

## SPECIAL SESSION

# JOURNAL OF THE SENATE

Wednesday, August 9, 1967

The Senate was called to order by the President at 9:00 a. m. The following Senators were recorded present:

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

46. A quorum present.

Excused: Senator Gibson. Senator Slade for the morning session. Senators Chiles and Haverfield for the afternoon session.

Prayer by Senator George L. Hollahan, Jr. of the 44th Senatorial District:

Heavenly Father, save us from confusion of thought and effort. Keep us ever mentally alert to the dangers of being foreign to coordination in purpose and cooperation in instruction. Speak to our hearts this moment in leading us to do thy will. It is our desire to create that which would serve as a stimulant to each of us in furthering strength to the foundations of Christianity. In our Master's name, we pray. Amen.

The reading of the Journal was dispensed with.

The Journal of August 8 was corrected and approved.

On motion by Senator Mathews, pursuant to Rule 5.12, the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-XXX(67).

### COMMITTEE OF THE WHOLE

The Committee of the Whole took up for consideration SJR 2-XXX(67).

Senator Thomas offered the following amendment which was adopted:

Amendment 80-Article III, Section 2, on page 10, beginning at line 9, strike Section 2 and insert the following:

Section 2. MEMBERS—OFFICERS.—Each house shall be the sole judge of the qualifications and elections[, and returns] of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure.

Senator Shevin offered the following amendment:

Amendment 46-Article III, Section 3, Subsection (b), on page 10, beginning at line 25, Strike all of subsection (b) and insert in lieu thereof the following substantial re-wording:

(b) REGULAR SESSIONS. A regular session of the legislature shall convene on the fourth Tuesday in January of each year.

Senator Stockton offered the following amendment to Amendment 46:

Line 3, strike: "of each year" and insert: "of each even-numbered year and on the first Tuesday after the first Monday in April of each odd-numbered year."

Senator Sayler offered the following substitute amendment for the amendment to Amendment 46:

Strike: (b) and insert the following:

(b) Regular Sessions. The regular session of the legislature shall convene at a date established by law which date shall be during the first four months of each year.

The substitute amendment failed.

The question recurred on adoption of the amendment to Amendment 46 which failed. The vote was:

Yeas—24

Askew	Clayton	Horne	Plante
Bafalis	Deeb	Knopke	Poston
Barrow	Friday	Lane	Shevin
Bell	Gong	McClain	Stockton
Boyd	Henderson	Mathews	Stone
Broxson	Hollahan	O'Grady	Thomas

Nays—14

Mr. President	Fisher	Reuter	Weber
Chiles	Griffin	Sayler	Young
Cross	Haverfield	Spencer	
Elrod	Johnson	Stolzenburg	

On motion by Senator Deeb, the Senate reconsidered the vote by which the amendment offered by Senator Stockton to Amendment 46 failed.

The question recurred on the amendment to Amendment 46 which was adopted. The vote was:

Yeas—33

Mr. President	Deeb	Knopke	Stockton
Askew	Fincher	Lane	Stolzenburg
Bafalis	Fisher	McClain	Stone
Barron	Friday	Mathews	Thomas
Barrow	Gong	Ott	Weber
Bell	Gunter	Plante	Wilson
Boyd	Henderson	Poston	
Broxson	Hollahan	Sayler	
Clayton	Horne	Shevin	

Nays—9

Chiles	Griffin	Spencer	Young
Cross	Johnson	Weissenborn	
Elrod	Reuter		

Senator Ott presiding.

Senator Sayler offered the following amendment to Amendment 46 as amended, which failed:

Strike "January" and insert April

Senator Stockton offered the following amendment to Amendment 46 as amended, which failed:

At end of line 3 strike the period and insert: provided, however, the legislature may, by three-fifths of the membership of each house, change the date of said sessions.

Senator Weber offered the following amendment to Amendment 46 as amended, which failed:

Beginning at line 3, of each even-numbered year, and on the first Tuesday after Easter Sunday in each odd-numbered year.

Senator Barrow offered and moved the following amendment to Amendment 46 as amended:

At end of amendment, strike the period and insert: ; provided however that should the legislature meet in annual sessions the annual salaries of each legislator shall be not less than \$15,000.

