

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Thursday, July 27, 1967

The Senate was called to order by the President Pro Tempore at 10:00 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	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

48. A quorum present.

Excused: Senator Elrod for the afternoon session.

Prayer by Senator Robert L. Shevin of the 43rd Senatorial District:

O heavenly father, teach us to serve thee as thou deservest; to give and not to count the cost; to toil and not to seek for rest. We thank thee that we meet here today as free Americans under the jurisdiction of one God. We ask that thou would give us thy counsel, thy guidance and thy wisdom, so that we may seek out and find the truth; we ask that you give us the courage to stand up for the truth. Guide us and lead us this day and all the days to come. Amen.

The reading of the Journal was dispensed with.

The Journal of July 26 was corrected and approved as follows:

Page 15, column 1, between lines 28 and 29 insert the following: The bill was certified to the House.

Page 18, column 2, strike lines 29 and 30 and insert the following: and transferring such power, authority, and duty to the bureau; providing for the transfer of all properties, supplies,

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following pass:

SB 9-XX(67)

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

The Committee on Rules and Calendar recommends a Committee Substitute for the following:

SB 5-XX(67)

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

The Committee on Anti-Crime recommends the following pass:

SCR 20-XX(67) with 1 amendment

The Concurrent Resolution was placed on the Calendar of the Committee on Rules and Calendar.

The Committee on Anti-Crime recommends the following pass:

SB 22-XX(67) with 5 amendments SB 21-XX(67)

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

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate, Senate Bills 25-XX(67) and 26-XX(67) were admitted for introduction and consideration:

By Senator Cross—

SB 25-XX(67)—A bill to be entitled An act relating to compensation of certain county officials in all counties in the state having a population of not less than seventy thousand (70,000) and not more than seventy-four thousand two hundred (74,200), according to the latest official decennial census, amending: Section 1 of Chapter 65-1186, Laws of Florida, 1965; Section 1 of Chapter 65-1185, Laws of Florida, 1965; Section 1 of Chapter 65-1190, Laws of Florida, 1965; Section 1 of Chapter 65-1192, Laws of Florida, 1965; Section 1 of Chapter 63-612, Laws of Florida, 1959, as amended by Chapter 65-709, Laws of Florida, 1965; Section 1 of Chapter 65-1191, Laws of Florida, 1965; Section 4 of Chapter 59-555, Laws of Florida, 1959, as amended by Chapter 65-709, Laws of Florida, 1965, and providing compensation for Supervisor of Elections; repealing Chapter 67-897, Laws of Florida.

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

Unanimous consent was granted Senator Cross to take up SB 25-XX(67) out of order.

On motions by Senator Cross, the rules were waived and SB 25-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 Nays—None

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	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

The bill was certified to the House.

By Senator McClain—

SB 26-XX(67)—A bill to be entitled An act relating to jury lists; amending chapter 40, Florida Statutes, by adding section 40.101 authorizing the use of mailed questionnaires; providing an effective date.

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

On motion by Senator Horne, by two-thirds vote, SB 26-XX(67) was withdrawn from the Committee on Judiciary "B" and placed on the Calendar.

Unanimous consent was granted Senator McClain to take up SB 26-XX(67) out of order.

On motions by Senator McClain, the rules were waived and SB 26-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 Nays—None

Mr. President	Barrow	Chiles	de la Parte
Askew	Bell	Clayton	Edwards
Bafalis	Boyd	Cross	Elrod
Barron	Broxson	Deeb	Fincher

Fisher	Hollahan	Ott	Stockton
Friday	Horne	Plante	Stolzenburg
Gibson	Johnson	Poston	Stone
Gong	Knopke	Reuter	Thomas
Griffin	Lane	Sayler	Weber
Gunter	McClain	Shevin	Weissenborn
Haverfield	Mathews	Slade	Wilson
Henderson	O'Grady	Spencer	Young

Nays—16

Barron	Clayton	Fisher	Horne
Barrow	Cross	Friday	McClain
Boyd	Edwards	Griffin	O'Grady
Broxson	Elrod	Henderson	Plante

PAIR

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

I am paired with Senator Gibson on the motion by Senator Haverfield to withdraw SB 28-XX(67) from the Committee on Education-Public Schools and Junior Colleges. If he were present he would vote "Nay" and I would vote "Yea".

WILLIAM T. STOCKTON
Senator, 11th District

Dated July 27, 1967

By Senator Young—

SB 29-XX(67)—A bill to be entitled An act relating to affrays and riots; amending section 870.01, Florida Statutes, to provide for punishment of persons guilty of affray and riots; providing an effective date.

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

By Senators Young and Askew—

SB 30-XX(67)—A bill to be entitled An act relating to threats against the governor, governor-elect, and successors; providing a penalty; definitions of terms; providing an effective date.

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

MESSAGE FROM THE GOVERNOR

By direction of the Presiding Officer, the Secretary of the Senate read the following communication from Honorable Claude R. Kirk, Jr., Governor of Florida:

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

July 27, 1967

Dear Sir:

It is my pleasure to inform the Senate of the following appointment and respectfully request confirmation thereof:

Jack A. Page, Judge of the Juvenile Court, Pinellas County, for a term ending the first Tuesday after the first Monday in January, 1969.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

The Secretary announced that pursuant to Senate Rule 15.2, the President had appointed the following Select Committee: Senators Young, Deeb, Wilson and Sayler.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope
President of the Senate

July 27, 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—

SB 25-XX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

The bill was certified to the House.

By Senators Hollahan and Ott—

SB 27-XX(67)—A bill to be entitled An act relating to affrays; riots; routs; unlawful assembly, magistrate to disperse riotous assembly; amending section 870.04, Florida Statutes to include any officer or agent of the game and freshwater fish commission, conservation board, or beverage department as magistrates who shall disperse riotous assemblies; providing an effective date.

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

Senator Haverfield requested the required Constitutional two-thirds vote of the Senate to admit for introduction and consideration, a proposed bill numbered SB 28-XX(67).

The Presiding Officer referred the bill to a Committee composed of Senators O'Grady, Barrow, Horne and Chiles to determine if it were within the purview of the Governor's call of the Extraordinary Session.

Senator Horne subsequently reported that it was the decision of the Committee that the bill was within the purview of the Governor's call.

The Presiding Officer so ruled and the following bill was admitted for introduction:

By Senators Haverfield, Poston, Hollahan, Stone, Mathews and Shevin—

SB 28-XX(67)—A bill to be entitled An Act relating to distribution of race track funds; amending section 550.13, Florida Statutes; providing a ceiling and maximum amount on the moneys received by the state racing commission available for distribution to the several counties of the state; providing an appropriation for the payment of the surplus of such moneys, after distribution, to the general revenue fund for use by junior colleges; numbering existing paragraphs; amending section 550.14, Florida Statutes, by adding new subsection (3); prohibiting such funds being pledged or used as security for any new or existing indebtedness; repealing any statute authorizing such use of funds; prohibiting issuance of any bonds based on pledge or security of such funds after September 1, 1967; providing an effective date.

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

Senator Haverfield moved that the rules be waived and SB 28-XX(67) be withdrawn from the Committees on Education-Public Schools and Junior Colleges; and Appropriations and placed on the Calendar.

The Presiding Officer ruled the motion out of order.

On motion by Senator Haverfield, by two-thirds vote, SB 28-XX(67) was withdrawn from the Committee on Appropriations.

A motion by Senator Haverfield that the rules be waived and SB 28-XX(67) be withdrawn from the Committee on Education-Public Schools and Junior Colleges failed.

