

SPECIAL SESSION

JOURNAL OF THE SENATE

At a special session of the Florida Legislature convened by proclamation of His Excellency, Claude R. Kirk, Jr., Governor of the State of Florida, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Monday, August 21, 1967

In pursuance of the Proclamation of Honorable Claude R. Kirk, Jr., Governor of the State of Florida, the Senate met in Special Session at 10:00 a. m. and was called to order by Senator Verle A. Pope, President of the Senate; the Secretary of the Senate, Edwin G. Fraser and the Sergeant At Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the Governor convening the Legislature in Special Session was read as follows:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

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

WHEREAS, on July 26, 1967, An Executive Proclamation was issued convening the Florida Legislature in special session on July 31, 1967, for the purpose of considering constitutional revision, and

WHEREAS, consultation with the leadership of the Florida Legislature reflects that constitutional revision is proceeding in a purposeful manner and should be continued until this historic undertaking is completed, and

WHEREAS, it is my belief that it is to the best interest of the citizens of Florida that the Florida Legislature immediately reconvene for the purpose of continuing and 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 reconvene the Legislature of the State of Florida in special session beginning at 10 A.M. on Monday, August 21, 1967 and ending not later than 12 midnight, Friday, September 1, 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 Capitol, this 16 day of August, A. D. 1967.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

By direction of the President, the roll was called and the following Senators were recorded present:

Senator John R. Broxson 1st District
Senator Reubin O'D. Askew 2nd District
Senator William Dean Barrow 3rd District

Senator Dempsey J. Barron 4th District
Senator Mallory E. Horne 5th District
Senator L. P. "Pete" Gibson 6th District
Senator J. Emory "Red" Cross 7th District
Senator John E. Mathews, Jr. 8th District
Senator Tom Slade 9th District
Senator William T. Stockton, Jr. 11th District
Senator Verle A. Pope 12th District
Senator L. K. Edwards, Jr. 13th District
Senator Ralph R. Clayton 14th District
Senator Dennis J. Patrick O'Grady 15th District
Senator Robert H. Elrod 17th District
Senator Bill Gunter 18th District
Senator C. W. Bill Young 19th District
Senator Harold S. Wilson 20th District
Senator Henry Saylor 21st District
Senator Richard J. (Dick) Deeb 22nd District
Senator Joseph A. McClain, Jr. 24th District
Senator T. Truett Ott 25th District
Senator Louis de la Parte, Jr. 26th District
Senator Ben Hill Griffin, Jr. 27th District
Senator Lawton M. Chiles, Jr. 28th District
Senator Elizabeth J. (Beth) Johnson 29th District
Senator C. S. "Cliff" Reuter 30th District
Senator Wilbur Boyd 31st District
Senator Warren S. Henderson 32nd District
Senator L. A. 'Skip' Bafalis 33rd District
Senator Elmer O. Friday, Jr. 34th District
Senator Jerry Thomas 35th District
Senator David C. Lane 36th District
Senator Charles H. Weber 37th District
Senator John W. (Jack) Bell 38th District
Senator Chester W. (Chet) Stolzenburg 39th District
Senator Edmond J. Gong 40th District
Senator Robert M. Haverfield 41st District
Senator Lee Weissenborn 42nd District
Senator Robert L. Shevin 43rd District
Senator George L. Hollahan, Jr. 44th District
Senator Ralph R. Poston 46th District

Senator Dick Fincher 47th District
 Senator Richard B. (Dick) Stone 48th District
 44. A quorum present.

Excused: Senators Tom Spencer, 45th District; John J. Fisher, 10th District; Ray C. Knopke, 23rd District; and Kenneth Plante, 16th District.

Prayer by Senator L. P. "Pete" Gibson of the 6th Senatorial District:

PRAYER OF SERENITY

God grant me the serenity to accept the things I cannot
 change
 The courage to change the things I can,
 And the wisdom to know the difference.

The pledge of allegiance to the flag of the United States of America pursuant to Senate Rule 7.2:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

On motion by Senator Mathews, the rules of the 1967 Special Session, convened on July 31, were adopted to govern the Senate in the special session convened this day.