Senator Pope presiding.

The hour of recess having arrived, a point of order was called and the Committee of the Whole recessed at 12:01 p. m. to reconvene at 1:30 p. m.

#### AFTERNOON SESSION

The Committee of the Whole was called to order by Senator Barron at 1:30 p. m. A quorum present.

The Committee of the Whole resumed consideration of the amendment to Amendment 46 as amended.

The question recurred on the amendment which failed. The vote was:

Yeas—5

Barrow	Gong	O'Grady	Wilson
Boyd			

Nays—34

Mr. President	Elrod	Lane	Spencer
Askew	Fincher	McClain	Stockton
Bafalis	Fisher	Mathews	Stolzenburg
Barron	Friday	Ott	Stone
Bell	Griffin	Plante	Thomas
Broxson	Gunter	Reuter	Weissenborn
Clayton	Hollahan	Saylor	Young
Cross	Johnson	Shevin	
Deeb	Knopke	Slade	

Senator Pope presiding.

Amendment 46 as amended was adopted. The vote was:

Yeas—32

Mr. President	Friday	McClain	Spencer
Bafalis	Gong	Mathews	Stockton
Boyd	Gunter	Ott	Stolzenburg
Broxson	Hollahan	Plante	Stone
Cross	Horne	Poston	Weber
Deeb	Johnson	Saylor	Weissenborn
Elrod	Knopke	Shevin	Wilson
Fisher	Lane	Slade	Young

Nays—10

Askew	Bell	Griffin	Thomas
Barron	Clayton	O'Grady	
Barrow	Fincher	Reuter	

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 2:00 p. m.

The following Senators were recorded present:

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

45. A quorum present.

Senator Stone moved that the rules be waived and the Sen-

ate receive in open session a report of the Select Committee appointed by the President on August 2, 1967, pursuant to Senate Rule 15.2 to inquire into the charges set forth in an Executive Order of Suspension issued by the Governor of Florida in the case of Flanders G. Thompson, Sheriff of Lee County, Florida. Which was agreed to.

#### REPORT OF SELECT COMMITTEE

Senator McClain, Chairman, read the following Report of the Select Committee:

Honorable Verle Pope  
President  
The Florida Senate

August 9, 1967

Re: Flanders G. Thompson, Sheriff of Lee County, Fla.  
(Suspension of)

Dear Mr. President:

Your Select Committee appointed to inquire into the suspension of Flanders G. Thompson as Sheriff of Lee County, Florida as contained in the Order of Suspension dated July 27, 1967, by Claude R. Kirk, Jr., Governor, reports as follows:

1. Your Committee recommends that this report be received in open session of the Senate.
2. Your Committee has conducted a public hearing into the matter and has received testimony concerning same in a public hearing requested by the Sheriff. Based upon the results of this inquiry and hearing your Committee finds that the evidence offered does not justify the removal, and therefore recommends that Flanders G. Thompson not be removed as Sheriff of Lee county, Florida.

JOSEPH A. McCLAIN, JR., Chairman  
RALPH R. CLAYTON  
ELMER O. FRIDAY, JR.  
JOHN E. MATHEWS, JR.

Senator Askew moved that the Executive Order of Suspension issued by the Governor in the case of Flanders G. Thompson, Sheriff of Lee County, Florida, be read in open Session. Which was agreed to. Whereupon, Senator McClain, Chairman of the Select Committee, read the following Order of Suspension:

#### ORDER OF SUSPENSION

WHEREAS, Flanders Thompson has served his present term in the capacity of Sheriff of Lee County, State of Florida, from January 5, 1965, to the date of this Order, and

WHEREAS, information has been received and an investigation conducted, the results of which reflects malfeasance, misfeasance, neglect of duty in office and incompetency, and

WHEREAS, in particular, it is alleged and it appears that during his entire tenure as Sheriff of Lee County, said Flanders Thompson has knowingly allowed gambling activities, including "bolita" or "Cuba" to be carried on by one L. M. Dixon and others in association with the said L. M. Dixon, contrary to the laws of the State of Florida, and

