morally convinced that we could not speak in that area. When the amendment first came up, incidentally, it said that the Equal Rights Amendment would be implemented by the United States and the several states. They struck out "and the several states."

Another amendment was offered which said, "This article shall not impair the validity, however, of any laws of the United States or any State which secure privacy to men or women, or boys or girls." That was defeated, and that does mean that you are going to have integrated facilities at the colleges and in the military. I am convinced of that to a moral certainty as a lawyer.

Sam Ervin was the most respected constitutional lawyer in Congress. I submit that he knows more about constitutional law than the Senator from the 37th, from the 35th or me and he tried to preserve these things. Why did they take them out? Do you approve of their taking them out?

"This article shall not impair the validity, however, of any laws of the United States or any State which make punishable as crimes sexual offenses." That amendment was defeated.

On the passage of the ERA, I predict that it never will pass, and it will go away. It will go away because the women of America are beginning to understand it. It will never be ratified.

I hate to have to tell you ladies in green that, but it will never be ratified because it is not needed and virtually takes away all the state rights having to do with men, women, boys, girls, support, service in the military and privacy. Nobody wants really to give that up.

Senator Scarborough, there was another amendment offered that said "Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them." Senator Ervin in that amendment was attempting to say that we should leave to the states the question of whether or not homosexuals should marry. Personally, I don't care but I do care about the next step. And the next step is whether or not homosexuals can adopt children.

I am convinced to a moral certainty, Senator Dunn, that the defeat of that amendment established the legislative intent and that the United States Supreme Court would have to say that homosexuals could marry and adopt children. Now, I cannot conceive at this time in history that the majority of the people in Florida want that.

Let me tell you how it will happen—first they will go up and make an application for a marriage license. The courts will say, "no", in Florida probably. They'll take that up to the Supreme Court of the United States and say, "I'm sorry but that matter wasn't discussed when the ERA was passed in Congress." And so they've got the rights; you can make no distinction between them based on sex—they can marry. And then they'll go to a child placing agency. That's where the children are that are wards of the state. They'll make an application to adopt a child.

We've seen it on television. I saw an hour-long program, CBS or some other network showed where two homosexuals were

talking about how great it was. One of them had a child when they got married, or got to living together, or whatever they were doing.

They'll go to the child placing agency and make an application for a child. They'll have a clean home and they'll have money—that's what the courts look at—they'll have the ability to send them to school and a court will say—in Florida the court will say "no" but the United States Supreme Court will say "yes"—you must let them do it.

The court in Florida will say you can't do it because both of you are men or both of you are women, but the Supreme Court will say you gotta let them do it under the ERA. What would make any of you want to take that chance? I could be wrong, but what if I'm right? What if the law review articles that have concluded the very same thing that I have are right?

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

That is the tenth amendment. No need to go further into that.

The people, many people, thinking people, have said that United States Senator Sam Ervin of North Carolina is one of the most respected constitutional lawyers in America and he said that the effects of Section 2 of ERA are that "... it will come near to abolishing the states of this union as viable governmental bodies . . . it will virtually reduce the states of this union to meaningless zeros on the Nation's map . . . it will transfer virtually all the legislative powers of government from the states to the Congress . . . Not only that, the Federal system which contemplates an indestructible union composed of indestructible states, as it is now established by all the provisions of the Constitution will be virtually destroyed . . ." I am convinced of that to a moral certainty.

We have the executive branch, the legislative branch, the judicial branch and the bureaucracy. So we have four branches of government. The most dangerous one is the bureaucracy.

In 1976—not before the Civil War—HEW ruled that fathers-and-sons and mothers-and-daughters events could no longer be held in public schools in Scottsdale, Arizona. They said that was bad, that was discrimination.

They ruled that an all-boys' choir had to be abolished because it didn't have half girls in it. Gerald Ford had the good sense to call them up and say, "Have you lost all of your senses? Throw those rules away." They did because he had the power to do it. If the ERA had been in effect, he would not have that power.

