

JOURNAL OF THE SENATE

Tuesday, May 2, 1967

The Senate was called to order by the President at 11:00 a.m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Saylor
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	O'Grady	Weber
Chiles	Griffin	Ott	Weissenborn
Clayton	Gunter	Plante	Wilson
Cross	Haverfield	Poston	Young
Deeb	Henderson	Reuter	

47. A quorum present.

Excused: Senator Stone until 12:30 p.m.

Prayer by the Senate Chaplain, Reverend T. Newton Wise:

Eternal God, our heavenly father, deep in our hearts today, remind us of things we ought never to forget. Remind us of our many blessings so that we will be truly grateful. Remind us of our failures and sins so we will be truly humble. Remind us, O God, of thy power which is available to all who put their trust in thee, so we will be strong for the tasks and challenges of this day. Remind us today of our friends and loved ones so we will know that we do not strive alone. In the name of God, we pray. Amen.

The reading of the Journal was dispensed with.

The Journal of May 1 was corrected and approved.

REPORTS OF COMMITTEES

The Committee on Education—Public Schools and Junior Colleges recommends the following pass:

SB 582 SB 590 with 2 amendments

The Committee on Finance and Taxation recommends the following pass:

SB 149 SB 497
SB 328 with 1 amendment SB 24
SB 53 with 2 amendments HB 236 with 1 amendment

The Committee on Judiciary "A" recommends the following pass:

SB 424 SB 336 with 1 amendment
SB 338 with 1 amendment SB 342 with 1 amendment
SB 341 with 1 amendment SB 345 with 1 amendment

The Committee on Judiciary "B" recommends the following pass:

SB 167 with 5 amendments SB 262 SB 263
SB 383 with 2 amendments SB 403 SB 427
SB 481

The Committee on Governmental Reorganization recommends the following pass:

SB 151 SB 580 with 1 amendment HB 73

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

The Committee on Judiciary "B" recommends the following not pass:

SB 82

The bill was laid on the table.

The Committee on Urban Affairs and Local Government recommends the following pass:

SB 417 with 2 amendments

The Committee on Transportation and Safety recommends the following pass:

SB 554

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

The Committee on Transportation and Safety recommends the following pass:

SB 591

The Committee on Urban Affairs and Local Government recommends the following pass:

SB 572 with 3 amendments
CS for HB 87 with 3 amendments

The Committee on Governmental Reorganization recommends the following pass:

SB 553

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

The Committee on Urban Affairs and Local Government recommends the following pass:

SB 459 with 1 amendment

The bill was referred to the Committee on Retirement and Claims under the original reference.

The Committee on Labor and Industry recommends the following pass:

SB 312

The bill was referred to the Committee on Judiciary "A" under the original reference.

The Committee on Transportation and Safety recommends the following pass:

SB 161 with 3 amendments

The bill was referred to the Committee on Governmental Reorganization under the original reference.

The Committee on Urban Affairs and Local Government recommends the following pass:

SB 491 with 4 amendments

The bill was referred to the Committee on Insurance under the original reference.

The Committee on Urban Affairs and Local Government recommends the following pass:

SB 542

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

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 166 with 3 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was placed on third reading.

On motion by Senator Mathews pursuant to HCR 50 the Senate formed in processional order and marched in a body to the Chamber of the House of Representatives, with the President of the Senate leading, who was preceded by the Secretary of the Senate, the way being opened to the Chamber of the House of Representatives by the Sergeant At Arms of the Senate. The Senate was received in due form.

Honorable Ralph D. Turlington, Speaker of the House of Representatives, invited the President of the Senate to the rostrum, and requested the President to preside over the joint session.

The President in the Chair.

The Clerk called the roll of the House of Representatives and the following members were recorded present:

Alvarez	Firestone	Matthews	Rude
Andrews	Fleece	Mattox	Rust
Ashler	Fortune, E. M.	McDonald	Ryals
Baker	Fortune, J.	McKinley	Sackett
Beck	Gallen	McNulty	Savage
Bevis	Gautier	Middlemas	Scarborough
Bird	Gibson	Miers	Schultz
Blalock	Gillespie	Mixson	Sessums
Brantley	Gissendanner	Murphy	Shadley
Briggs	Gorman	Myers	Shaw
Brower	Graham	Nergard	Singleton
Caldwell	Grange	Nichols	Smith
Campbell	Grizzle	Osborne	Spicola
Chappell	Gustafson	Papy	Stafford
Clark	Harris	Pettigrew	Stevens
Conway	Hartnett	Pfeiffer	Sweeny
Crabtree	Hector	Poorbaugh	Tillman
Craig	Hodes	Powell	Tucker
Crider	Holloway	Pratt	Turlington
D'Alemberte	Humphrey	Prominski	Tyre
Danahy	Inman	Rainey	Walker
Davis	Kennelly	Randell	Wells
De Young	King	Redman	Whitson
Dubbin	Land	Reed	Williams
Ducker	Lewis	Reedy	Wolfson
Eddy	Lindsey	Reeves	Yancey
Elmore	Mann	Register	Yarborough
Featherstone	Martinez, E. L.	Robinson	
Ferre	Martinez, J. M.	Rowell	

