

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Tuesday, July 25, 1967

The Senate was called to order by the President at 10:00 a. m. The following Senators were recorded present:

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

47. A quorum present.

Excused: Senator Hollahan.

Prayer by Senator T. Truett Ott of the Twenty-fifth Senatorial District:

God, our Father, give to us, thy children, the objectivity of vision to see and understand that it is thou who hast made us and not we ourselves; that the world is thine and all the fullness thereof; that there is no purpose and direction to life here, now or in the hereafter except thine own and that we are but aimless wanderers across a trackless waste unless we lose ourselves in thee. To thee and thee alone be all the honor and glory, forever. Amen.

The reading of the Journal was dispensed with.

The Journal of July 24 was corrected and approved.

On motion by Senator Young that a committee be appointed to escort Major Audie Murphy, a much decorated war hero, to the rostrum, the President appointed Senators Young, Sayler and Gunter.

The committee escorted Major Murphy to the rostrum where he received a standing ovation and at the request of the President addressed the Senate briefly.

INTRODUCTION

By Senator Wilson—

SB 4-XX(67)—A bill to be entitled An act relating to junior colleges; providing a supplemental appropriation to finance the junior college minimum foundation program for the 1967-69 biennium; providing an effective date.

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

A motion by Senator Wilson that SB 4-XX(67) be withdrawn from the Committee and placed on the Calendar failed. The vote was:

Yeas—22

| | | | |
|---------|-----------|----------|-------------|
| Bafalis | Elrod | O'Grady | Stolzenburg |
| Barron | Fisher | Plante | Weber |
| Bell | Henderson | Reuter | Wilson |
| Broxson | Johnson | Sayler | Young |
| Clayton | Lane | Slade | |
| Deeb | McClain | Stockton | |

Nays—24

| | | | |
|---------------|-------------|------------|-------------|
| Mr. President | de la Parte | Gunter | Poston |
| Askew | Edwards | Haverfield | Shevin |
| Barrow | Friday | Horne | Spencer |
| Boyd | Gibson | Knopke | Stone |
| Chiles | Gong | Mathews | Thomas |
| Cross | Griffin | Ott | Weissenborn |

By the required Constitutional two-thirds vote of the Senate the following bills were admitted for introduction and consideration:

By Senators Gibson, Broxson, Gunter, Fisher and Deeb—

SB 5-XX(67)—A bill to be entitled An act relating to a joint committee to investigate and study penal and correctional institutions, creation and establishment; providing for six (6) members and the method of appointment thereof; providing for the duties and responsibilities of the committee; granting power of subpoena; providing for cooperation by departments of the government; providing for organization and expenses of the committee; and providing an effective date.

The vote was:

Yeas—33

| | | | |
|-------------|------------|---------|----------|
| Askew | Fincher | Knopke | Spencer |
| Bafalis | Fisher | McClain | Stockton |
| Bell | Gibson | Mathews | Stone |
| Boyd | Gong | Plante | Thomas |
| Broxson | Griffin | Poston | Wilson |
| Chiles | Gunter | Reuter | Young |
| Deeb | Haverfield | Sayler | |
| de la Parte | Henderson | Shevin | |
| Edwards | Horne | Slade | |

Nays—14

| | | | |
|---------------|---------|-------------|-------------|
| Mr. President | Cross | Lane | Weber |
| Barron | Elrod | O'Grady | Weissenborn |
| Barrow | Friday | Ott | |
| Clayton | Johnson | Stolzenburg | |

SB 5-XX(67) was read the first time by title and referred to the Committees on Rules and Calendar; and Appropriations.

By Senator Reuter—

SB 6-XX(67)—A bill to be entitled An act relating to the state road department, bridge designation; providing that the bridge constructed across the Indian river at the city of Cocoa be named the "Hubert Humphrey Bridge"; providing an effective date.

Was read the first time by title. On motion by Senator Reuter, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Reuter to take up SB 6-XX(67) out of order.