The vote was:

Yeas—27

Askew	Gunter	Ott	Stolzenburg
Bafalis	Haverfield	Poston	Stone
Bell	Hollahan	Reuter	Thomas
Deeb	Johnson	Sayler	Weissenborn
de la Parte	Knopke	Shevin	Wilson
Fincher	Lane	Slade	Young
Gong	Mathews	Spencer	

The Honorable Verle A. Pope
President of the Senate

July 27, 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 adopted—

SCR 14-XX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The concurrent resolution, contained in the above message, was ordered enrolled.

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

The Honorable Verle A. Pope
President of the Senate

July 26, 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 Eddy—

HB 40-XX(67)—A bill to be entitled An act relating to the acquisition, construction, erection, building, enlarging and improving of school buildings, and the furnishing and equipping of school buildings of any county in the state having a population of not less than 230,000 and not more than 350,000, according to the last decennial census, and the acquisition of school equipment; authorizing the issuance of certificates of indebtedness by the board of public instruction of any county in the state having a population of not less than 230,000 and not more than 350,000, according to the last decennial census, payable from funds allocated for current expenses pursuant to section 236.07(5), Florida Statutes, or from receipts accruing annually to the board of public instruction pursuant to section 236.075, Florida Statutes, to pay the cost of such projects; and providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 40-XX(67), contained in the above message, was read the first time by title. On motion by Senator Young, the rules were waived and the bill was placed on the Local Calendar.

The Honorable Verle A. Pope
President of the Senate

July 27, 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 Stevens and others—

HB 44-XX(67)—A bill to be entitled An act relating to Dade City government providing an additional method and procedure for annexing contiguous areas to said City and for the extension of the city limits of said City, and providing for an effective date.

Proof of Publication attached.

By Representative Stevens and others—

HB 45-XX(67)—A bill to be entitled An act relating to Dade City government amending Section 39 of Chapter 14, 591, Laws of Florida, Special Acts of 1929, as amended by Chapter 30678, Laws of Florida, Special Acts of 1955, relating to the powers and duties of the City Manager of Dade City, Florida, and providing that purchases for the said City may be made by the City Manager without competitive bids so long as such purchases do not exceed \$1,000.00 thereby increasing such limitation from \$300.00 to \$1,000.00; and, 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 44-XX(67).

HB 44-XX(67), contained in the above message, was read the first time by title. On motion by Senator Young, the rules were waived and the bill was placed on the Local Calendar.

Evidence of notice and publication was established by the Senate as to HB 45-XX(67).

HB 45-XX(67), contained in the above message, was read the first time by title. On motion by Senator Deeb, the rules were waived and the bill was placed on the Local Calendar.

The Honorable Verle A. Pope
President of the Senate

July 27, 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 Hodes—

HB 47-XX(67)—A bill to be entitled An act designating and naming a portion of interstate 75, extending from Ocala to Tampa, as the "Francis L. Dade Memorial Highway"; providing for suitable plaques to be erected thereon by the state road department; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 47-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 47-XX(67) out of order.

On motions by Senator Ott, the rules were waived and HB 47-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was: Yeas—48 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	Stone
Broxson	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young

The bill was certified to the House.

On motion by Senator Mathews, the Senate recessed at 10:41 a.m.

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

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

Weber Weissenborn Wilson Young

48. A quorum present.

On motion by Senator Askew, by two-thirds vote, Senate Bills 21-XX(67) and 22-XX(67) were withdrawn from the Committee on Appropriations and placed on the Calendar of the Committee on Rules and Calendar.

UNFINISHED BUSINESS

CS for SB 7-XX(67)—A bill to be entitled An act amending senate bill number 900, chapter 67-300, by amending certain items therein, including the annual salaries of the governor, members of the state cabinet, justices of the supreme court, judges of the district courts of appeal, state attorneys, commissioners of the public service commission and non-elected agency heads and appropriations for the war on crime and the Florida development commission for the 1967-69 biennium; providing an effective date.

Was taken up pending roll call and passed. The vote was:

Yeas—39

Mr. President	Deeb	Haverfield	Poston
Askew	de la Parte	Henderson	Shevin
Bafalis	Edwards	Hollahan	Spencer
Barron	Elrod	Johnson	Stockton
Barrow	Fincher	Knopke	Stone
Bell	Fisher	Lane	Thomas
Boyd	Gibson	McClain	Weber
Broxson	Gong	Mathews	Weissenborn
Chiles	Griffin	Ott	Young
Cross	Gunter	Plante	

Nays—5

Reuter	Slade	Stolzenburg	Wilson
Sayler			

CS for SB 7-XX(67) was certified to the House.

EXPLANATION OF VOTE

While I feel deeply against this bill because of previously having voted for SB 900; because of economic and other reasons I feel obligated to vote for the bill.

WILLIAM D. BARROW
Senator, 3rd District

SECOND READING

SB 22-XX(67)—A bill to be entitled An act relating to law enforcement; amending sections 30.36-30.41, Florida Statutes, renaming and reconstituting the Florida sheriffs' bureau as the Florida intelligence bureau; providing for its membership; defining its powers, duties and responsibilities; 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 severability; providing an appropriation; providing an effective date.

Was taken up. On motion by Senator Shevin, the rules were waived and SB 22-XX(67) was read the second time by title.

The Committee on Anti-Crime offered the following amendment which was adopted on motion by Senator Shevin:

In line 19, page 2, strike the word "term" and insert the following: terms

The Committee on Anti-Crime also offered the following amendment which was adopted on motion by Senator Shevin:

In line 1, page 3, strike the word "copy" and insert the following: cope

The Committee on Anti-Crime also offered the following amendment which was adopted on motion by Senator Shevin:

In line 12, page 4, strike the word "serve" and insert the following: apply for, serve and execute

The Committee on Anti-Crime also offered the following

amendment which was adopted on motion by Senator Shevin:

In line 15, page 4, following the word "larceny" strike the words "and auto theft" and insert the following: ; auto theft, rioting, inciting to riot and insurrection or conspiracy to perform any of the foregoing acts.

The Committee on Anti-Crime also offered the following amendment which was moved by Senator Shevin:

In Section 2, line 19, page 4, following "racketeering, and the" and preceding "misconduct" insert the following: "criminal"

Senator Young presiding.

A motion by Senator Broxson that the foregoing amendment be temporarily deferred failed.

Senator Broxson offered the following substitute amendment which was adopted:

In Section 30.39, line 19, page 4, after "racketeering, and" insert the following: when specifically directed by the governor in writing

Senator Shevin offered the following amendment which was adopted:

In Section 1, line 26, page 1, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In Section 1, line 29, page 1, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In Section 2, line 4, page 2, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In Section 2, lines 5 and 6, page 2, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In Section 2, line 3, page 4, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In line 6, page 1, strike: "Florida intelligence bureau" and insert the following: Florida bureau of law enforcement

Senator Shevin also offered the following amendment which was adopted:

In Section 2, line 14, page 9, after the word "prosecution" strike the word "for" and insert the following: of

Senator Shevin also offered the following amendment which was adopted:

In Section 2, line 15, page 4, after the word "larceny" insert the following: , narcotic violations

Senator Shevin also offered the following amendment which was adopted:

In Section 2, line 19, page 4, after the words "vice and racketeering" insert the following: , including but not limited to violations of the laws of Florida relating to gambling, lotteries, bookmaking, prostitution, alcoholic liquor violations, moonshining, extortion or usury;

Senators Poston and Stone offered the following amendment which was adopted on motion by Senator Poston:

In Section 2, line 12, page 2, after the word "Senate" add

the following: no (2) two appointed members of the Bureau shall reside in the same congressional district,

Senators Poston and Stone also offered the following amendment which was moved by Senator Poston and failed:

In Section 2, line 27, page 2, following the words "as provided in this section", add the following: each Florida Sheriff or Police Chief so nominated must have a minimum of (10) ten years service in law enforcement, (5) five years of which must be as a Sheriff or Police Chief in the State of Florida.