114. A quorum present.

The Secretary of the Senate called the roll of the Senate and the following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	O'Grady	Weber
Chiles	Griffin	Ott	Weissenborn
Clayton	Gunter	Plante	Wilson
Cross	Haverfield	Poston	Young
Deeb	Henderson	Reuter	

47. A quorum present.

On motion by Representative Crider that a committee be appointed to escort Steven Orr Spurrier, a student of the University of Florida and a member of the Florida football team to the rostrum, the President appointed Senator Cross on the part of the Senate, and Representatives Crider and Andrews on the part of the House of Representatives. The Committee escorted Mr. Spurrier to the rostrum where he received a standing ovation. The President recognized Mr. Turlington who presented to Mr. Spurrier a copy of the Steven Orr Spurrier Day Resolution in recognition and appreciation of his service to the state of Florida. Mr. Spurrier thanked the President and addressed the joint session briefly.

On motion by Senator Mathews, the Senate withdrew from the joint assembly and resumed its Session at 11:30 a.m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	O'Grady	Weber
Chiles	Griffin	Ott	Weissenborn
Clayton	Gunter	Plante	Wilson
Cross	Haverfield	Poston	Young
Deeb	Henderson	Reuter	

47. A quorum present.

REPORT OF SELECT COMMITTEE

By direction of the President, the Secretary of the Senate read the following Report of the Select Committee appointed pursuant to Senate Rule 15.2 to inquire into the recommendation of the Governor concerning the removal from office of Robert L. Harris as a member of the Board of County Commissioners of Duval County, Florida:

*The Honorable Verle Pope
President, The Florida Senate
Tallahassee, Florida*

On the 28th day of April 1967, the Honorable Claude R. Kirk, Jr., Governor of the State of Florida, recommended to the Florida Senate the removal of Robert L. Harris, as a member of the Board of County Commissioners of Duval County, Florida, pursuant to Article IX, Section 15, Constitution of the State of Florida.

The basis of said recommendation was the indictment of the said Robert L. Harris by the Duval County Grand Jury for acceptance of unauthorized compensation in violation of Section 838.06, Florida Statutes. The Governor charged that:

"The evidence contained in said indictment reflects misfeasance, malfeasance and incompetency in office."

The Governor correctly pointed out in his message to the Senate that while the Senate is in session he does not have the power of suspending a public official but is limited to recommending his removal.

Under the provisions of the Constitution the Senate has only two choices of action. It can respond to the recommendation by removing the public official in which event he is out of office and even though he were later found, after the trial, to be innocent with reference to the indictment he could not be reinstated in office. The Senate could not remove the said official in which event the Governor could suspend him if the legislature adjourned prior to the time of his trial.

Your Committee has consulted with the Honorable William A. Hallows, State Attorney for the Fourth Judicial Circuit and has been advised that there is no way under the law that he can reveal to the Committee testimony that was presented to the Grand Jury as a basis for indictment. He further has assured the Committee that the trial will be held just as quickly as a time can be obtained before the Court. Your Committee has further conferred with Mr. Wallace Shea, Attorney representing said Robert L. Harris and has been advised that the said Harris desires and seeks an early trial and will file no dilatory or delaying motions. He further advised that the said official has recused himself from all official duties and is refusing and will continue to refuse to accept any compensation as a County Commissioner until and after his trial and then only if found innocent.

Your Committee feels strongly that it does not have the right to pre-judge the guilt or innocence of the said Robert L. Harris with reference to the charge of the indictment prior to his trial. Your Committee is firmly of the opinion that if said Harris is convicted it will recommend to the Senate his removal from office and also if found to be innocent your Committee would not, based on the grounds cited by the Governor in his message to the Senate, recommend removal.

Your Committee further has met with the Governor and advised him of the dilemma in which the Committee finds itself. If Harris has not been tried by the time the legislature goes out of session the Committee feels that the Governor would and should suspend him. If the trial takes place while the legislature is in session your Committee will promptly make a recommendation based on the outcome of said trial.