On motions by Senator Reuter, the rules were waived and SB 6-XX(67) 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 | Horne | Shevin |
| Askew | Edwards | Johnson | Slade |
| Bafalis | Elrod | Knopke | Spencer |
| Barron | Fincher | Lane | Stockton |
| Barrow | Fisher | McClain | Stolzenburg |
| Bell | Friday | Mathews | Stone |
| Boyd | Gibson | O'Grady | Thomas |
| Broxson | Gong | Ott | Weber |
| Chiles | Griffin | Plante | Weissenborn |
| Clayton | Gunter | Poston | Wilson |
| Cross | Haverfield | Reuter | Young |
| Deeb | Henderson | Sayler | |

The bill was certified to the House.

By Senators Sayler, Shevin, Thomas and Bafalis—

SB 7-XX(67)—A bill to be entitled An act setting annual salaries of the governor, members of the state cabinet, justices of the supreme court, judges of district courts of appeal, circuit

court judges, state attorneys and commissioners of the public service commission for the 1967-1969 biennium; providing an effective date.

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

By Senator de la Parte—

SCR 8-XX(67)—A concurrent resolution advising the State Planning and Budget Commission and the Board of Commissioners of State Institutions of the intent of the 1967 Legislature that the remaining thirteen (13) wooden road prisons be phased out of operation or replaced with masonry structures as soon as practical and that the entire road prison operation be eventually converted to minimum security facilities.

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

By Senator de la Parte—

SB 9-XX(67)—A bill to be entitled An act relating to the division of corrections; authorizing seventy-two (72) new positions and making an appropriation to permit the closing of six (6) wooden road prisons, the activation of new dormitories, and the implementation of a work-release program; providing an effective date.

Was read the first time by title and referred to the Committees on Rules and Calendar; and Appropriations.

MESSAGES FROM THE 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*

July 24, 1967

Dear Sir:

Pursuant to Article IV, Section 15, of the Constitution of the State of Florida, I have the honor to transmit, for the consideration of your Honorable Body, an Executive Order of Suspension in the case of Colly V. Williams, Superintendent of Public Instruction of Washington County, Florida.

I hereby recommend the removal of the above named official.

Respectfully,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senators Barron, Barrow and Horne.

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

July 24, 1967

Dear Sir:

Pursuant to Article IV, Section 15, of the Constitution of the State of Florida, I have the honor to transmit, for the consideration of your Honorable Body, an Executive Order of Suspension in the case of J. M. Sample, County Judge of St. Lucie County, Florida.

I hereby recommend the removal of the above named official.

Respectfully,
CLAUDE R. KIRK, JR.
Governor

Pursuant to Senate Rule 15.2, the President announced the appointment of the following Select Committee: Senator Johnson, Chairman; Senators Reuter, Horne and Thomas.

VETOED BILL OF THE 1967 REGULAR SESSION

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

July 25, 1967

Dear Sir:

Pursuant to the authority vested in me as Governor of Flor-

ida under the provisions of Article III, Section 28, of the Constitution of this State, I hereby transmit to you with my objections Committee Substitute for Senate Bill No. 30, enacted by the Legislature of 1967, and entitled:

"An act relating to law enforcement; creating the Florida commission of investigation; prescribing its functions, powers and duties; making an appropriation therefor; providing for the appointment of members thereof to be known as commissioners, and terms of office, duties and responsibilities and salaries; designating the scope and power of its investigations; providing for the taking of public or private testimony, the holding of hearings throughout the state, the granting of subpoena powers, both as to individuals and records; providing definitions; requiring the compelling of testimony; providing for the power to grant immunity to witnesses; requiring nondisclosure of testimony and providing for a misdemeanor and penalty in the event of improper disclosure; providing for the investigators of the commission to have the right to bear arms and arrest powers; providing for the creation of a staff to serve said commission; creating the Florida bureau of law enforcement; providing for transfer of powers, duties, appropriation and authority of the Florida sheriff's bureau to the Florida bureau of law enforcement; providing for its membership; establishing divisions of said bureau; providing for the powers and duties of the bureau and the said divisions; authorizing the bureau to perform investigations of violations of the criminal law on behalf of the attorney general and the narcotics bureau of the state board of health and transferring such power, authority, and duty to the bureau; providing for the transfer of all properties, supplies, equipment, personnel and appropriations of the narcotics bureau of the state board of health to the bureau; providing for an advisory committee; providing for uniform crime reports; providing for salaries and expenses; providing for an appropriation; repealing Sections 30.36 through 30.44, Florida Statutes inclusive; providing for severability; providing an effective date."