Senators Poston and Stone also offered the following amendment which was moved by Senator Poston and failed:

In Section 2, line 16, page 3, add the following: who shall have not less than (10) ten years experience in law enforcement, (5) five years of which must have been as Sheriff, Chief of Police, or Administrator in the State of Florida.

A motion by Senator Sayler that the rules be waived and the time of adjournment be extended until 12:30 p.m. failed.

Senators Poston and Stone also offered the following amendment which was adopted on motion by Senator Poston:

In Section 2, following line 16, page 9, add new subsection to be known as subsection 14:

(14) The Attorney General shall be the legal advisor to and shall represent the bureau.

Senator Askew offered the following amendment which was adopted:

In Section 4, line 4, page 10, insert the following: In the event the appropriation contained in item 610a of section 1 of Senate bill number 900 (chapter 67-300) continues in force and effect, such appropriation shall be reduced by the amount of five hundred thousand dollars (\$500,000) each year of the 1967-69 biennium in order to provide the necessary funds for the appropriation contained in this section.

Senator Slade offered the following amendment:

In Section 4, lines 23-29 on page 9 and lines 1-4 on page 10, strike: "Appropriation.—There is hereby appropriated from general revenue the sum of five hundred thousand dollars (\$500,000.00) for each of the fiscal years 1967-1968, 1968-1969, in addition to such amount as may be included in the regular biennial budget for the Florida sheriffs' bureau, to more fully finance the expanded requirements of the bureau wherein created, such additional amount to be released to the bureau by the state budget commission as from time to time appear reasonable and necessary." and insert the following: Not less than \$1,000,000.00 of the funds appropriated to the governor's office for the war on crime for the 1967-1969 biennium under Item 610a of Senate Bill 900 shall be allocated and transferred to the sheriffs' bureau by the governor, notwithstanding the provisions of section 282.061, Florida Statutes; any remaining funds appropriated by the aforesaid Item 610a of Senate Bill 900 may be expended by the governor as deemed reasonable and necessary by him in the prosecution of his war on crime during the current biennium. These funds in addition to grants-in-aid, donations from any source and any subsequent legislative appropriations are hereby appropriated for the purposes set forth herein subject to a budget to be approved by the state budget commission.

Pending consideration of the foregoing amendment, Senator Haverfield moved that the rules be waived and the time of recess be extended until final action on SB 22-XX(67) as amended.

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 at 1:30 p.m. The following Senators were recorded present:

Mr. President	Bell	Cross	Fisher
Askew	Boyd	Deeb	Friday
Bafalis	Broxson	de la Parte	Gibson
Barron	Chiles	Edwards	Gong
Barrow	Clayton	Fincher	Griffin

Gunter	Lane	Reuter	Stone
Haverfield	McClain	Sayler	Thomas
Henderson	Mathews	Shevin	Weber
Hollahan	O'Grady	Slade	Weissenborn
Horne	Ott	Spencer	Wilson
Johnson	Plante	Stockton	Young
Knopke	Poston	Stolzenburg	

47. A quorum present.

Senator Mathews moved that the rules be waived and the following bill by Senator Askew be introduced:

A bill to be entitled An act relating to the state attorneys in all judicial circuits; providing an appropriation; providing an effective date.

The question was put and the motion failed. The vote was:

Yeas—23

Mr. President	de la Parte	Hollahan	Shevin
Askew	Fincher	Knopke	Spencer
Barrow	Gibson	McClain	Stone
Boyd	Gong	Mathews	Thomas
Broxson	Gunter	Ott	Weissenborn
Cross	Haverfield	Poston	

Nays—19

Bafalis	Friday	Plante	Stolzenburg
Bell	Griffin	Reuter	Weber
Clayton	Henderson	Sayler	Wilson
Deeb	Johnson	Slade	Young
Fisher	O'Grady	Stockton	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4: I am paired with Senator Elrod on admission for introduction of the foregoing bill. If he were present he would vote "Nay" and I would vote "Yea."

MALLORY E. HORNE
Senator, 5th District

Dated July 27, 1967

The Senate resumed consideration of—

SB 22-XX(67)—A bill to be entitled An act relating to law enforcement; amending sections 30.36-30.41, Florida Statutes, renaming and reconstituting the Florida sheriffs' bureau as the Florida intelligence bureau; providing for its membership; defining its powers, duties and responsibilities; 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 severability; providing an appropriation; providing an effective date.

—as amended, together with a pending amendment offered by Senator Slade.

Senator Slade moved the adoption of the amendment which failed. The vote was:

Yeas—21

Bafalis	Gibson	Plante	Weber
Bell	Griffin	Reuter	Wilson
Clayton	Henderson	Sayler	Young
Cross	Johnson	Slade	
Deeb	McClain	Stockton	
Fisher	O'Grady	Stolzenburg	

Nays—24

Mr. President	Chiles	Gunter	Poston
Askew	de la Parte	Haverfield	Shevin
Barron	Edwards	Hollahan	Spencer
Barrow	Fincher	Knopke	Stone
Boyd	Friday	Mathews	Thomas
Broxson	Gong	Ott	Weissenborn

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4: I am paired with Senator

Elrod on the foregoing amendment to SB 22-XX(67). If he were present he would vote "Yea" and I would vote "Nay."

MALLORY E. HORNE
Senator, 5th District

Dated July 27, 1967

Senator Poston offered the following amendment which was adopted:

In Section 1, line 16, page 3, strike: "a director" and insert the following: a director who shall be selected on the basis of training, education and experience, shall have served at least five (5) years as a police executive or have had five (5) years experience in the management of military, semimilitary or police bodies of men and shall possess training in police affairs or public administration;

Senator McClain moved that the Senate reconsider the vote by which the motion by Senator Haverfield to withdraw SB 28-XX(67) from the Committee on Education-Public Schools and Junior Colleges failed. The question was put and the motion was adopted. The vote was:

Yeas—31

Mr. President	Fisher	Ott	Stolzenburg
Askew	Gong	Poston	Stone
Bafalis	Gunter	Reuter	Thomas
Bell	Haverfield	Sayler	Weber
Broxson	Hollahan	Shevin	Weissenborn
Deeb	Knopke	Slade	Wilson
de la Parte	McClain	Spencer	Young
Fincher	Mathews	Stockton	

Nays—12

Barron	Clayton	Friday	Henderson
Barrow	Cross	Gibson	Horne
Boyd	Edwards	Griffin	O'Grady

PAIRS

The following Pairs were announced by the Secretary in accordance with Senate Rule 8.4:

I am paired with Senator Elrod on the foregoing motion by Senator McClain. If he were present he would vote "Nay" and I would vote "Yea."

ELIZABETH J. (BETH) JOHNSON
Senator, 29th District

Dated July 27, 1967

I am paired with Senator Lane on the following motion by Senator McClain. If he were present he would vote "Yea" and I would vote "Nay."

KENNETH PLANTE
Senator, 16th District

Dated July 27, 1967

The Senate resumed consideration of SB 22-XX(67).

Senator Poston also offered the following amendment:

In Section 2, line 27, page 2, following the words "in this section" add the following: each Florida Sheriff or Police Chief so nominated must have a minimum of (5) five years service in such office in the State of Florida.

Senator Broxson offered the following substitute amendment which was adopted:

In Section 2, line 27, page 2, following the words "in this section" add the following: each Florida Sheriff or Police Chief so nominated must have a minimum of (5) five years service in law enforcement in the state of Florida.