Senator Peterson furnished you this article, "Sex, Society and the Female Dilemma"—a discussion with Miss Friedan and her counterpart in France. The article recommends communes, places to keep children, taking them away from fathers and mothers so they can grow up independently, sexually. I don't know that we are ready to do that. I am convinced to a moral certainty that we are not.

Senators, I know there are those among you who have grave reservations about voting for this amendment. I would urge you to vote your conscience. You'll never get defeated for voting your conscience. Don't think about politics first. You are wrong if you do. There are more people against it than for it. Before you run again there will be twice as many more—the debate has just begun. I urge you to vote your conscience.

The House of Representatives is praying that we kill it because they are afraid they'll have to vote for it. There are Senators who hope that we kill it.

They say the Lord giveth and the Lord taketh away. Once you give this amendment to the Supreme Court of the United States you cannot take it away. Are you ready to give up the right to legislate in these vital fields? Are you in doubt? If you are in doubt, you've got to vote "no." If you are as convinced as I am that it will do exactly what many outstanding constitutional lawyers have concluded, you certainly ought to vote "no."

How many of you talk about the dangers of the federal bureaucracy, the excesses of the federal government? How many of you want to transfer those remaining powers we have under the present Constitution into the hands of the federal government and the federal courts? Why should we take a

chance? If there is any law needed in Florida to give women the equal rights of pay, the equal rights of opportunity, if there is any defect in the law—and nobody has told me there is—join me in co-sponsoring the bill to kill the defect. But I urge you—don't transfer that power to the Senator from New York, California or Georgia. Keep it here so those people at that church meeting I spoke to can have regress with their legislators.

There's nothing more that I can say except that in a free society the right to be right carries with it the right to be wrong. If all these people who have been here all week that are opposed to the ERA are wrong, they have to have that right to be wrong. I submit to you Senators that they are right and I would urge you to vote "no" on the resolution referred to as the Equal Rights Amendment. Thank you very much, Mr. President and Senators.

Senator Wilson: I've a feeling we've been down this 'ole road before. Y'all took the wrong turn the last time.

So, once again, the proposed Equal Rights Amendment to the constitution of the United States is before us.

As the prime sponsor of that amendment, I do not speak before you with any high hope of changing the vote of any Senator.

For I know, as you do, that ERA will not be considered on its merit here today, as it has not been in the past.

If it were, the result would be quite certain.

Because it says, so very simply and so very fairly:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

What man, woman, child, or even Senator could honestly oppose on the merits that kind of fairness doctrine for all people? No one.

Because it is so simple and so fair, ERA was overwhelmingly proposed as a part of our constitution by the Congress of the United States.

It has been approved by 35 of the needed 38 state legislatures.

It has had the strong support of the last seven presidents of the United States.

It is favored by the governor of this state, and a heavy majority of the cabinet.

It is wanted by most of the people of this great nation, and of this fine state.

Then, one must ask, how might it once again be defeated in these Florida Senate chambers. How? Why?

The answer goes far beyond these halls . . . far beyond the borders of Florida.

It goes to . . . Georgia and Alabama and Mississippi and Louisiana and Arkansas and Oklahoma and South Carolina and North Carolina and Virginia.

In all 10 of those Southern states, ERA remains in trouble. Why?

Because the good old boys in the Southern legislatures traditionally do not consider people issues like ERA on their merit.

They consider only what it might do to their own manliness, or their money-ness, or their manpower.

At work. At home. Yes, even at play.

Let's look at the historic pattern.

The good old boys in Southern politics refused to give up their slaves . . . until the rest of the nation whipped them on the battlefields.

The good old boys refused to approve the 19th amendment, granting women the right to vote, until the rest of the nation whipped them in the legislative halls elsewhere across this land.

The good old boys fought the 1964 Civil Rights Act down to their last ax handles, until the rest of this nation whipped them in the courtrooms, and on the streets, and at the polls... with legal power, and armed power and PEOPLE POWER.