The bill is divided into two parts. Part I creates the Florida Commission of Investigation consisting of five members appointed by the Governor. Its primary function is to investigate organized crime and official misconduct. Part II creates the Florida Bureau of Law Enforcement consisting of the members of the cabinet whose primary function it is to enforce violation of the criminal laws of the state.

While Part I and the bill as a whole, in principle, has much merit, I am of the opinion that Part II is constitutionally objectionable and contrary to Article IV, of the Florida Constitution inasmuch as it diffuses the powers and duties of the Office of Governor. Section 1 of Article IV provides that the, "Supreme executive power of the state shall be vested in a chief magistrate of the state which shall be known as the Governor." Among the specific responsibilities which the framers of the Constitution and the people of the State of Florida imposed upon the Governor is the duty that, "The Governor shall take care that the laws be faithfully executed." The effect of Part II of Committee Substitute for Senate Bill 30 would be to divest the Governor, by statute, of a part of his constitutional duties and responsibilities. Had this been the intention of the framers of Sections 1 and 6 of Article IV, no doubt it would have been specifically enumerated therein.

I am not aware of any other constitutional provision, except as it relates to the specific duties of the other cabinet officials, that would alter the constitutional mandate the people have placed in the office of chief executive of the state. While it is not my intention to infer that the administrative officials assisting the Governor would do anything less than enforce the law, it is my firm belief that it was the intention of the framers of the Constitution that this duty and responsibility be executed by the Governor. An examination of the provisions of constitutions of other states supports this conclusion.

My veto of this bill is consistent with the recommendations of my experts on modernizing the state governmental structure. Most governmental authorities recognize that it is important that the, "Governor should be the chief executive in fact as well as in name." The continued dilution of gubernatorial powers, duties and responsibilities by transferring them to independent boards, bureaus or commissions consisting of independently elected officials represents a step backwards from responsible government.

It is indeed unfortunate that the Legislature felt compelled to combine an effective tool to fight crime as contained in

Part I, with a constitutionally deficient mechanism such as is set forth in Part II. I fervently believe that it would not be in the best interest of the citizens of Florida to permit the implementation of a crime fighting vehicle under a cloud of uncertainty created by legislation which is both unreasoned and constitutionally objectionable.

For these reasons, I am necessarily withholding my approval from the Committee Substitute to Senate Bill No. 30, 1967 Session of the Legislature, and do hereby veto the same.

Respectfully,
CLAUDE R. KIRK, JR.
 Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

CS for SB 30 (1967 Regular Session) failed to pass. The vote was:

Yeas—27

| | | | |
|---------------|-------------|------------|-------------|
| Mr. President | Chiles | Gunter | Poston |
| Askew | Cross | Haverfield | Shevin |
| Barron | de la Parte | Horne | Spencer |
| Barrow | Fincher | Knopke | Stone |
| Bell | Friday | Mathews | Thomas |
| Boyd | Gibson | O'Grady | Weissenborn |
| Broxson | Gong | Ott | |

Nays—19

| | | | |
|---------|-----------|----------|-------------|
| Bafalis | Griffin | Plante | Stolzenburg |
| Deeb | Henderson | Reuter | Weber |
| Edwards | Johnson | Sayler | Wilson |
| Elrod | Lane | Slade | Young |
| Fisher | McClain | Stockton | |

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Hollahan on veto of CS for SB 30. If he were present he would vote "Yea" and I would vote "Nay."

RALPH R. CLAYTON
 Senator, 14th District

Dated July 25, 1967

EXPLANATION OF VOTE

I voted no because I feel that this bill gives the Governor entirely too much power.

L. K. EDWARDS, JR.
 Senator, 13th District

The President Pro Tempore presiding.

