

SPECIAL SESSION

JOURNAL OF THE SENATE

Wednesday, August 16, 1967

The Senate was called to order by the President Pro Tempore at 9:30 a.m. The following Senators were recorded present:

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

45. A quorum present.

Excused: Senator Poston.
Senators Boyd and Henderson to represent the Senate at the funeral services of former member of the House of Representatives, John W. Hasson of Sarasota.

Prayer by Senator Tom Slade of the 9th Senatorial District:

Dear Father, we thank thee for the multitude of ingredients which make life worth living; for the privilege of joining hands in worthy causes; for the privilege of living in a land that allows disagreement; for the ability to love the ones with whom we differ; for being able to change our minds, or, having made mistakes, go on to better things. For all of these things are but small reflections of thy great truth which makes men free. Amen.

The reading of the Journal was dispensed with.

The Journal of August 15 was corrected and approved as follows:

Page 74, bottom of column 2, insert the following: The concurrent resolution was certified to the House.

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends the following pass:

SJR 4-XXX(67) SJR 5-XXX(67)

The joint resolutions were placed on the Calendar.

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

Senator Stockton offered the following amendment which was adopted:

Amendment 209—Article IV, Section 8, Subsection (b), on page 28, beginning at line 30, strike subsection (b) and insert in lieu thereof:

(b) The game and fresh-water fish commission shall exercise the non-judicial powers of the state with respect to wild animal life other than salt-water aquatic life, except that all license fees for taking wild life and penalties for violating regulations of the commission shall be prescribed by specific statute. The legislature may enact laws not inconsistent with [such regulations] this constitution.

Senator Bafalis offered the following amendment which was adopted:

Amendment 175—Article IV, Section 1, Subsection (a), on page 22, beginning at line 4, strike subsection (a) and insert in lieu thereof the following:

(a) The supreme executive power shall be vested in a gov-

ernor. He shall be commander-in-chief of all armed forces of the state not in active service of the United States. He shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. He may require information in writing from all executive or administrative [state or county officers] state, county, or municipal officers upon any subject relating to the duties of their respective offices.

Senator Stockton offered the following amendment which failed:

Amendment 210—Article IV, Section 1, Subsection (c), on page 22, beginning at line 19, strike subsection (c), section 1 and insert in lieu thereof:

(c) He may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices [shall,] may, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion[, not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury].

Senator Gong offered the following amendment:

Amendment 208—Article IV, Section 4, on page 25, beginning at line 15, after subsection (b) insert a new subsection to be numbered (c) and renumber the following subsections accordingly:

(c) When the governing board of any agency or department of the state is composed of members representing, residing in and selected from divisions of the state, such divisions shall be as nearly equal in population as practicable, according to the most recent federal decennial census or other official census.

Senator Stolzenburg offered the following amendment to Amendment 208 which was adopted:

Strike in line 5 "according to the most recent federal decennial census or other official census." and insert in lieu thereof: according to the most recent federal census.

Senator Deeb offered the following amendment to Amendment 208 as amended which failed:

In subsection (c), line 7, after the word "census" strike the period and add or other official census as provided by law.

Senator Stone presiding.

The vote was:

Yeas—19

Bafalis	Gong	O'Grady	Thomas
Deeb	Haverfield	Reuter	Weissenborn
de la Parte	Johnson	Shevin	Wilson
Elrod	Knopke	Spencer	Young
Fisher	McClain	Stone	

Nays—18

Askew	Friday	Horne	Slade
Barron	Gibson	Lane	Stockton
Bell	Griffin	Mathews	Stolzenburg
Broxson	Gunter	Ott	
Cross	Hollahan	Plante	

Amendment 208 as amended failed. The vote was:

Yeas—17

Bell	Haverfield	Shevin	Weissenborn
de la Parte	Hollahan	Slade	Wilson
Elrod	Knopke	Spencer	
Fisher	Lane	Stone	
Gong	Reuter	Thomas	

Nays—23

Askew	Cross	Horne	Plante
Barron	Deeb	Johnson	Sayler
Barrow	Edwards	McClain	Stockton
Broxson	Friday	Mathews	Stolzenburg
Chiles	Gibson	O'Grady	Weber
Clayton	Griffin	Ott	

Senator Barron presiding.

Senator Plante presiding.