Your Committee further feels that there is an urgent need for Constitutional Revision with reference to the suspension and removal procedures contained therein. There should be power of suspension by the Governor while the Senate is in session and specific provisions to enable any existing loopholes or gaps in the present law to be filled so that appropriate action can be taken.

It is therefore your Committee's recommendation that until the trial of the said Robert L. Harris pursuant to his indict-

ment takes place the Florida Senate take no action on the message of the Governor recommending his removal.

Dated this 1st day of May, 1967

Signed:
 John E. Mathews, Jr., 8th District
 Tom Slade, 9th District
 John J. Fisher, 10th District
 William T. Stockton, Jr., 11th District
 Verle A. Pope, 12th District

Senator Mathews offered the following amendment which was adopted:

Page 3, lines 1 and 2, strike the words: "met with the Governor and advised" and insert the following: will meet with the Governor and advise

On motion by Senator Mathews, the Report of the Select Committee as amended was adopted.

INTRODUCTION

By Senator Barron—

SB 705—A bill to be entitled An act relating to conservation; amending section 370.16(14), Florida Statutes; changing the season; providing an effective date.

Was read the first time by title and referred to the Committee on Water Conservation, Salt Water and Natural Resources.

By Senators Weissenborn and Hollahan—

SB 706—A bill to be entitled An act relating to the right to seek judicial relief from an unfair and discriminatory assessment of property by the tax assessor that has continued for many years, and to abolish the doctrine of laches as a defense to a taxpayer's suit.

Was read the first time by title and referred to the Committees on Judiciary "B"; and Finance and Taxation.

By Senators Ott and Mathews—

SB 707—A bill to be entitled An act relating to the sale of gasoline; amending chapter 526, Florida Statutes, by adding section 526.12, providing certain pricing restrictions; providing for the separation of certain gasolines; providing an effective date.

Was read the first time by title and referred to the Committees on Agriculture and Livestock; and Judiciary "A".

By Senator Haverfield—

SB 708—A bill to be entitled An act relating to housing authorities; amending section 421.03(6), Florida Statutes, to provide that the area of operation of any housing authority shall not extend outside of the boundaries of the county in which the city is located; providing an effective date.

Was read the first time by title and referred to the Committee on Urban Affairs and Local Government.

By Senator Haverfield—

SB 709—A bill to be entitled An act relating to racing; amending section 550.03, Florida Statutes, providing an extra day of racing at any track at all establishments in Dade county conducting pari-mutuel wagering, the proceeds to go to the benefit of the new degree-granting state college in Dade county; providing an effective date.

Was read the first time by title and referred to the Committees on Ethics and Privileged Businesses; and Finance and Taxation.

By Senator Spencer—

SB 710—A bill to be entitled An act relating to nursing scholarships; amending section 239.47(2) and (4), Florida Statutes, by increasing the amount of scholarship awards; by changing reference to semesters or trimesters to quarters; providing an effective date.

Was read the first time by title and referred to the Committees on Education—Higher Learning; and Appropriations.

By Senator Spencer—

SB 711—A bill to be entitled An act relating to student financial aid, administration; amending section 239.67(5), Florida Statutes, requiring the commission to establish the manner and time of repaying loans plus interest; providing an effective date.

Was read the first time by title and referred to the Committee on Education—Higher Learning.

By Senator Spencer—

SB 712—A bill to be entitled An act relating to scholarships, teaching; amending sections 239.38 and 239.42, Florida Statutes, to provide for additional scholarship loans and disbursement thereof; providing an appropriation; providing an effective date.

Was read the first time by title and referred to the Committees on Education—Higher Learning; and Appropriations.

By Senator Spencer—

SB 713—A bill to be entitled An act relating to scholarships; amending section 239.66(4), Florida Statutes, by increasing the value of scholarships; providing additional funds for recipients attending four (4) quarters during a regular school term; providing an effective date.

Was read the first time by title and referred to the Committees on Education—Higher Learning; and Appropriations.

By Senator Hollahan—

SB 714—A bill to be entitled An act relating to public schools, suspension and dismissal of instructional personnel; amending section 230.33(7)(h), Florida Statutes; providing for suspension of members of the instructional personnel and other school employees until the next succeeding regular or special school board meeting; providing an effective date.

Was read the first time by title and referred to the Committee on Education—Public Schools and Junior Colleges.

By Senator Hollahan—

SB 715—A bill to be entitled An act relating to beverage containers; amending section 562.08, Florida Statutes, to provide that cordials in certain size containers are not prohibited; providing an effective date.

Was read the first time by title and referred to the Committee on Ethics and Privileged Businesses.