The vote was:

Yeas—24

Mr. President	Chiles	Gong	Ott
Askew	de la Parte	Griffin	Poston
Barron	Edwards	Gunter	Spencer
Barrow	Fincher	Hollahan	Stone
Boyd	Friday	Knopke	Thomas
Broxson	Gibson	Mathews	Weissenborn

Nays—21

Bafalis	Bell	Clayton	Cross
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Deeb	McClain	Shevin	Wilson
Fisher	O'Grady	Slade	Young
Haverfield	Plante	Stockton	
Henderson	Reuter	Stolzenburg	
Johnson	Sayler	Weber	

PAIR

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

I am paired with Senator Elrod on the substitute amendment to SB 22-XX(67). If he were present he would vote "Nay" and I would vote "Yea."

MALLORY E. HORNE
Senator, 5th District

Dated July 27, 1967

Senators Friday and Clayton offered the following amendment which was adopted on motion by Senator Friday:

Line 22, page 4, strike: the period and insert the following: subject to suspension or removal pursuant to Article IV, Section 15, of the Constitution of Florida.

On motion by Senator Askew, by two-thirds vote, Senate Bills 9-XX(67) and 15-XX(67) were withdrawn from the Committee on Appropriations and placed on the Calendar.

On motion by Senator Shevin, the rules were waived and time of adjournment was extended until final action on Senate Bills 22-XX(67) and 21-XX(67), and SCR 20-XX(67).

On motion by Senator Askew, the rules were waived and time of adjournment was extended until final action on Senate Bills 15-XX(67) and 16-XX(67).

The Senate resumed consideration of SB 22-XX(67).

Senators Gong and Stone offered the following amendment which was adopted on motion by Senator Gong:

In Section 2, line 6, page 4, insert after "the Governor" the following: or by direction of the Legislature acting by a concurrent resolution

Senator Slade offered the following amendment which failed:

Line 25, page 1, strike: everything after the enacting clause and insert the following:

Part I

Section 1. Definitions.—When used in Part I of this act:

(1) "Organized crime."—Any cooperative combination, confederation, syndicate, corporation or other group organized or functioning for the purpose of directly or indirectly committing, conspiring to commit, aiding, abetting, concealing, counseling or directing the commission of any act in violation of federal or state criminal laws.

(2) "Vice" includes any violation of the laws of Florida relating to gambling, lotteries, bookmaking or prostitution.

(3) "Commission" means Florida commission of investigation.

(4) "Law enforcement agency" means all federal, state, county and municipal agencies charged with enforcement of the criminal laws of this state and the United States within this state.

Section 2. Commissioners, rules, chairman, confidentiality, quorum.

(1) There is hereby created the Florida commission of investigation which commission shall consist of five (5) members to be known as commissioners.

(2) The members of said commission shall be appointed by the governor as follows: two (2) members for terms respectively of four (4) years, one (1) member for a term of three (3) years, one (1) member for a term of two (2) years, and one (1) member for a term of one (1) year. The president of the senate and the speaker of the house of representatives of Florida each may nominate five (5) candidates from which the governor may make two (2) of his appointments as provided in this section. At the expiration of each said term,

the governor shall appoint a successor, each subsequent appointment being for the period of four (4) years. Each appointment to the commission by the governor shall be subject to confirmation by the senate. No member or employee of the commission shall hold any other public office or public employment.

(3) At least three (3) of the membership of said commission shall be attorneys admitted to the bar of this state.

(4) Not more than three (3) members of said commission shall belong to the same political party.

(5) Each member of the commission shall receive an annual salary of six thousand dollars (\$6,000.00) and shall also be entitled to reimbursement for traveling expenses and per diem as provided by law whether in or out of this state when actually and necessarily incurred in the performance of their duties as commissioners.

(6) Any vacancy occurring in the membership of the commission shall be filled by the governor for the unexpired term in the same manner as the original appointment. The failure to fill a vacancy so occurring shall not impair the right of the remaining members of the commission to exercise all powers and duties of the commission.

(7) The commission shall establish rules of procedure governing the conduct of its hearings, copies of which shall be made available to each witness prior to his testimony, and further provided that each witness shall be entitled to reasonable notice of the nature of the inquiry and shall further be entitled to be represented by counsel at any hearing, private or public, at which he appears and shall be entitled to submit evidence and interrogate witnesses for a full and true disclosure of the facts.

(8) The commission shall, at its first organizational meeting, elect a chairman of the commission who shall serve in that capacity for the two (2) years. Thereafter the commission shall elect or re-elect, his successor for a like term.

(9) The same provisions with reference to secrecy which govern the proceedings of a grand jury shall govern all the proceedings of the commission where applicable as provided, however, that this shall not be applicable if and when the commission, by majority vote, decides to make public certain matters before it.

(10) Three (3) members of the commission shall constitute a quorum. A majority of those members present shall be required to authorize performance of the commission functions unless otherwise provided in part I of this act.

Section 3. Powers and duties.—The commission shall have the following functions, powers and duties:

(1) The commission shall have the duty and power to conduct investigations in connection with:

(a) The faithful execution and effective enforcement of the laws of the state of Florida with reference to organized crime and vice;

(b) The misconduct, in connection with their official duties, of public officials and employees, and of officials and employees of public corporations and authorities;

(2) At the request of prosecuting officials and other law enforcement officers, the commission shall cooperate with, advise and assist them in performance of their official powers and duties.

(3) The commission shall cooperate with departments and officers of the United States government in the investigation of violations of the federal laws within this state.

(4) The commission shall examine into matters relating to law enforcement extending across the boundaries of the state into other states; and may consult and exchange information with officers and agencies of other states with respect to law enforcement problems of mutual concern to this and other states.

(5) Whenever it shall appear to the commission that there is cause for the prosecution for a crime, the commission shall refer the evidence of such crime to the officials authorized to conduct the prosecution.

(6) The commission shall be authorized to appoint and em-

ploy and at its pleasure remove an executive officer, investigators, accountants, auditors, attorneys, clerks, clerical help and such other persons as it may deem necessary; and to determine their duties and fix their salaries or compensation within the amount appropriated therefor.

(7) The attorney general shall serve as counsel for said commission.

(8) The commission shall make reports every six (6) months to the governor and annually to the legislature and such reports shall include its recommendations. These recommendations may include proposed changes in or additions to existing provisions of law required for the most effective enforcement of the law. The commission shall make such further interim reports to the governor, or to the governor and legislature, as it shall deem advisable, or as shall be required by the governor.

(9) By such means and to such extent as it shall deem appropriate, the commission shall keep the public informed as to the operations of organized crime and problems of criminal law enforcement in the state, provided, however, that the commission shall not diminish its effectiveness in any way or be required to make any disclosures regarding matters under consideration.

(10) With respect to the performance of its functions, duties and powers and subject to the limitation contained in paragraph (d) of this subsection, the commission shall be authorized as follows:

(a) To conduct any investigation authorized by this section at any place within the state; and to maintain offices, hold meetings and function at any place within the state as it may deem necessary;

(b) To conduct private and public hearings and to designate one or more members of the commission to preside over any such hearings; except that public hearings shall only be conducted if a majority of the commission decides that a public hearing shall be held; provided, however, that no such hearings shall be held until reasonable notice of the holding of such hearings shall have been given to each member of the commission in writing;

(c) To administer oaths or affirmations, subpoena witnesses, compel their attendance, examine them under oath or affirmation and require the production of any books, records, documents or other evidence it may deem relevant or material to an investigation; and the commission may designate any of its members to exercise any such powers. Such subpoenas shall be issued by the commission only upon its vote and shall be served in the same manner as subpoenas or summons for witnesses and/or evidence in criminal cases issued on behalf of the state and all provisions of law relative thereto shall apply to subpoenas issued hereunder. Any judge of the several circuit courts or of the district courts of appeal or justices of the Florida supreme court may, upon application by the commission, compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath and the production of records before the commission in furtherance of any investigation under part I of this act in the same manner and to the same extent as though it were before said courts;

(d) Unless otherwise instructed by a resolution adopted by a majority of the members of the commission, every witness attending before the commission, or his counsel, shall not make public the particulars of such examination unless the commission makes public matters on which the witness testified. The commission shall not have the power to take testimony at a private hearing or at a public hearing unless at least three (3) of its members are present at such hearing.