Senator de la Parte offered the following amendment:

Amendment 211—Article IV, Section 5, Subsection (b), on page 26, beginning at line 1, strike present subsection (b) and insert in lieu thereof the following:

(b) [The suspended officer shall be deemed to have acquiesced in the suspension and surrendered all claim to the office unless within thirty days from the filing of the suspension order he shall file with the secretary of state a written demand for a hearing, which shall be accorded promptly before the governor or a disinterested cabinet member designated in writing by the governor. All evidence supporting the suspension, and such evidence as the officer may desire to offer in his defense, shall be presented and recorded at the hearing and filed with the secretary of state. The governor shall promptly file with the secretary of state a further order stating his findings and confirming or revoking the suspension. If the order does not revoke the suspension and re-instate the officer, the secretary of state shall transmit to the senate, on the next day it is in regular session, certified copies of the orders and the record of the hearing.] Upon the filing in his office of an executive order of suspension, the secretary of state shall immediately communicate to the president of the senate the fact of such suspension together with a copy of the executive order. Upon receiving such communication concerning an executive order of suspension, the president of the senate shall forthwith appoint a select committee of the senate to hear evidence and consider the grounds contained in the suspension order. As soon as practicable, the select committee shall communicate to the president of the senate its recommendation that the senate sustain or disapprove the order of suspension. In the event the select committee recommends that the senate disapprove the order of suspension and the legislature is not scheduled to meet in regular session within the next ninety days, the president of the senate may immediately call the senate into special session for the sole purpose of considering the order of suspension. Such special session of the senate shall commence not sooner than twenty days nor later than forty-five days after the date of the call. The senate may take further evidence and shall sustain or disapprove the suspension. If it sustains the suspension or fails to act before adjourning, the officer shall be removed from office as of the date of the original order of suspension. If the senate disapproves the suspension, the officer shall be reinstated for any remaining part of his term and shall receive compensation from the state to the date of reinstatement or to the date of expiration of his term, whichever is earlier. If an order of suspension be transmitted to the senate more than thirty days after the beginning of its session, consideration thereof may be postponed to the next regular session of the legislature. Removal proceedings shall not affect an officer's criminal or civil liability. A person suspended from office and not reinstated shall be ineligible to appointment to that office for four years.

Senator Spencer offered the following amendment to Amendment 211 which failed:

On page 1, reinstate all of lines 1 through 19 and amend lines 17 through 23 to read as follows: the president of the senate certified copies of the order and the record of the hearing upon receiving such . . .

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until final action on Article IV of SJR 2-XXX(67).

Senator Stockton offered the following amendment to Amendment 211 which was adopted:

On page 2, beginning at line 3, strike line 3 and line 4 through "and the"

Senator Wilson offered the following substitute amendment for Amendment 211 as amended which was adopted:

Strike entire Section 5(b) and insert the following:

(b) The proceedings for removal or reinstatement after suspension shall be as prescribed by law; and the senate may be called in special session by the president of the senate or by a majority of the membership for the sole purpose of removing from office or reinstating the suspended official.

A motion by Senator Mathews that Article IV as amended be adopted failed. The vote was:

Yeas—29

Mr. President	Friday	McClain	Stockton
Barrow	Gong	Mathews	Stolzenburg
Bell	Griffin	O'Grady	Stone
Clayton	Gunter	Plante	Weber
Cross	Haverfield	Sayler	Young
Deeb	Hollahan	Shevin	
de la Parte	Johnson	Slade	
Elrod	Lane	Spencer	

Nays—13

Askew	Edwards	Knopke	Weissenborn
Barron	Fisher	Ott	Wilson
Broxson	Gibson	Reuter	
Chiles	Horne	Thomas	

On motion by Senator Mathews, by two-thirds vote, it was agreed that Article IV be informally engrossed with notation thereon that it failed to receive the necessary three-fourths vote of the membership of the Committee of the Whole.

Senator Mathews moved that the rules be waived and the Committee of the Whole reconvene at 2:00 p. m. The motion was adopted.

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

AFTERNOON SESSION

The Committee of the Whole was called to order by Senator Pope at 2:00 p. m.

The following Senators were recorded present:

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

45. A quorum present.

Consideration of SJR 2-XXX(67) was resumed.

A motion by Senator Askew failed that the Committee of the Whole reconsider the vote by which Amendment 73 was adopted.

Senator Barron presiding.

Senators Gong, Chiles, Gunter, Stone, Griffin, Boyd, de la Parte, Haverfield, Weissenborn, Hollahan, Poston, Fisher, Shevin, O'Grady, Spencer and the Steering Committee offered the following amendment:

Amendment 160—Article VI, Section 2, on page 41, beginning at line 9, strike present section 2 and insert in lieu thereof the following:

Section 2. **ELECTORS.**—Every citizen of the United States who is at least [twenty-one] eighteen years of age and who has been a permanent resident for one year in the state and six months in a county shall, upon registering as provided by law, be an elector of that county at all elections. Provisions may be made by law for other bona fide residents of the state who are at least [twenty-one] eighteen years of age to register and vote in elections of presidential electors.

Senator de la Parte presiding.

Senator Pope presiding.