The following Proclamation was read:

PROCLAMATION
 State of Florida
 Executive Department
 Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, an Executive Proclamation was issued convening the Florida Legislature in Special Session on July 24, 1967, for the sole and exclusive purpose of adopting appropriations to properly fund the junior college program, and

WHEREAS, it is equally imperative that the Legislature fulfill its responsibility by enacting legislation that will provide an effective, statewide crime-fighting vehicle, and

WHEREAS, it is my belief that it is in the best interest of the citizens of Florida that this Special Session be extended to accomplish this important purpose;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 8 and Article III, Section 2 of the Constitution of the State of Florida, do hereby amend

the Executive Proclamation of July 24, 1967, convening the Legislature of the State of Florida in Special Session for the purpose of adopting an appropriation to properly fund the junior college program and do hereby convene and extend the Special Session of the Florida Legislature for an additional period ending at 5 p.m., Friday, July 28, 1967, for the purpose of adopting effective crime-fighting legislation.

This call is for the sole and exclusive purpose of completing the adoption of an appropriation to properly fund the junior college program and to adopt crime-fighting legislation, and shall be limited to such purposes only.



IN WITNESS WHEREOF, I have hereunto set my hand and causes the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 25 day of July, A. D. 1967.

CLAUDE R. KIRK, JR.
 Governor

ATTEST:
TOM ADAMS
 Secretary of State

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

July 24, 1967

The Honorable Verle A. Pope
 President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

SB 1-XX(67)

Respectfully,
ALLEN MORRIS
 Clerk, House of Representatives

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

July 24, 1967

The Honorable Verle A. Pope
 President of the Senate

Sir:

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

SB 2-XX(67)

Respectfully,
ALLEN MORRIS
 Clerk, House of Representatives

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

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 1:30 p. m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 1:30 p. m.

The following Senators were recorded present:

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

47. A quorum present.

By permission, the following report was received:

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

SB 1-XX (67) SB 2-XX (67)

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on July 25, 1967.

EDWIN G. FRASER
Secretary of the Senate

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read, and by the required Constitutional two-thirds vote of the Senate, the bills contained therein were admitted for introduction and consideration:

July 24, 1967

The Honorable Verle A. Pope
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

HCR 7-XX(67)—A concurrent resolution requesting the Governor of the State of Florida to return House Bill No. 3346 to the House of Representatives for the purpose of further consideration.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 7-XX(67), contained in the above message, was read the first time in full. On motion by Senator Edwards, the rules were waived and HCR 7-XX(67) was read the second time by title, adopted, and certified to the House.

July 24, 1967

The Honorable Verle A. Pope
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Elmore—

HB 10-XX(67)—A bill to be entitled An act authorizing the boards of public instruction of the several counties of Florida to acquire, construct, enlarge, improve, repair, remodel and equip and furnish schools and school facilities; authorizing the issuance of revenue bonds payable from motor vehicle license taxes allocated to such boards pursuant to the provisions of section 18, Article XII of the state constitution, and the state forest receipts received by such boards pursuant to the provisions of section 589.08, Florida Statutes, to pay the costs of such projects; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 10-XX(67), contained in the above message, was read the first time by title and referred to the Committee on Education-Public Schools and Junior Colleges.

On motion by Senator Boyd, by two-thirds vote, HB 10-XX (67) was withdrawn from the Committee and placed on the Calendar.

Unanimous consent was granted Senator Boyd to take up HB 10-XX(67) out of order.

On motions by Senator Boyd, the rules were waived and HB 10-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 24, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Gillespie—

HB 12-XX(67)—A bill to be entitled An act amending section 2 of House Bill 1668, laws of Florida special acts 1967, amending section 8 of chapter 27532, laws of Florida 1951 as amended, relating to the creation of city council, term of office, fixing compensation, and creating voting districts; and ratifying and readopting all other sections and provisions of the said House Bill 1668 not amended by this act.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 12-XX(67), contained in the above message, was read the first time by title. On motion by Senator Clayton, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Clayton to take up HB 12-XX(67) out of order.