(e) The commission shall cause to be preserved all proceedings before it by some mechanical device and when necessary, shall cause the transcription of such proceedings.

Section 4. Scope of part I of this act.—Nothing contained in section two (2) hereof shall be construed to supersede, repeal or limit any power, duty or function of the executive department or any other department or agency of the state, or any political subdivision thereof, as prescribed or defined by law.

Section 5. Cooperation of state agencies.—The commission may request and shall receive from every department, division, board, bureau, commission or other agency of the state,

or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

Section 6. Confidentiality of investigations.—Any person conducting or participating in any examination or investigation of the commission who shall disclose to any person other than the commission, a commissioner, the governor, or the attorney general or a court of competent jurisdiction for good cause shown the name of any witness examined, or any information obtained or given upon such examination or investigation, except as directed by the governor, commission, or the legislature shall be guilty of a misdemeanor.

Section 7. Impounding of evidence.—Upon the application of the commission, the supreme court or a justice thereof, the district courts of appeal or any judge thereof, the several circuit courts or any judge thereof may impound any exhibit marked in evidence in any public or private hearing held in connection with an investigation conducted by the commission, and may order such exhibit to be retained by, or delivered to and placed in the custody of the commission. When so impounded such exhibit shall not be taken from the custody of the commission, except upon further order of the court, a justice or judge thereof made upon five (5) days notice to the commission or upon its application or with its consent.

Section 8. Immunity of witnesses.—In any investigation or hearing conducted by the commission pursuant to part I of this act, relating to any crime, or offense with respect to which, by express provision of statute, a competent authority is authorized to confer immunity, the commission may confer immunity in accordance with law, but only after securing the consent in writing of the attorney general and the appropriate prosecuting officer.

Section 9. Right to bear arms and arrest powers.—The several investigators which said commission may appoint are designated peace officers within the contemplation of Florida law and shall have the right to bear arms and make arrests provided that the person arrested commits a felony or misdemeanor in the presence of the arresting officer.

Section 10. Appropriation.—Not less than one million dollars (\$1,000,000.00) of the funds appropriated to the governor's office for the war on crime for the 1967-69 biennium by item 610a senate bill 900 shall be allocated and transferred to the commission by the governor notwithstanding the provisions of section 282.061, Florida Statutes. These funds in addition to grants-in-aid, donations from any source and any subsequent legislative appropriations are hereby appropriated to the commission for its operation subject to a budget to be approved by the state budget commission.

Section 11. Severability.—It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provisions of part I of this act or of part II of this act, is held invalid, the remainder of part I of the act shall not be affected.

Section 12. Effective date.—Part I of this act shall take effect September 1, 1967, and remain in effect until June 30, 1971.

PART II

Section 13. Short Title.—Part II of this act shall be known as the Florida law enforcement act of 1967.

Section 14. Definitions.—For the purposes of part II of this act: "Bureau" shall mean the Florida bureau of law enforcement.

Section 15. Florida sheriff's bureau renamed.—The Florida sheriff's bureau is hereby renamed the Florida bureau of law enforcement, and all powers, duties, responsibilities, appropriations and authority of the Florida sheriff's bureau shall be and are hereby transferred to and vested in the Florida bureau of law enforcement, as hereinafter named and created.

Section 16. Florida bureau of law enforcement; creation; organization; powers.—

(1) There is hereby created a state agency to be called the Florida bureau of law enforcement which shall consist of the governor, secretary of state, attorney general, superintendent of public instruction, comptroller, treasurer, and commissioner of agriculture. The governor shall serve as chairman of the bureau. Any action taken by the bureau must be by a major part of it, of whom the governor shall be one.

(2) The bureau shall be organized into as many divisions as deemed necessary by the bureau for the proper discharge of its duties and responsibilities under this act; provided, however, that there shall be created at least two (2) divisions to be named as follows:

- (a) Administration
- (b) Intelligence and investigation.

(3) The bureau shall employ an executive director and shall establish his qualifications. The executive director shall serve as the director of the division of administration. It shall be the duty of the executive director to act as agent for the bureau in coordinating, directing and administering the activities and responsibilities of the bureau.

(4) The bureau shall upon the recommendation of the executive director employ such other administrative, clerical, technical and professional personnel, including division directors as hereinafter provided, as may be required, at salaries to be established by the bureau, to perform such duties as the bureau may prescribe.

(5) The bureau may select and assign investigative personnel from any state, county or municipal law enforcement agency with the consent of the agency concerned, or may employ its own investigative personnel to assist in carrying out the purposes of part II of this act. Under appropriate rules and regulations adopted by the bureau, and under the supervision of the director of the division of intelligence and investigation, said investigative personnel may investigate violations of any of the criminal laws of the state, in any county, or city of the state, and shall have authority to bear arms, make arrests and serve search warrants.

(6) The bureau shall establish a headquarters in Tallahassee, Florida. The secretary of the state shall furnish the bureau with proper and adequate housing for its operation.

(7) The bureau shall establish a system of fingerprint analysis and identification.

(8) The bureau shall establish and maintain a criminal analysis laboratory.

(9) The bureau shall establish a system of intrastate communication of vital statistics and information relating to crimes, criminals, and criminal activity. The bureau may cooperate with other state, county, municipal and federal agencies in the establishment of such a system.

(10) The bureau shall adopt such rules and regulations as deemed necessary to carry out its duties and responsibilities under part II of this act.

(11) The bureau may make and enter into all contracts and agreements with other agencies, organizations, associations, corporations and individuals, or federal agencies as the bureau may determine are necessary, expedient or incidental to the performance of its duties or the execution of its power under part II of this act.

(12) The bureau shall be authorized to:

(a) Adopt and recommend cooperative policies for the coordination of the law enforcement work of all state, county and municipal agencies possessing law enforcement responsibilities.

(b) Promote cooperation between all law enforcement agencies in securing efficient and effective law enforcement.

(c) Promote the elimination of duplication of effort.

(d) Promote economy of operation in law enforcement agencies.

(e) Develop and promote a program of crime prevention.

(13) The bureau either by contract or agreement may authorize any state university or junior college in Florida or any other organization to provide training or the facilities for training peace officers, which training shall include, but not be limited to police techniques in detecting crime, apprehending criminals, and securing and preserving evidence. All law enforcement officers selected by the various law enforcement agencies, if their selection is approved by the bureau shall receive such training without cost with the exception of the actual cost of housing and meals.

(14) The bureau shall be governed by all laws regulating the purchase of supplies and equipment as other state agencies and may enter into contracts with other state agencies to make photographs and photostats, to transmit information by teletype and to perform all those services consonant with the purpose of part II of this act. It may use without charge the technical personnel and equipment of any state agency.

(15) The powers herein enumerated or set forth in other parts of part II of this act shall be deemed an exercise of the state police power for the protection of the welfare, health, peace, safety, and morals of the people and shall be liberally construed.