By Senator Hollahan—

SB 716—A bill to be entitled An act relating to public schools, amending section 237.02(1) and (2), Florida Statutes, providing for purchasing procedures in counties in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies; providing an effective date.

Was read the first time by title and referred to the Committee on Education—Public Schools and Junior Colleges.

By Senator Henderson—

SB 717—A bill to be entitled An act relating to qualification and registration of electors; amending subsection (7) of section 97.021, Florida Statutes, to provide that tenants of cooperative apartment corporations are freeholders; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By Senator Shevin—

SB 718—A bill to be entitled An act relating to public health; providing control over the movement of drugs within the state, amending section 381.401(1) and creating section 381.402, amending sections 398.04 and 398.21, all Florida Statutes; providing for registration with the state board of health of all persons involved with the production, processing, sale, or dispensing of drugs, including procedures and fees; requiring narcotic agents to be registered pharmacists; providing an effective date.

Was read the first time by title and referred to the Committees on Health and Welfare; and Judiciary "B".

By Senator Barrow—

SB 719—A bill to be entitled An act for the relief of W. M. Hutchinson, making an appropriation to compensate him for an injury which occurred while in the employ of the state road department, which injury has progressively worsened causing the amputation of one (1) leg and resulting in the permanent, total disability of the said W. M. Hutchinson; providing compensation to him from February 19, 1951 through November 19, 1966; providing an effective date.

Was read the first time by title and referred to the Committee on Retirement and Claims.

By Senator Poston—

SB 720—A bill to be entitled An act relating to the Florida highway code; exempting all counties of the state having a population of over four hundred thousand (400,000), according to the latest official decennial census, from the provision of section 336.59, Florida Statutes, providing that taxes levied by the board of county commissioners of such counties for road and bridge purposes need not be divided with any municipality; providing an effective date.

Was read the first time by title and referred to the Committees on Public Roads and Highways; and Finance and Taxation.

By Senators Pope and Hollahan—

SB 721—A bill to be entitled An act relating to state lands and state agencies; amending section 253.03, Florida Statutes, to provide for a record of all state-owned lands in the trustees of the internal improvement fund; vesting in the trustees the responsibility for adopting rules and regulations governing acquisition or disposal of real property owned by the state or to be acquired by state agency; to establish uniformity in state selling and leasing practices; to adopt rules and regulations to carry the purposes of this act into effect; making an appropriation; repealing section 253.50, Florida Statutes, providing for conveyances between state agencies; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Reorganization.

By Senator Pope—

SB 722—A bill to be entitled An act relating to forfeiture of bail; amending section 903.26(1)(a), section 903.271 and section 903.29, Florida Statutes; repealing section 903.28, Florida Statutes, which generally duplicates section 903.26(6), Florida Statutes.

Was read the first time by title and referred to the Committee on Judiciary "A".

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gunter, by two-thirds vote, SB 257 was withdrawn from the Committee on Appropriations and placed on the Calendar.

On motion by Senator Cross, by two-thirds vote, Senate Bills 381 and 377 were withdrawn from the Committee on Health and Welfare.

On motions by Senator Young, by two-thirds vote, Senate Bills 173 and 174 were withdrawn from the Committee on Transportation and Safety and from the Senate.

On motion by Senator Young, the Committee on Transportation and Safety was granted an additional 5 days for the consideration of Senate Bills 175, 176, 172, 346, 370 and HB 209.

On motion by Senator Griffin, the Committee on Finance and Taxation was granted an additional 15 days for the consideration of Senate Bills 10, 32, 72, 202, 228, 278, 128 and 396.

On motions by Senator Friday, the Committee on Water Conservation, Salt Water and Natural Resources was granted an additional 7 legislative days for the consideration of Senate Bills 5, 296, 321, 401, 279, 429, 451 and 525; and an additional 10 legislative days for the consideration of Senate Bills 444 and 503.

On motion by Senator Barrow, the Committee on Judiciary "A" was granted an additional 7 days for the consideration of Senate Bills 349, 358, 359 and 340.

On motion by Senator Ott, by two-thirds vote, SB 677 was also referred to the Committee on Anti-Crime.

On motion by Senator Henderson, by two-thirds vote, SB 513 was withdrawn from the Committee on Judiciary "A".

On motion by Senator Hollahan, the Committee on Governmental Reorganization was granted an additional 7 days for the consideration of Senate Bills 287 and 290.

On motion by Senator Hollahan, by two-thirds vote, SB 270 was withdrawn from the Committee on Governmental Reorganization and pursuant to Senate Rule 7.5, a point of order was called by Senator Hollahan and SB 270 was re-referred to the Committee on Appropriations.