On motions by Senator Clayton, the rules were waived and HB 12-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

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

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 24, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Blalock and others—

HB 14-XX(67)—A bill to be entitled An act amending subsection (2) of section 3 of chapter 61-1570, Laws of Florida, Acts of 1961 relating to the annual salary of each county judge in counties in the state of Florida having a population of more than four hundred thousand (400,000) inhabitants and not more than nine hundred thousand (900,000) inhabitants according to the latest official state-wide decennial census; providing for the repeal of all laws inconsistent with this act; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 14-XX(67), contained in the above message, was read the first time by title. On motion by Senator Mathews, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Mathews to take up HB 14-XX(67) out of order.

On motions by Senator Mathews, the rules were waived and HB 14-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was:

Yeas—45

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

Nays—2

O'Grady Stockton

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 24, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended—

By Representative Walker and others—

HB 8-XX(67)—A bill to be entitled An act relating to small claims courts: establishing such a court in each county of the state have a population of not less than 15,700 nor more than 16,400 inhabitants according to the official federal census of 1960; prescribing the jurisdiction of the court; providing for a judge and the judge's qualifications, appointment, election, compensation and duties of successor judges of said court; prescribing the amount and providing for disposition of filing fees; providing for the payment of office expenses and salaries within limits of judge and clerk of court from county general fund; providing for pleading and practice in said court; providing for severability; providing an 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 8-XX(67).

HB 8-XX(67), contained in the above message, was read the first time by title. On motion by Senator Stolzenburg, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Stolzenburg to take up HB 8-XX(67) out of order.

On motions by Senator Stolzenburg, the rules were waived and HB 8-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—47 Nays—None

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|---------------|-------------|---------|------------|
| Mr. President | Broxson | Elrod | Gunter |
| Askew | Chiles | Fincher | Haverfield |
| Bafalis | Clayton | Fisher | Henderson |
| Barron | Cross | Friday | Horne |
| Barrow | Deeb | Gibson | Johnson |
| Bell | de la Parte | Gong | Knopke |
| Boyd | Edwards | Griffin | Lane |

| | | | |
|---------|--------|-------------|-------------|
| McClain | Poston | Spencer | Weber |
| Mathews | Reuter | Stockton | Weissenborn |
| O'Grady | Sayler | Stolzenburg | Wilson |
| Ott | Shevin | Stone | Young |
| Plante | Slade | Thomas | |

The bill was certified to the House.

The Honorable Verle A. Pope
President of the Senate

July 24, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed—

By Representative Mann—

HB 9-XX(67)—A bill to be entitled An act relating to county boards of public instruction in all counties of the state having a population of three hundred fifty thousand (350,000) or more according to the latest official decennial census; providing for seven (7) members in each such county; providing for members at large; prescribing terms of office; providing for an election; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 9-XX(67), contained in the above message, was read the first time by title. On motion by Senator Ott, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Ott to take up HB 9-XX(67) out of order.

On motion by Senator Ott, the rules were waived and HB 9-XX(67) was read the second time by title.

Senator Young offered the following amendment which was adopted:

In Section 1, line 2, page 2, strike: "non-partisan"

On motion by Senator Ott, the rules were waived and HB 9-XX(67) as amended was read the third time in full and passed. The vote was: Yeas—47 Nays—None

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

On motion by Senator Mathews, the Senate reconsidered the vote by which HB 9-XX(67) as amended passed.

On motion by Senator Mathews, the Senate reconsidered the vote by which the amendment offered by Senator Young was adopted.

By permission, Senator Young withdrew the amendment.

By consent of the Senate, Senator Mathews offered the following amendment which was adopted by two-thirds vote:

In Section 1, strike: "three hundred fifty thousand (350,000)" and insert the following: three hundred eighty-five thousand (385,000)

By consent of the Senate, Senator Mathews also offered the following amendment which was adopted:

In the title strike: "three hundred fifty thousand (350,000)" and insert the following: three hundred eighty-five thousand (385,000)