INTRODUCTION

By Senators Mathews, Young, Askew, Chiles, Friday, Cross, Horne, Hollahan and Slade—

SJR 1-4X(67)—A joint resolution proposing a revision of the entire Constitution of the State of Florida.

Was read the first time in full and referred to the Committee of the Whole.

By Senators Mathews, Chiles, Askew, Friday, Cross, Young, Horne, Hollahan and Slade—

SJR 2-4X(67)—A joint resolution proposing a revision of the Constitution of Florida.

Was read the first time in full and referred to the Committee of the Whole.

By Senator Poston—

SJR 3-4X(67)—A joint resolution proposing an amendment to section 11 of Article VIII of the state constitution; authorizing metropolitan Dade county to exercise powers of a municipality and to receive moneys to which municipalities are entitled; amendment contingent on rejection of a revised constitution.

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

That the following amendment to subsection (1)(b) of section 11 of Article VIII of the state constitution, is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1968; provided the amendment shall be void if a revised constitution is adopted at the general election to be held in November, 1968.

SECTION 11. Dade County, home rule charter.—(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County, exercise all the powers of a municipality and receive from the State of Florida or from any other agency, public or private, funds and revenues to which a county or an incorporated municipality is or may hereafter be entitled, and to

receive the same without diminution or loss by reason of any such government as may be established.

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

By the required Constitutional two-thirds vote of the Senate the following concurrent resolution was admitted for introduction and consideration:

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

SCR 4-4X(67)—A concurrent resolution implementing SCR 1096 adopted at the Regular Session of the 1967 Florida Legislature again urging the National Democratic Committee to hold the next Democratic National Convention in the State of Florida.

WHEREAS, the Republican National Committee has designated Miami Beach, Dade County, as the location where its next convention will be held, and

WHEREAS, the Legislature and the people of Florida, are most anxious that the Democratic National Committee avail itself of the welcome, ample accommodations and other convention facilities Florida has to offer, and

WHEREAS, in an earnest effort to afford Florida the signal honor of hosting both Conventions, NOW, THEREFORE,

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

That the Legislature of the State of Florida, in Special Session assembled, does most cordially extend its invitation to the Democratic National Committee to hold its next National Convention in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Chairman of the Democratic National Committee; all members of the Florida Delegation in the Congress; the President of the United States; the Vice President of the United States; the Speaker of the House of Representatives and the majority leaders of both Bodies of the Congress; the respective Chairmen of all State Democratic Committees and the Governors of the several States of the United States who are members of the Democratic Party.

Was read the first time in full. On motion by Senator Broxson, the rules were waived and the concurrent resolution was placed on the Calendar.

Unanimous consent was granted Senator Broxson to take up SCR 4-4X(67).

On motion by Senator Broxson, the rules were waived and SCR 4-4X(67) was read the second time by title, unanimously adopted and certified to the House.

MESSAGE FROM THE GOVERNOR

By direction of the President, 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*

August 21, 1967

Dear Sir:

Pursuant to Article IV, Section 15, of the Constitution of the State of Florida, I have the honor to transmit for the consideration of your Honorable Body an Executive Order of Suspension in the case of Martin M. Kellenberger, Sheriff of Palm Beach County, Florida, and hereby recommend the removal of this official.

Sincerely,
CLAUDE R. KIRK, JR.
 Governor

The Secretary announced that pursuant to Senate Rule 15.2, the President had appointed the following Select Committee: Senators Bafalis, Thomas, Friday, Reuter and Lane.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message was read:

*The Honorable Verle A. Pope
President of the Senate*

August 21, 1967

Sir:

I am directed to inform the Senate that the House of Representatives has adopted (Introduction of the bill was agreed to by the required constitutional two-thirds vote of all members.)