On motions by Senator Poston, by two-thirds vote, SB 35 was withdrawn from the Committee on Judiciary "A" and from the Senate.

On motion by Senator Chiles, the Committee on Ethics and Privileged Businesses was granted an additional 10 days for the consideration of Senate Bills 194 and 331.

On motion by Senator Askew, by two-thirds vote, SB 166 as amended was removed from the Calendar and re-referred to the Committee on Appropriations.

On motion by Senator Barrow, by two-thirds vote, CS for HB 220 was withdrawn from the Committee on Judiciary "A" and placed on the Calendar.

On motion by Senator Fincher, the Committee on Labor and Industry was granted an additional 14 days for the consideration of SB 240.

Senator Friday presiding.

MESSAGES FROM THE GOVERNOR

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 2, 1967

Dear Sir:

I have today filed with the office of the Secretary of State the following act which originated in the Senate, Regular Session, 1967, and which I approved on May 2, 1967, at 11:00 A.M.:

S. B. 134

Respectfully,
CLAUDE KIRK
Governor

By direction of the President, the Secretary of the Senate read the following communications from Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointment and respectfully request confirmation thereof:

Tedd Jakomas, Delray Beach, member, State Board of Cosmetology, District Number One, for a term ending June 27, 1967.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Thomas, Friday and Bafalis.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointment and respectfully request confirmation thereof:

John Drew, Jacksonville, member, Duval Air Improvement Authority, for a term ending the first day of October, 1969.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Mathews, Slade, Fisher, and Stockton, and stated that he would also serve on the Committee.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointment and respectfully request confirmation thereof:

Edward G. Stephany, Fort Lauderdale, Assistant State Attorney, Seventeenth Judicial Circuit, for a term ending on the first Tuesday after the first Monday in January, 1969.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Lane, Weber, Bell and Stolzenburg.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointment and respectfully request confirmation thereof:

Mrs. Margaret H. Behringer, Fort Lauderdale, member, Board of Regents, for a term ending January 1, 1976.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Lane, Weber, Bell and Stolzenburg.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointment and respectfully request confirmation thereof:

William J. Ford, West Palm Beach, Commissioner of Pilotage for the Port of Palm Beach, for a term ending on September 29, 1969.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Friday, Thomas and Bafalis.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointments and respectfully request confirmation thereof:

Milton N. Weir, Jr., Boca Raton, member, Florida State Turnpike Authority, Fourth Congressional District, for a term ending January 10, 1968.

James Marius Newton, St. Petersburg, member, Florida State Turnpike Authority, First Congressional District, for a term ending January 10, 1971.

Wellington Paul, Jacksonville, member, Florida State Turnpike Authority, Second Congressional District, for a term ending January 10, 1969.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President referred the nomination of Milton N. Weir, Jr., contained in the foregoing communication, to the following Select Committee: Senators Thomas, Friday and Bafalis.

Pursuant to Senate Rule 15.2, the President referred the nomination of James Marius Newton, contained in the foregoing communication, to the following Select Committee: Senators Young, Wilson, Saylor and Deeb.

Pursuant to Senate Rule 15.2, the President referred the nomination of Wellington Paul, contained in the foregoing communication, to the following Select Committee: Senators Mathews, Slade, Fisher and Stockton, and stated that he would also serve on the Committee.

Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

May 1, 1967

Dear Sir:

I have the honor to inform the Senate of the following appointments and respectfully request confirmation thereof:

James Winsor Taylor, Jacksonville, member, State Racing Commission, Second Congressional District, for a term ending first Monday in January, 1970.

L. B. Walker, Panama City, member, State Racing Commission, Third Congressional District, for a term ending on the first Monday in January, 1971.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President referred the nomination of James Winsor Taylor, contained in the foregoing communication, to the following Select Committee: Senators Mathews, Slade, Fisher and Stockton, and stated that he would also serve on the Committee.

Pursuant to Senate Rule 15.2, the President referred the nomination of L. B. Walker, contained in the foregoing communication, to the following Select Committee: Senators Barron, Barrow and Horne.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

SB 237

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

SB 366

SB 460

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

The Honorable Verle A. Pope
President of the Senate

May 2, 1967

Sir:

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

SB 47

SB 60

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above message, were ordered enrolled.

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

By Representative Grizzle—

HB 930—A bill to be entitled An act to abolish the town of Gulf Belleair, now Belleair Shore, in Pinellas county, Florida; said town having been organized under the provisions of chapter 30784, 1955 as amended by chapter 61-2206 and chapter 65-1583, Laws of Florida; providing for payment of its debts; and providing an effective date.

Proof of Publication attached.