Section 17. Advisory committee; creation; membership.—

(1) There is hereby created a Florida law enforcement advisory committee which shall consist of nine (9) members all of whom shall be appointed by the bureau. Three (3) of such members shall be chosen from among the sheriffs of the state. Two (2) of such members shall be chosen from among the municipal police chiefs of the state. One (1) of such members shall be chosen from among the prosecuting attorneys of the state. One (1) of such members shall be chosen from among the public defenders of the state. The director of the division of corrections and the director of youth services shall serve as members of the advisory committee.

(a) The three (3) sheriffs of the state appointed to the advisory committee shall serve for a period of three (3) years. The two (2) municipal police chiefs appointed to the advisory committee shall serve for a period of two (2) years. The prosecuting attorney and public defender appointed to the advisory committee shall each serve for a period of one (1) year. The director of the division of corrections and the director of youth services shall serve for so long as they are so employed.

(b) After the completion of the initial terms of the members of the advisory committee appointed for specific terms, the terms of such members shall thereafter be for the period of four (4) years. Vacancies occurring in the advisory committee prior to expiration of the affected terms shall be filled for the remaining part of the unexpired term involved.

(2) It shall be the responsibility of the advisory committee to provide technical and professional assistance to the bureau. Members of the committee shall serve without pay but shall be entitled to reimbursement for their necessary travel expenses incurred in carrying out their official duties as provided by section 112.061, Florida Statutes.

Section 18. Division of administration.—

(1) The division of administration shall be supervised by the executive director of the bureau whose duty it shall be to supervise, direct and coordinate the activities of the division.

(2) The division of administration shall be responsible for providing all services required by the bureau that can be advantageously and effectively centralized along with such other functions and duties as the bureau may direct.

Section 19. Division of intelligence and investigation.—

(1) The division of intelligence and investigation shall be supervised by a director, who shall be employed by the bureau upon the recommendation of the executive director. The director shall possess such qualifications as the bureau may prescribe but shall be qualified by experience and training to administer the functions of the division. It shall be the duty of the director to supervise, direct and coordinate the activities of the division of intelligence and investigation.

(2) It shall be the responsibility of the division of intelligence and investigation to coordinate the activities of all bureau investigators and other investigative personnel selected from other state, county or municipal law enforcement agencies.

(3) The division of intelligence and investigation shall be organized into as many sections as deemed necessary to properly carry out the purposes of part II of this act; provided, however there shall be at least six (6) sections to be named as follows:

- (a) Investigative section
- (b) Intelligence section

- (c) Crime laboratory section
- (d) Records and identification section
- (e) Polygraph section
- (f) Publications and communications section.

(4) The division of intelligence and investigation is hereby authorized and directed to perform all investigations of violations of any of the criminal laws of the state heretofore performed by the attorney general and the narcotics bureau of the state board of health, and all such power, duty, and authority heretofore vested in the attorney general, and the narcotics bureau of the state board of health shall be and are hereby transferred and assigned to the bureau. Provided, however, that nothing herein shall be construed to remove from the attorney general the power, duty and authority as set forth in chapter 365, Florida Statutes, in abating public nuisances, or conducting pre-installation investigations of private wire service or presentation of evidence before the public service commission.

(a) The state board of health is authorized and directed to transfer to the bureau, upon proper receipt, all physical properties, supplies and equipment owned by or leased to the state for the administration of chapter 398, Florida Statutes. All persons employed by the narcotics bureau of the state board of health on the effective date of this act shall become employees of the bureau with the same status under chapter 110, Florida Statutes, and regulations adopted pursuant thereto, as they have on that date, which status shall continue until modified or removed in accordance therewith. All appropriations previously made or made at this session of the legislature for the use of the narcotics bureau of the state board of health shall be transferred to the account of the bureau and shall be construed to be for the use of the bureau.

Section 20. Uniform crime reports, report to governor.—

(1) All state, county and municipal law enforcement agencies shall submit to the bureau uniform crime reports setting forth their activities in connection with law enforcement.

(2) It shall be the duty of the bureau to adopt and promulgate rules and regulations prescribing the form, general content, time, and manner of submission of such uniform crime reports required pursuant to subsection (1). The rules so adopted and promulgated shall be filed with the secretary of state pursuant to chapter 120, Florida Statutes, and shall have the force and effect of law. Willful or repeated failure by any state, county or municipal law enforcement official to submit the uniform crime reports required by part II of this act shall constitute neglect of duty in public office.

(3) The bureau shall correlate the reports submitted to it pursuant to subsection (2) and shall compile and submit to the governor an annual report based on such reports. A copy of the annual report to the governor shall be furnished to all prosecuting authorities and law enforcement agencies.

Section 21. Salaries and expenses of personnel.—All salaries and expenses of investigative personnel of the bureau shall be borne by the state, county or municipal law enforcement agency from which any such personnel are selected; as provided in part II of this act; provided, however, any state, county or municipal law enforcement agency or official may in addition provide from its funds so much of the costs and expenses of the bureau as it deems appropriate; provided further, that if appropriations of state funds are made available to the bureau the same may be used to defray said salaries and expenses.

Section 22. Appropriation.—There is hereby appropriated from general revenue the sum of six hundred twenty-five thousand dollars (\$625,000.00) for each of the fiscal years 1967-68 and 1968-69, in addition to such amount as may be included in the regular biennial budget for the Florida sheriff's bureau, to more fully finance the expanded requirements of the bureau herein created, such additional moneys to be released to the bureau by the state budget commission as from time to time appear reasonable and necessary.

Section 23. Repeal.—The following acts or parts of acts, set forth below are hereby repealed: Sections 30.36, 30.37, 30.38, 30.39, 30.40, 30.41, 30.42, 30.43 and 30.44, Florida Statutes. All other acts or parts of other acts in conflict herewith, are hereby repealed.

Section 24. Severability.—The provisions of part II of this

act are severable and if any word, sentence, paragraph, subsection or section of part II of this act, or of part I of this act, shall for any reason be held void or unconstitutional by any court of competent jurisdiction, the decision of said court shall not affect or impair the validity of any of the remaining words, sentences, paragraphs, subsections or sections of part II of this act.

Section 25. Part II of this act shall take effect September 1, 1967.

The vote was:

Yeas—18

Bafalis	Henderson	Reuter	Weber
Barrow	Johnson	Sayler	Wilson
Bell	McClain	Slade	Young
Cross	O'Grady	Stockton	
Fisher	Plante	Stolzenburg	

Nays—25

Mr. President	de la Parte	Haverfield	Spencer
Askew	Edwards	Hollahan	Stone
Barron	Fincher	Knopke	Thomas
Boyd	Friday	Mathews	Weissenborn
Broxson	Gibson	Ott	
Chiles	Gong	Poston	
Clayton	Gunter	Shevin	

PAIR

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

I am paired with Senator Elrod on the foregoing amendment to SB 22-XX(67). If he were present he would vote "Yea" and I would vote "Nay".

MALLORY E. HORNE
Senator, 5th District

Dated July 27, 1967

Senator Mathews presiding.

On motion by Senator Shevin, the rules were waived and SB 22-XX(67) as amended was read the third time in full and passed. The vote was:

Yeas—36

Mr. President	Cross	Henderson	Sayler
Askew	de la Parte	Hollahan	Shevin
Bafalis	Fincher	Horne	Spencer
Barron	Fisher	Knopke	Stockton
Barrow	Friday	McClain	Stolzenburg
Boyd	Gong	Mathews	Stone
Broxson	Griffin	Ott	Thomas
Chiles	Gunter	Plante	Weber
Clayton	Haverfield	Poston	Weissenborn

Nays—9

Bell	Johnson	Reuter	Wilson
Edwards	O'Grady	Slade	Young
Gibson			

The bill was ordered engrossed.