Senator Wilson offered the following amendment to Amendment 160 which failed:

In Section 2, line 1-4, strike:

"Section 2 ELECTORS—Every citizen of the United States who is at least eighteen years of age and who has been a permanent resident" and insert the following:

Section 2 ELECTORS—Every citizen of the United States who is at least twenty-one years of age or who is on active duty with the armed forces and who has been a permanent resident

Senator Young offered the following amendment to Amendment 160 which failed:

Line 2, strike "18" and insert 16

Line 9, strike "18" and insert 16

Amendment 160 was adopted. The vote was:

Yeas—29

Mr. President	de la Parte	Horne	Slade
Askew	Fisher	Knopke	Spencer
Barron	Friday	McClain	Stone
Barrow	Gong	Mathews	Thomas
Bell	Griffin	O'Grady	Weissenborn
Broxson	Gunter	Plante	
Chiles	Haverfield	Reuter	
Cross	Hollahan	Shevin	

Nays—12

Clayton	Johnson	Stockton	Wilson
Deeb	Lane	Stolzenburg	Young
Edwards	Ott		
Elrod	Sayler		

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

The Senate was called to order by the President at 3:05 p. m. A quorum present.

Senator Slade moved that the President appoint a committee to call upon the Governor, at the earliest convenience of His Excellency, to request an expression of his desires and plans relative to extension of the special session on constitutional revision. The motion was adopted and the President appointed Senators Sayler, Slade and Young.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope
President of the Senate

August 16, 1967

Sir:

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

SCR 10-XXX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

The Honorable Verle A. Pope
President of the Senate

August 16, 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 8-XXX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

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

A motion by Senator Mathews that Article VI as amended be adopted failed. The vote was:

Yeas—32

Mr. President	de la Parte	Hollahan	Plante
Askew	Fisher	Horne	Reuter
Barron	Friday	Johnson	Shevin
Barrow	Gibson	Lane	Slade
Bell	Gong	McClain	Spencer
Broxson	Griffin	Mathews	Stone
Chiles	Gunter	O'Grady	Thomas
Cross	Haverfield	Ott	Weissenborn

Nays—9

Clayton	Elrod	Stolzenburg	Young
Deeb	Sayler	Wilson	
Edwards	Stockton		

On motion by Senator Mathews it was agreed that the rules be waived and Article VI be informally engrossed with notation thereon that it failed to receive the necessary three-fourths vote of the membership of the Committee of the Whole.

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

The Senate was called to order by the President at 3:40 p. m. A quorum present.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 5:00 p. m.

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

Senator Bell offered the following amendment:

Amendment 122—Article VII, Section 1, Subsection (b), on page 42, beginning at line 24, strike section 1, subsection (b) and insert in lieu thereof the following:

(b) Government. Pursuant to a general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose [...] or at a general election.

Senator Deeb offered the following substitute amendment:

Section 1, Subsection (b), on page 42, beginning at line 28, strike the period and insert "and not on the same day as a general election"

Senator Cross offered the following amendment to the substitute amendment which failed:

Section 1, Subsection (b), Paragraph 2, on page 42, beginning at line 28, after the word purpose strike the period and add the following: "comma (,) provided, no special election called under this provision shall be held on the same day of a General Election"

Senator Cross presiding.

The substitute amendment failed.

Amendment 122 failed.

Senators Bell, Stolzenburg, Lane and Weber offered the following amendment:

Amendment 213—Article VII, Section 1, Subsection (c), on page 42, beginning at line 29, strike present subsection (c) and insert in lieu thereof the following:

(c) COUNTY OFFICERS. In each county there shall be elected by the qualified electors for a term of four (4) years a clerk of the circuit court, a sheriff, a tax assessor, [and] a tax collector[.], and a supervisor of elections. Their powers, duties, and qualifications, except as provided in a county charter, shall be as prescribed by law. The clerk of the circuit

court shall also be the clerk of the board of county commissioners, recorder, have the care and custody of all county funds, and a method of reporting and paying out of such funds shall be provided by law.

Senator Saylor offered the following amendment to Amendment 213 which was adopted:

In line 1, strike: "In each county" and insert: Except where otherwise provided by county charter,

Senator Pope presiding.

Pending further consideration of Amendment 213 as amended, Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by the President at 4:49 p. m. A quorum present.

On motion by Senator Mathews, by two-thirds vote, the Senate reverted to the order of Reports of Committee.

By direction of the President, the Secretary of the Senate read the following—

**REPORT OF SELECT COMMITTEE
PURSUANT TO SENATE RULE 15.2**

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

August 16, 1967

Dear Mr. President:

It has come to the attention of your Select Committee, appointed on August 1, 1967, to inquire into an Executive Order of Suspension in the case of Oscar Papineau, Constable, District 2, Volusia County, that Oscar Papineau has tendered his resignation from the aforesaid office.

The purpose for which your Select Committee was appointed having become moot by virtue of the resignation of Mr. Papineau, your Committee recommends that all matters presented to the Senate in this case be returned to the office of the Governor and your Select Committee hereby respectfully requests that it be discharged.

Respectfully submitted,

C. S. REUTER

30th District

Chairman

ELIZABETH J. JOHNSON

29th District

W. D. GUNTER, Jr.

18th District

ROBERT H. ELROD

17th District

On motion by Senator Reuter, the report of the Select Committee was adopted and the Committee was discharged.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:02 p. m. to reconvene at 9:30 a. m., August 17, 1967.