By Representative Reedy and others—

HB 967—A bill to be entitled An act authorizing the board of county commissioners of Lake county to create a pollution control board; providing for the organization of said board, and the qualifications and terms of office of members of said board; establishing the duties and powers of said board; providing for appointment of a pollution control officer and his qualifications; establishing the duties and powers of said pollution control officer; providing for appeals from actions or decisions of the pollution control officer; declaring the intent and purpose of the act; defining certain words and phrases used in the act; providing prohibitions against pollution, air pollution and water pollution; making violation of the act and rules and regulations adopted pursuant to the act a misdemeanor; providing remedies and penalties for violations of the act; authorizing the board of county commissioners to budget and expend funds for air and water pollution control and declaring such budgeting and expenditures of funds a county purpose; providing for severability of invalid portions of the act; providing for liberal construction of the act; providing for effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Evidence of notice and publication was established by the Senate as to HB 930.

Evidence of notice and publication was established by the Senate as to HB 967.

House Bills 930 and 967, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

By the Committee on Public School Education—

HB 707—A bill to be entitled An act relating to public schools; repealing section 230.233, Florida Statutes, relating to the automatic closing and suspension of public schools; providing an effective date.

By the Committee on Public School Education—

HB 708—A bill to be entitled An act relating to the Florida school code; amending chapter 65-239, Laws of Florida, by adding a severability clause thereto; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 707 and 708, contained in the above message, were read the first time by title and referred to the Committee on Education—Public Schools and Junior Colleges.

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

By Representative Holloway and others—

HB 444—A bill to be entitled An act relating to wrecked and derelict property in all counties of the state having a population of more than four hundred thousand (400,000), according to the latest official decennial census, defining abandoned property, establishing procedures cumulative to the provisions of chapter 705, Florida Statutes, and amendments thereto, whereby counties may remove abandoned property from public and private property and destroy such abandoned property, providing penalty for obstructing enforcement of the act, granting immunity from prosecution to officers enforcing the act, and authorizing incorporated municipalities in the counties to adopt the act by reference.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 444, contained in the above message, was read the first time by title and referred to the Committee on Judiciary "A".

The Honorable Verle A. Pope
President of the Senate

May 2, 1967

Sir:

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

By Representative Tyre—

HB 153—A bill to be entitled An act relating to state correctional institutions; amending, creating and repealing certain sections of chapters 944 and 945, Florida Statutes, creating sections 944.061, 944.062, 944.063, 944.064 and 944.065, Florida Statutes, to provide for the continued existence of the Avon Park correctional institution; providing for the continued existence of the reception and medical center in Union county; providing for the establishment of a system of road prisons; providing for the continued existence of the Sumter correctional institution; providing for the continued existence of the Santa Fe correctional farm; repealing sections 944.07, 944.51 and 945.07, Florida Statutes, respectively relating to the transfer of supervision of prison camps and the establishment of the

Sumter county branch of the state prison; providing an effective date.

By Representatives Myers and Baker—

HB 196—A bill to be entitled An act relating to sunland training centers, name change; amending sections 393.04, 393.06, 393.08, 393.10 and 393.11, Florida Statutes; deleting references to "feeble-minded"; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 153, contained in the above message, was read the first time by title and referred to the Committee on Judiciary "A".

HB 196, contained in the above message, was read the first time by title and referred to the Committee on Mental Health, Retardation and State Institutions.

The Honorable Verle A. Pope
President of the Senate

May 1, 1967

Sir:

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

By Representative Tyre—

HB 284—A bill to be entitled An act relating to the division of corrections; amending subsection (1) of section 965.01, Florida Statutes, to provide for additional correctional institutions; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 284, contained in the above message, was read the first time by title and referred to the Committee on Judiciary "A".

The Honorable Verle A. Pope
President of the Senate

May 2, 1967

Sir:

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

By Representatives D'Alemberte and Hector—

HB 123—A bill to be entitled An act relating to Sunday laws, engaging in game or sport; amending section 855.05, Florida Statutes, by exempting football and bowling as played in bowling alleys.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 123, contained in the above message, was read the first time by title and referred to the Committee on Judiciary "A".

The Honorable Verle A. Pope
President of the Senate

May 2, 1967

Sir:

I am directed to inform the Senate that the House of Representatives requests the return of HB 767.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator O'Grady, by two-thirds vote, HB 767 was withdrawn from the Committee on Rules and Calendar and returned to the House as requested.

The President presiding.

The Honorable Verle A. Pope
President of the Senate

May 2, 1967

Sir:

I am directed to inform the Senate that the House of Representatives requests the return of SB 366.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Poston, the Senate refused to return SB 366 as requested, and the action was certified to the House.