On motion by Senator Young, the rules were waived and the Senate reverted to the order of receiving reports of committees.

By direction of the Presiding Officer, the Secretary of the Senate read the following—

REPORT OF SELECT COMMITTEE PURSUANT TO SENATE RULE 15.2

Senator Verle A. Pope
President, The Florida Senate
The Capitol

July 27, 1967

Dear Mr. President:

Your Select Committee appointed on July 27, 1967, pursuant to Senate Rule 15.2, to make inquiry in regard to the following appointment which was on July 27, 1967, submitted by the Governor for confirmation by the Senate:

Jack A. Page, Judge of the Juvenile Court, Pinellas County, for a term ending the first Tuesday after the first Monday in January, 1969.

having met, and after full inquiry, hereby tender as the recommendation of this Select Committee that the Senate advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted,

C. W. BILL YOUNG, 19th District
RICHARD J. DEEB, 22nd District
HAROLD S. WILSON, 20th District
HENRY B. SAYLER, 21st District

On motion by Senator Young, the Report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of Jack A. Page. The vote was: Yeas—47 Nays—None

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

The Senate resumed consideration of bills on second reading.

SB 15-XX(67)—A bill to be entitled An act relating to the department of public safety; creating the capitol security unit under the supervision of the governor; creating chapter 321, part II, Florida Statutes; providing for employment, powers and duties of security agents; amending subsection 321.01 (2), Florida Statutes; providing for expenses and salaries; providing an effective date.

Was taken up. On motion by Senator Askew, the rules were waived and SB 15-XX(67) was read the second time by title.

The Committee on Appropriations offered the following amendment which was adopted on motion by Senator Askew:

Strike everything after enacting clause and insert the following:

Section 1. There is hereby created a governors security force to consist of not more than nine (9) agents in number, one of whom shall be designated as the agent in charge and not more than one of whom shall be designated as the assistant agent in charge. Such agents shall be qualified and trained in the field of law enforcement, and shall be under the direct supervision of the governor.

Section 2. The governors security agents are hereby declared to be conservators of the peace for the purpose of maintaining the security of the governor, governor's mansion and the grounds thereof, with full power to bear arms and to make arrests in connection with their official duties as such security agents.

In the performance of their powers and duties the governors security agents shall have the same protections and immunities afforded other peace officers which shall be recognized by all courts of competent jurisdiction.

Section 3. This act shall not be construed to repeal or limit police powers granted to the board of commissioners of state institutions or to the city of Tallahassee by chapter 272, Florida Statutes.

Section 4. The salaries and related expenses of the governors security force shall be a proper charge against the operation of the governor's mansion and shall be paid from moneys appropriated for that purpose.

Section 5. This act shall take effect upon becoming a law.

The Committee on Appropriations also offered the following amendment which was adopted on motion by Senator Askew:

Strike: the title and insert the following:

An act creating the governors security force under the supervision of the governor; providing for qualifications, powers and duties of security agents; providing for salaries and re-

lated expenses to be a proper charge against appropriations for the governor's mansion; providing an effective date.

On motion by Senator Askew, the rules were waived and SB 15-XX(67) as amended was read the third time in full and passed. The vote was: Yeas—47 Nays—None

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

The bill was ordered engrossed.

On motion by Senator Broxson, by two-thirds vote, SB 5-XX (67) was withdrawn from the Committee on Appropriations and placed on the Calendar.

On motion by Senator Broxson, the rules were waived and time of adjournment was extended until final action on Senate Bills 5-XX(67) and 9-XX(67).

SB 21-XX(67)—A bill to be entitled An act relating to law enforcement; creating a committee to make a thorough study of the problems and needs of law enforcement in Florida and other matters relating to crime prevention; providing for the appointment of a committee composed of members of the legislature, the governor and attorney general and defining their duties, and responsibilities; providing for employment of specialized and other personnel; providing for cooperation and assistance from state, county and municipal agencies and others, and authorizing their per diem and mileage; providing for the conduct of hearings and a report to the governor and legislature prior to the next session; providing an appropriation for committee expenses; providing authorization to accept gifts; providing an effective date.

Was taken up. On motions by Senator Ott, the rules were waived and SB 21-XX(67) was read the second time by title, the third time in full and passed, title as stated. The vote was:

Yeas—41

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

Nays—5

Bafalis	Sayler	Slade	Wilson
Reuter			

The bill was certified to the House.

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

HB 40-XX(67)—A bill to be entitled An act relating to the acquisition, construction, erection, building, enlarging and improving of school buildings, and the furnishing and equipping of school buildings of any county in the state having a population of not less than 230,000 and not more than 350,000, according to the last decennial census, and the acquisition of school equipment; authorizing the issuance of certificates of indebtedness by the board of public instruction of any county in the state having a population of not less than 230,000 and not more than 350,000, according to the last decennial census, payable from funds allocated for current expenses pursuant to section 236.07(5), Florida Statutes, or from receipts accruing annually to the board of public instruction pursuant

to section 236.075, Florida Statutes, to pay the cost of such projects; and providing an effective date.

On motions by Senator Stolzenburg, the rules were waived and HB 40-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	Fincher	Knopke	Spencer
Barron	Fisher	Lane	Stockton
Barrow	Friday	McClain	Stolzenburg
Bell	Gibson	Mathews	Stone
Boyd	Gong	O'Grady	Thomas
Broxson	Griffin	Ott	Weber
Chiles	Gunter	Plante	Weissenborn
Clayton	Haverfield	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Sayler	

The bill was certified to the House.

Senator Askew requested unanimous consent of the Senate to take up SB 16-XX(67) in Messages from the House, and concur in House amendments. Senator Young objected.

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

SCR 20-XX(67)—A concurrent resolution creating an interim legislative committee to make a thorough study of the problems and needs of law enforcement in Florida; providing for the appointment of committee members; defining the committee's duties and responsibilities; providing for the conduct of hearings; providing for payment of expenses.

WHEREAS, the disturbing increase in the rate of crime in this state and the nation as a whole is an acknowledged fact, and

WHEREAS, crime and criminals present a serious threat to the millions of law-abiding citizens and businesses of Florida, and to the millions of law-abiding visitors to this state, and

WHEREAS, the forces of crime are frequently aided by the utilization of the most modern technological devices, and

WHEREAS, law enforcement officials are frequently hampered by the lack of such technological devices, and

WHEREAS, the health, welfare, economy and moral and cultural atmosphere of the state demand positive action to combat crime, and

WHEREAS, the complexity and seriousness of the problem require a comprehensive examination and consideration of every possible approach to solution, and

WHEREAS, an effective, feasible and desirable solution can best be obtained through consultation with, and full utilization of the knowledge and experience of eminent law enforcement and other public authorities, professional consultants and private citizens in Florida and throughout the nation, NOW, THEREFORE,

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

That there be created an interim legislative law enforcement study committee composed of three (3) senators appointed by the president of the senate, three (3) representatives appointed by the speaker of the house of representatives and that the governor and the attorney general serve as ex officio members of said committee.