WHEREAS, in particular, it is alleged and it appears that the said Flanders Thompson, during his tenure as Sheriff of Lee County, periodically instructed certain of his deputies not to enforce the anti-gambling laws of Florida against specifically named violators, and

WHEREAS, in particular, it is alleged and it appears that Flanders Thompson, while acting in his official capacity as Sheriff of Lee County, did, periodically, during the years 1961 through 1967 accept sums of money from the said L. M. Dixon, and

WHEREAS, in particular, it is alleged and it appears that Flanders Thompson, while acting in his official capacity as Sheriff of Lee County, ordered certain of his deputies to contact known violators of the gambling laws of Florida and instruct them to merely cease their illegal activities, the sole purpose of which being to impede the investigation then being conducted by the Office of Sheriff, and

WHEREAS, in addition, evidence of misuse of the Office of Sheriff has been alleged, particularly in the use of prison labor for personal gain, and

WHEREAS, Flanders Thompson, acting in his official capacity as Sheriff of Lee County, State of Florida, is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the foregoing information, allegations and investigation, doubt has been raised as to the integrity and ability of Flanders Thompson to continue to perform the duties of Sheriff of Lee County, and

WHEREAS, I find that the best interest of the citizens of Lee County would best be served by this executive act;

NOW, THEREFORE, I Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15, of the Constitution of Florida, do hereby suspend the said Flanders Thompson, Sheriff of Lee County, State of Florida, effective July 29, 1967, on the grounds of malfeasance, misfeasance, neglect of duty in office and incompetency, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Flanders Thompson is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 27 day of July, A. D. 1967.

Attest  
TOM ADAMS  
Secretary of State

CLAUDE R. KIRK, JR.  
Governor

Senator McClain moved that the Report of the Select Committee be adopted and that pursuant thereto, the recommendation of the Governor to the contrary notwithstanding, the Senate refuse to remove from office Flanders G. Thompson, as Sheriff of Lee County, State of Florida. The vote was: Yeas—45 Nays—None

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

On motion by Senator Mathews, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole.

COMMITTEE OF THE WHOLE

Senator Pope presiding.

The Committee of the Whole resumed consideration of Article III, Section 1 to SJR 2-XXX(67).

Senator Weissenborn offered the following amendment which failed:

Amendment 124-Article III, Section 1 on page 10, beginning at line 3, strike Section 1 and insert in lieu thereof the following:

Section 1. COMPOSITION.—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district. The membership of the senate and the house of representatives shall be elected solely on the basis of population under an

apportionment plan in which all residents of this state shall be represented equally or as near equal as possible.

Senator Askew presiding.

Senator Stockton offered the following amendment:

Amendment 111-Article III, Section 2, on page 10, beginning at line 9, strike all of section 2 and insert the following in lieu thereof:

Section 2. MEMBERS—OFFICERS.—Each house shall be the sole judge of the qualifications, elections, and returns of its members. [, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure.]

Senator Thomas offered the following amendment to Amendment 111 which was adopted:

Line 2, following "qualifications," strike ", elections, and returns" and insert in lieu thereof: and elections

The question recurred on Amendment 111 as amended, which failed.

Senator Thomas offered the following amendment which failed:

Amendment 82-Article III, Section 3, Subsection (c), Paragraph (1), on page 10, beginning at line 30, strike subsection (c) Paragraph (1) and insert the following:

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of [two-thirds] three-fifths of the membership of each house.

Senator Mathews offered the following amendment:

Amendment 91-Article III, Section 3, Subsection (d), on page 11, beginning at line 10, strike subsection (d) and insert in lieu thereof:

(d) LENGTH OF SESSIONS. A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed [thirty] twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

Senator Mathews offered the following amendment to Amendment 91 which was adopted:

In Subsection (d), line 5, strike: "three fifths" and insert the following: two-thirds

On motion by Senator Cross, time of adjournment was extended until final action on Amendment 91 as amended.

The question recurred on Amendment 91 as amended which was adopted.

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 4:05 p. m.

A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:10 p. m. to reconvene at 9:30 a. m., August 10, 1967.