Unanimous consent was granted Senator Gibson to take up out of order—

HB 113—A bill to be entitled An act designating and naming a portion of state road 10 (U.S. 90) in Columbia county as the James A. Brewer highway; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

On motions by Senator Gibson, the rules were waived and HB 113 was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Hollahan	Sayler
Askew	Edwards	Horne	Shevin
Bafalis	Elrod	Johnson	Slade
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Thomas
Broxson	Gong	O'Grady	Weber
Chiles	Griffin	Ott	Weissenborn
Clayton	Gunter	Plante	Wilson
Cross	Haverfield	Poston	Young
Deeb	Henderson	Reuter	

The bill was certified to the House.

UNFINISHED BUSINESS

SB 43—A bill to be entitled An act relating to elections; amending subsection (1) of section 99.021, Florida Statutes, relating to candidates oath; providing for the repeal of the requirement that a candidate swear under oath that he was not a registered member of any other political party during the two (2) years immediately preceding the date of execution of his oath or affirmation; providing that candidate shall swear under oath that he was not a registered member of any other political party on the date of execution of this oath or affirmation; providing for an effective date.

With pending amendment by Senator Weissenborn was taken up, having been further amended and temporarily deferred on May 1.

By permission, Senator Weissenborn withdrew the pending amendment.

Senators Chiles, Mathews and Askew offered the following amendment which was adopted on motion by Senator Chiles:

After Section 1 insert a new Section 2 (and renumber Section 2 as Section 3) to read as follows: Section 2. Insert a new subsection 3 of Section 99.021, Florida Statutes to read as follows:

99.021 (3) Any candidate qualified as a candidate of a political party may also qualify as a candidate of another political party.

The vote was:

Yeas—25

Mr. President	Cross	Griffin	Ott
Askew	de la Parte	Gunter	Poston
Barron	Fincher	Haverfield	Thomas
Barrow	Fisher	Hollahan	Weissenborn
Boyd	Friday	Horne	
Broxson	Gibson	Knopke	
Chiles	Gong	Mathews	

Nays—21

Bafalis	Johnson	Sayler	Weber
Bell	Lane	Shevin	Wilson
Clayton	McClain	Slade	Young
Deeb	O'Grady	Spencer	
Elrod	Plante	Stockton	
Henderson	Reuter	Stolzenburg	

Pursuant to instructions by the President to the Committee on Rules and Calendar to clarify Senate Rule 9.8, Senator Mathews, Chairman, read the following interpretation:

Rule 9.8 deals with the question of reconsideration of collateral matters such as amendments, substitute amendments and amendments to amendments.

The Rule of reconsideration of general main matters allows such motions for reconsideration to be made on either the day the vote is taken on such matter or the succeeding day and then the question of reconsideration is taken upon the day following the time when said motion for reconsideration is made.

It is obvious that a similar Rule with reference to collateral matters would postpone unreasonably the orderly transaction of Senate business and could make it impossible to ever dispose of a main matter expeditiously if there was a collateral matter upon which a motion for reconsideration had been made. This might encourage the use of the motion for reconsideration as a purely delaying procedure.

Rule 9.8 therefore provides that a motion to reconsider a collateral matter must be made before the Senate passes to any business other than the main subject to which such amendment or collateral matter relates, and must be disposed of at once during the course of the consideration of such main subject to which it is related and will be out of order after the Senate has passed to other business. The key to the application is an interpretation as to when the Senate "has passed to other business." The Senate shall be deemed to have passed to other business when the bill, resolution or joint resolution has passed to another reading or a vote has been taken on the final passage of said main subject or when the Senate has proceeded to another main subject on the calendar or in the daily order of business. This means that, as long as a bill is on second reading and amendments are being considered, a motion to reconsider the adoption or rejection of any amendment, or substitute amendment, or amendment to the amendment or amendment to the substitute is in order by a Senator who has voted on the prevailing side or by any Senator if the roll was taken by a voice vote.

It must be remembered that only one motion to reconsider can be made on any matter and that a motion to reconsider a collateral matter affecting other collateral matters which have been adopted does not preclude a motion to reconsider the other collateral matters.