BE IT FURTHER RESOLVED that it be the duty of the committee to conduct a thorough study of the problems and needs of law enforcement in Florida;

BE IT FURTHER RESOLVED that these studies of the committee include, but not be limited to:

- (1) Problems of multijurisdictional enforcement,
- (2) Coordination of, and cooperation between state, county and municipal law enforcement agencies,
- (3) Data processing and telecommunications for state-wide law enforcement utilization,

(4) The need for, feasibility and possible structure of a comprehensive state-wide law enforcement agency,

(5) The arousal of public awareness of, and concern for, the problems of law enforcement, and the improvement of public respect for, and cooperation with, law enforcement officials,

(6) Other matters related to the prevention, deterrence, detection and apprehension of crime and criminals, and

(7) The committee is authorized to accept gifts, grants or donations of any kind or amount from any source, private or governmental;

BE IT FURTHER RESOLVED that the committee be authorized to secure the services of qualified professional advisors, including data processing and telecommunications systems engineers and consultants;

BE IT FURTHER RESOLVED that the committee be authorized to conduct such meetings and public hearings as it may determine necessary;

BE IT FURTHER RESOLVED that the committee submit a report of findings and recommendations to the governor and the legislature prior to the next regular session of the legislature; and

BE IT FURTHER RESOLVED that expenses of members of the committee and expenses incurred incident to the conduct of the committee studies be paid as provided in section 11.12, Florida Statutes.

Which was read the second time in full.

The Committee on Anti-Crime offered the following amendment which was adopted on motion by Senator Ott:

Line 27, page 3, add: BE IT FURTHER RESOLVED that the study herein required be performed only in the event it be not otherwise provided by law.

On motion by Senator Ott, SCR 20-XX(67) was read in full as amended and adopted. The vote was:

Yeas—44

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

Nays—2

Slade Wilson

SCR 20-XX(67) was ordered engrossed.

SB 5-XX(67) was taken up, together with:

By the Committee on Rules and Calendar—

CS for SB 5-XX(67)—An act relating to the division of corrections, providing for the appointment of a joint interim study committee; directing the joint interim study committee to study the division of corrections programs of rehabilitation; directing a review of the correctional industries program; directing a study of housing facilities where prisoners are kept; authorizing the joint interim study committee to accept grants or donations; setting a deadline on completion of the study; and providing an effective date.

—which was read the first time by title and SB 5-XX(67) was laid on the table.

On motions by Senator Broxson, the rules were waived and CS for SB 5-XX(67) was read the second time by title, the third time in full and passed. The vote was: Yeas—47 Nays—None

Mr. President	Barrow	Chiles	de la Parte
Askew	Bell	Clayton	Edwards
Bafalis	Boyd	Cross	Fincher
Barron	Broxson	Deeb	Fisher

Friday	Horne	Plante	Stolzenburg
Gibson	Johnson	Poston	Stone
Gong	Knopke	Reuter	Thomas
Griffin	Lane	Sayler	Weber
Gunter	McClain	Shevin	Weissenborn
Haverfield	Mathews	Slade	Wilson
Henderson	O'Grady	Spencer	Young
Hollahan	Ott	Stockton	

CS for SB 5-XX(67) was certified to the House.

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 taken up. On motion by Senator de la Parte, the rules were waived and SB 9-XX(67) was read the second time by title.

Senator Broxson moved that further consideration of SB 9-XX(67) be temporarily deferred.

A substitute motion by Senator Askew that the Senate revert to the order of receiving messages from the House of Representatives failed.

Senator Broxson withdrew a motion to temporarily defer consideration of SB 9-XX(67).

Senator de la Parte moved that the rules be waived and SB 9-XX(67) be read the third time in full.

A substitute motion by Senator Stolzenburg that further consideration of SB 9-XX(67) be temporarily deferred failed.

The question recurred on the motion by Senator de la Parte, and the motion failed.

SB 9-XX(67) was placed on the Calendar of Bills on Third Reading.

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, on January 3, 1967, an Executive Proclamation was issued convening the Florida Legislature in special session on January 3, 1967, for the purpose of considering constitutional revision, and

WHEREAS, the untimely action of the Federal Court on January 9, 1967, not only precluded any consideration of constitutional revision, but also prevented the orderly processes for preparation of regular legislative session, and

WHEREAS, it has become apparent from the deliberations during the regular and special sessions that Florida's need for constitutional revision is now greater than ever, and

WHEREAS, the Florida Legislature by Concurrent Resolution 1739 expressed its commitment and desire to enter into the important work of constitutional revision and has overwhelmingly expressed itself as being aware of the "pressing need" for constitutional revision, and

WHEREAS, it is my belief that it is in the best interest of the citizens of the State of Florida that the Legislature immediately reconvene for the purpose of completing this unfinished business and to immediately thereafter submit a revised constitution to the people for their consideration at a special election;

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 convene the Legislature of the State of Florida in special session

at the Capital, Tallahassee, Florida, at 12 noon, on July 31, 1967.

This call is for the sole and exclusive purpose of, and shall be limited to, revision of the Florida Constitution and additionally for the fixing of an early date for the special election to permit the people of the State to vote upon the proposed revised constitution.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 26 day of July A. D., 1967.

CLAUDE R. KIRK, JR.
Governor

ATTEST:

TOM ADAMS
Secretary of State

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

HB 33-XX(67)—A bill to be entitled An Act repealing Chapter 63-1943, Laws of Florida; authorizing and empowering the Board of County Commissioners of Pasco, County, Florida, to grant franchise for garbage and waste collection and disposal in the said County outside of the boundaries of any city or town for not in excess of five (5) years; to empower the said Board of County Commissioners to fix the boundaries of the districts within which such franchise shall be applicable; to provide the procedure for making an application for any such franchise; to empower the said Board of County Commissioners to fix the terms and conditions upon which any such franchise shall be granted; to empower the said Board of County Commissioners to fix the rates which the franchise holder shall charge for his services; and to provide that in fixing a rate schedule the Board of County Commissioners shall fix such rates as may be reasonably maintained to give to the franchise holder a reasonable return on his legitimate capital investment; and to provide the method of arriving at said rates; and to empower the said Board of County Commissioners to fix the consideration to be paid by the franchise holder to the County for the franchise and the method and time of paying the same and to require the same to be paid into the general fund of the said County; to empower the said Board of County Commissioners to make such changes in the rules and regulations governing the franchise holder as shall from time to time be necessary and desirable for the public welfare and to provide for the

procedure for making such changes; to empower the Board of County Commissioners to make changes in the schedule of rates to be charged by the franchise holder subject to the limitation that the Board in arriving at any rate schedule shall fix such rates as may be reasonably maintained to give to the franchise holder a reasonable return of his legitimate capital investment; and to provide the procedure for making such changes; to charge the said Board of County Commissioners with the responsibility for faithful compliance by the grantee of the franchise with rules and regulations promulgated by the Board of County Commissioners and the strict compliance by any franchise holder with the terms of his franchise; and to provide for forfeiture of any franchise by the grantee therefor for violation of the rules and regulations as promulgated by the Board of County Commissioners or of any of the terms, conditions and provisions of his franchise and the method of enforcing the same; to make it unlawful for any person, firm or corporation to carry on the business of collection, removal and disposal of garbage or waste in any area or district so designated by the said Board of County Commissioners without first obtaining a franchise as herein provided for and to provide a penalty therefor; and to provide that if any part of this Act shall be deemed or held invalid or unconstitutional for any reason such invalidity shall in no way affect the validity of the remaining portions of said Act; and to provide that the Act shall take effect immediately upon its becoming a law.

On motions by Senator Deeb, the rules were waived and HB 33-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	Fincher	Knopke	Spencer
Barron	Fisher	Lane	Stockton
Barrow	Friday	McClain	Stolzenburg
Bell	Gibson	Mathews	Stone
Boyd	Gong	O'Grady	Thomas
Broxson	Griffin	Ott	Weber
Chiles	Gunter	Plante	Weissenborn
Clayton	Haverfield	Poston	Wilson
Cross	Henderson	Reuter	Young
Deeb	Hollahan	Sayler	

The bill was certified to the House.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 3:40 p.m. to reconvene at 10:00 a.m., July 28, 1967.