And now, on the last remaining issue of human rights, civil rights, people rights and equal rights, the good old boys are summoning all their remaining, but weakening power, for one last hurrah.

The good old boys are trying desperately to hold on to the power they have given each other, or taken from each other.

Well, let me assure you that the good old boys in this Senate and elsewhere in the South are clutching at pseudo power, that will not last.

For lasting power, my fellow Senators, comes only from the people.

All the people. North and south. East and west. Young and old. Rich and poor. White and black. Men and women.

People power.

People power is a strange and marvelous thing. It is often painfully slow to develop. But once it awakens and mobilizes, it is awesome, and it prevails.

And so it must and will prevail on ERA. If not today, then certainly on another day. Even throughout the South; even in our beloved Florida; even in these Senate chambers.

Having been down this road before, shortly each of us will have an opportunity to choose one of two turns:

We can take the same old Southern pig trail, which leads to nowhere.

Or, we can travel a brand new superhighway being paved with people power, which leads everywhere.

We in the South and in this Senate have taken the pig trails before. Each time, we went the wrong way down a narrow and dirty one-way street.

Wouldn't it be nice this time to take the high road, and join our fellow Americans traveling in the right direction?

Wouldn't it be nice, when America reaches its destination, if we were able to stand up and shout:

"Because of us... Because of us... not in spite of us... but because of us, because of this Senate, because of this South, this country stands united on one more human and decent and fair thing?"

In closing, my fellow Senators and my fellow Southerners, let me share with you a dream:

I had a dream that a Southern boy could grow up to be president;

I have a dream that our good old boys in the South can grow up to be men.

Senator Scarborough announced that the Committee on Personnel, Retirement and Collective Bargaining would not meet as scheduled this day.

On motion by Senator Gallen, the rules were waived and the committees in Group II were granted permission to meet this day from 3:00 p.m. until 5:00 p.m. in lieu of 1:30 p.m. until 3:00 p.m.

Senator Gallen moved that the rules be waived and the Special Order Calendar scheduled for Friday, April 15 be a continuation of the Special Order Calendar of this day, and the motion was adopted.

Senator Gallen announced that the Committee on Rules and Calendar will meet Thursday, April 14, at 12:00 noon for the purpose of establishing the schedule for the week of April 18-22.

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

SB 116—A bill to be entitled An act relating to institutions of higher learning; amending s. 240.052(4), Florida Statutes; changing provisions with respect to deferred payment of registration fees by veterans at institutions within the State University System and community college system; providing an effective date.

—as amended passed on April 12.

Senator MacKay moved the following title amendment which was adopted:

Amendment 2—On page 1, line 7, after the semi-colon insert: adding s. 201.08(3), Florida Statutes; providing that documentary stamps are not required on promissory notes executed for the payment of deferred fees; creating s. 230.7686, Florida Statutes; requiring institutions to defer registration fees for any eligible veteran or person;

SB 116 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Vogt
Chamberlin	Hair	Poston	Ware
Childers, Don	Holloway	Renick	Williamson
Childers, W. D.	Johnston	Scarborough	Wilson
Dunn	Lewis	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

Nays—None

Senator Barron announced that the Committee on Governmental Operations would not meet as scheduled this day.

CO-INTRODUCERS

Senator Myers—SB 575; Senator Ware—SB 423; Senator Gordon—SB 306; Senator Hair—SB 624; Senator Gorman—SB 643

CORRECTION AND APPROVAL OF THE JOURNAL

The Journal of April 12 was corrected and approved.

The Journal of April 8 was corrected and approved as follows:

Page 118, from bottom of column 2, strike lines 1 through 4 and insert: (11) "Materialman" means any person who furnishes materials under contract to the owner, contractor, ~~or~~ subcontractor or subsubcontractor on the site of the improvement or for direct delivery to the site of the improvement or for specially fabricated materials off the site of the improvement for the particular improvement, and who performs no labor in the installation thereof.

The Senate adjourned at 2:20 p.m. to convene at 8:30 a.m., April 14, 1977 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.