On motion by Senator Mathews, HB 9-XX(67) as amended was read in full and passed. The vote was: Yeas—47 Nays—None

| | | | |
|---------------|---------|--------|---------|
| Mr. President | Bafalis | Barrow | Boyd |
| Askew | Barron | Bell | Broxson |

| | | | |
|-------------|------------|---------|-------------|
| Chiles | Gibson | McClain | Spencer |
| Clayton | Gong | Mathews | Stockton |
| Cross | Griffin | O'Grady | Stolzenburg |
| Deeb | Gunter | Ott | Stone |
| de la Parte | Haverfield | Plante | Thomas |
| Edwards | Henderson | Poston | Weber |
| Elrod | Horne | Reuter | Weissenborn |
| Fincher | Johnson | Sayler | Wilson |
| Fisher | Knopke | Shevin | Young |
| Friday | Lane | Slade | |

time in full and passed, title as stated. The vote was: Yeas—47
Nays—None

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

The bill as amended was certified to the House.

On motion by Senator Thomas, the rules were waived and the Senate reverted to the order of—

The bill was certified to the House.

By Senator Thomas—

INTRODUCTION

By Senator Shevin—

SB 10-XX(67)—A bill to be entitled An act relating to law enforcement; creating the Florida commission of investigation; prescribing its functions, powers and duties; providing for an appropriation therefor; providing for the appointment of members thereof to be known as commissioners, and terms of office, duties, and responsibilities and salaries; designating the scope and power of its investigations; providing for the taking of public or private testimony, the holding of hearings throughout the state, the granting of subpoena powers, both as to individuals and records; providing definitions; requiring the compelling of testimony; providing for the power to grant immunity to witnesses; requiring non-disclosure of testimony and providing for a misdemeanor and penalty in the event of improper disclosure; providing for the investigators of the commission to have the right to bear arms and arrest powers; providing for the creation of a staff to serve said commission; providing for severability; providing an effective date; creating the Florida bureau of law enforcement; providing for transfer of powers, duties, appropriation and authority of the Florida sheriff's bureau to the Florida bureau of law enforcement; providing for its membership; establishing divisions of said bureau; providing for the powers and duties of the bureau and the said divisions; providing for the employment of an executive director of the bureau, his duties and responsibilities; providing that any action taken by the bureau must be by majority vote of whom the governor shall be one; authorizing and directing the bureau to perform investigations of violations of the criminal law heretofore performed by the attorney general and the narcotics bureau of the state board of health and transferring such power, authority, and duty to the bureau; providing for the transfer of all properties, supplies, equipment, personnel and appropriations of the narcotics bureau of the state board of health to the bureau; providing for an advisory committee; providing for uniform crime reports; providing for salaries and expenses; providing for an appropriation; repealing sections 30.36 through 30.44, Florida Statutes inclusive; providing for severability; providing an effective date.

SB 12-XX(67)—A bill to be entitled An act relating to porpoises; amending section 370.12, Florida Statutes, by adding a new subsection providing it shall be unlawful to catch, attempt to catch, molest, injure, kill, annoy or otherwise interfere with normal activity or well being of porpoises; authorizing the conservation director to issue permits for actions relating to porpoises; providing a penalty; providing an effective date.

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

On motion by Senator Thomas, by two-thirds vote, SB 12-XX(67) was withdrawn from the Committee and placed on the Calendar.

Unanimous consent was granted Senator Thomas to take up SB 12-XX(67) out of order.

On motions by Senator Thomas, the rules were waived and SB 12-XX(67) 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 | Horne | Shevin |
| Askew | Edwards | Johnson | Slade |
| Bafalis | Elrod | Knopke | Spencer |
| Barron | Fincher | Lane | Stockton |
| Barrow | Fisher | McClain | Stolzenburg |
| Bell | Friday | Mathews | Stone |
| Boyd | Gibson | O'Grady | Thomas |
| Broxson | Gong | Ott | Weber |
| Chiles | Griffin | Plante | Weissenborn |
| Clayton | Gunter | Poston | Wilson |
| Cross | Haverfield | Reuter | Young |
| Deeb | Henderson | Sayler | |

The bill was certified to the House.

MESSAGE FROM THE GOVERNOR

The following message was read:

Was read the first time by title and referred to the Committees on Judiciary "B"; Anti-Crime; and Appropriations.