The motion by Senator Wilson that the Senate reconsider the vote by which Amendment 1 by Senator Thomas was adopted on May 1 failed. The vote was:

Yeas—22

Bafalis	Cross	Lane	Stockton
Barron	Deeb	Plante	Weber
Barrow	Elrod	Sayler	Wilson
Bell	Haverfield	Shevin	Young
Boyd	Henderson	Slade	
Clayton	Johnson	Spencer	

Nays—23

Mr. President	Friday	Horne	Poston
Askew	Gibson	Knopke	Reuter
Broxson	Gong	McClain	Stolzenburg
Chiles	Griffin	Mathews	Thomas
de la Parte	Gunter	O'Grady	Weissenborn
Fisher	Hollahan	Ott	

The motion by Senator Thomas that the Senate reconsider the vote by which the amendment offered by Senators Chiles, Mathews and Askew was adopted failed. The vote was:

Yeas—20

Bafalis	Henderson	Reuter	Stockton
Bell	Johnson	Sayler	Thomas
Deeb	Lane	Shevin	Weber
Elrod	O'Grady	Slade	Wilson
Fisher	Plante	Spencer	Young

Nays—24

Mr. President	Chiles	Gibson	Knopke
Askew	Clayton	Gong	McClain
Barron	Cross	Griffin	Mathews
Barrow	de la Parte	Gunter	Ott
Boyd	Fincher	Haverfield	Stolzenburg
Broxson	Friday	Hollahan	Weissenborn

Senator Shevin offered the following amendment which failed:

In Section 1, line 40, page 2, following "as a candidate;" insert the following: (L) that he was not a registered member of any other political party during the one hundred fifty (150) days immediately preceding the date of the execution of the oath or affirmation.

The vote was:

Yeas—21

Bafalis	Henderson	Sayler	Weber
Bell	Johnson	Shevin	Wilson
Clayton	Lane	Slade	Young
Deeb	Ott	Spencer	
Elrod	Plante	Stockton	
Friday	Reuter	Stolzenburg	

Nays—24

Mr. President	Cross	Gong	McClain
Askew	de la Parte	Gunter	Mathews
Barrow	Edwards	Haverfield	O'Grady
Boyd	Fincher	Hollahan	Poston
Broxson	Fisher	Horne	Thomas
Chiles	Gibson	Knopke	Weissenborn

Senator Mathews offered the following amendment which was adopted:

In the title after "of the oath or affirmation;" insert the following: providing a new subsection 3 of Section 99.021, allowing cross filing;

Senators Elrod and Young offered the following amendment which was moved by Senator Young and failed unanimously:

Strike: Everything after the enacting clause and insert the following:

Section 1. Subsection (1) of Section 99.021, Florida Statutes, is amended to read:

99.021 Non partisan elections.—

Candidates for nomination to any office will run and be elected in non partisan elections.

The motion by Senator Stockton that the rules be waived and SB 43 as amended be read the third time in full failed.

The vote was:

Yeas—26

Mr. President	de la Parte	Haverfield	Poston
Askew	Fincher	Hollahan	Stockton
Barrow	Fisher	Horne	Stone
Boyd	Friday	Knopke	Thomas
Broxson	Gibson	McClain	Weissenborn
Chiles	Gong	Mathews	
Cross	Griffin	Ott	

Nays—21

Bafalis	Gunter	Reuter	Weber
Bell	Henderson	Sayler	Wilson
Clayton	Johnson	Shevin	Young
Deeb	Lane	Slade	
Edwards	O'Grady	Spencer	
Elrod	Plante	Stolzenburg	

SB 43 was ordered engrossed.

SENATE BILLS ON SECOND READING

SB 392—A bill to be entitled An act relating to county commissioners; creating section 125.57, Florida Statutes, authorizing the board of county commissioners of any county in the state to publish the minutes of the board; providing for payment of costs of publication; providing an effective date.

Was taken up. On motion by Senator Gibson, the rules were waived and SB 392 was read the second time by title.

Senator Friday offered the following amendment which was adopted:

In Section 2, strike: all after "effect" and insert the following: on September 1, 1967.

On motion by Senator Gibson, the rules were waived and SB 392 as amended was read the third time in full and passed. The vote was:

Yeas—35

Mr. President	Elrod	Henderson	Ott
Askew	Fincher	Horne	Plante
Bafalis	Friday	Johnson	Poston
Broxson	Gibson	Knopke	Reuter
Chiles	Gong	Lane	Sayler
Cross	Griffin	Mathews	Shevin
Deeb	Gunter	O'Grady	Slade

Spencer	Stone	Weber	Young
Stockton	Thomas	Weissenborn	

Nays—10

Barron	Boyd	Fisher	Stolzenburg
Barrow	Clayton	McClain	Wilson
Bell	Edwards		

The bill was ordered engrossed.

CO-INTRODUCERS

By permission, Senator Hollahan was recorded as a co-introducer of SB 685.

By permission, Senator Deeb was recorded as a co-introducer of SJR 364 and SB 365.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 1:01 p.m. to reconvene at 11:00 a.m., May 3, 1967.