By the required Constitutional two-thirds vote of the Senate the following bills were admitted for introduction and consideration:

By Senator Thomas—

SB 11-XX(67)—A bill to be entitled An act creating the Lake Okeechobee fish and wildlife advisory council to the game and fresh water fish commission; providing for appointment of its members by boards of county commissioners of Okeechobee, Martin, Palm Beach, Hendry and Glades counties; providing for payment of expenses of council members from county funds; prescribing its duties; providing an effective date.

Was read the first time by title. On motion by Senator Thomas, the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Thomas to take up SB 11-XX(67) out of order.

On motions by Senator Thomas, the rules were waived and SB 11-XX(67) was read the second time by title, the third

VETOED BILL OF THE 1967 EXTRAORDINARY SESSION

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

July 25, 1967

Dear Sir:

Pursuant to the authority vested in me as Governor of Florida under the provisions of Article III, Section 28, of the Constitution of the state, I hereby transmit to you, with my objections, Senate Bill No. 2xx-67, enacted by the 1967 Special Session of the Legislature and entitled:

"An act relating to junior colleges; providing a supplemental appropriation to finance the junior college minimum foundation program for the 1967-69 biennium; providing an effective date."

As you are aware, on July 14, 1967, I transmitted to you with my objections, House Bill No. 3113 enacted by the Legislature of 1967. It was then pointed out that House Bill No. 3113 which appropriated \$21,300,000 for the 1967-69 biennium would have the effect of increasing total general revenue appropriations to the point that it would create a severe hard-

ship on other governmental functions, including other educational activities.

It was further suggested and recommended that a smaller general revenue appropriation supplemented by an increase in student fees could accomplish the same objective without the attendant financial hardships. Yet, notwithstanding the importance of endeavoring to operate all governmental functions within the total funds available, the Legislature enacted Senate Bill No. 2xx-67, Special Session of the Legislature, 1967, which appropriates the identical amount of \$21,300,000 for the 1967-69 biennium.

It is important to point out that the estimated funds presently available for the 1967-69 biennium are \$1,338,200,000 and that appropriations bills which have already become law provide for the spending of \$1,386,100,000 during the biennium creating an actual deficit of \$47,900,000. If this bill becomes law it would have the effect of drastically increasing this deficit \$69,200,000 which certainly does not reflect a sound fiscal approach to the operation of government. With the existing deficit now facing the state for the 1967-69 biennium, it is incumbent upon the Legislature to curb any further enlargement of the deficit figure.

The purpose in calling this special session was for the adoption of an appropriation bill to properly fund the junior college program consistent with fiscal soundness. Senate Bill No. 2xx-67 does not achieve this goal. However, this purpose can best and fairly be accomplished by the adoption of a bill providing for a smaller general revenue appropriation supplemented by an increase in student fees. The objectives of this bill would thereby be achieved without creating the severe hardships on other governmental functions.

For these reasons, I am necessarily withholding my approval from Senate Bill 2xx-67, 1967 Special Session of the Legislature, and do hereby veto the same.

Respectfully,
CLAUDE R. KIRK, JR.
 Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

SB 2-XX(67) (1967 Extraordinary Session) failed to pass. The vote was:

Yeas—28

| | | | |
|---------------|-------------|------------|-------------|
| Mr. President | Cross | Griffin | Ott |
| Askew | de la Parte | Gunter | Poston |
| Barron | Edwards | Haverfield | Shevin |
| Barrow | Fincher | Horne | Spencer |
| Boyd | Friday | Knopke | Stone |
| Broxson | Gibson | McClain | Thomas |
| Chiles | Gong | Mathews | Weissenborn |

Nays—18

| | | | |
|---------|-----------|-------------|--------|
| Bafalis | Henderson | Reuter | Weber |
| Bell | Johnson | Saylor | Wilson |
| Deeb | Lane | Slade | Young |
| Elrod | O'Grady | Stockton | |
| Fisher | Plante | Stolzenburg | |

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Hollahan on SB 2-XX(67). If he were present he would vote "Yea" and I would vote "Nay."

RALPH R. CLAYTON
 Senator, 14th District

Dated July 25, 1967

On motion by Senator Mathews, the Senate adjourned at 2:12 p.m. to reconvene at 10:00 a.m., July 26, 1967.