SCR 4-4X(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

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

Senator Mathews moved that the actions taken in the Committee of the Whole of the Senate during the special session of the legislature which convened on July 31, 1967, with reference to SJR 2-XXX(67) and the amendments thereto be confirmed and ratified so that the record would reflect that they have the same effect during the special session convened on August 21, 1967 as if the said actions had been taken during the special session convened this date; including all the appointments of study groups, ad hoc conferees, liaison committees, the transcript of the proceedings, and all other matters which were considered. The motion was adopted.

By direction of the President the following explanation of the foregoing motion by Senator Mathews was read:

The purpose of this motion is to place both Senate Joint Resolution 1-XXX(67) and Senate Joint Resolution 2-XXX(67) in the status as if they had been carried forward in an extended session so that Senate Joint Resolution 1-4X(67) and Senate Joint Resolution 2-4X(67) will be considered to be, insofar as committee action is concerned, the same as Senate Joint Resolution 1-XXX(67) and Senate Joint Resolution 2-XXX(67) as of the time of the expiration of the special session which ended on August 19, 1967.

On motion by Senator Mathews, pursuant to Rule 5.12, the Senate resolved itself into a Committee of the Whole for the purpose of consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

On motion by Senator Mathews, the rules were waived and it was agreed that the President Pro Tempore or any other Senator designated by the President be permitted to preside as Chairman of the Committee of the Whole.

Senators Young, Slade, Friday, Stone, Deeb, de la Parte, Askew, Fincher, Broxson, Bafalis and Thomas offered the following amendment which was moved by Senator Young:

Amendment 215—Article VIII, Section 2, on page 47, beginning at line 31, insert the following new subsection:

(d) No county or school district ad valorem taxes shall be levied upon real estate or tangible personal property for school purposes.

Senators Mathews, Pope, Chiles, Slade, Cross and Gibson offered the following substitute amendment which was moved by Senator Cross:

Strike the language of (d) and insert the following: (d) There shall be levied annually for public school purposes in each county an ad valorem tax of five (5) mills on the dollar on the assessed value of the property the proceeds of which shall be remitted to the state treasurer for use of the public schools.

No other ad valorem taxes shall be levied upon real estate or tangible personal property for school purposes.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 12:30 p. m.

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

In subsection (d), line 2, strike: "five" and insert the following: ten

Senator Boyd offered the following amendment to the substitute amendment:

At the end of subsection (d) strike period and add the following: However, up to an additional 5 (five) mills can be levied for additional local effort and such funds remain in county where levied when authorized by a majority vote of the Freeholder Electors of the said county.

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 Barron at 1:30 p. m. A quorum present.

The Committee of the Whole resumed consideration of the amendment to the substitute amendment.

The amendment to the substitute amendment failed.

Senators Barron, Barrow and Broxson offered the following amendment to the substitute amendment which was adopted on motion by Senator Broxson:

In line 3 following the words "assessed value" strike "the" and insert the following: non-exempt

The substitute amendment failed. The vote was:

Yeas—21

Mr. President	Fincher	Johnson	Stone
Bell	Friday	O'Grady	Thomas
Boyd	Gunter	Poston	Wilson
Chiles	Haverfield	Sayler	
Clayton	Hollahan	Shevin	
Cross	Horne	Slade	

Nays—20

Askew	Deeb	Griffin	Stockton
Bafalis	de la Parte	Henderson	Stolzenburg
Barron	Edwards	Lane	Weber
Barrow	Elrod	Ott	Weissenborn
Broxson	Gibson	Reuter	Young

PAIR

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

I am paired with Senator Fisher on the substitute amendment. If he were present he would vote "Nay" and I would vote "Yea."

JOHN E. MATHEWS, JR., 8th District

Senators Boyd and Sayler offered the following amendment to Amendment 215 which was moved by Senator Boyd and failed:

Add at end: except as authorized by law

The vote was:

Yeas—17

Boyd	Gunter	Sayler	Weissenborn
Chiles	Horne	Stockton	Wilson
Clayton	Lane	Stolzenburg	
Friday	Mathews	Stone	
Griffin	Poston	Thomas	

Nays—26

Mr. President	Cross	Haverfield	Reuter
Askew	Deeb	Henderson	Shevin
Bafalis	de la Parte	Hollahan	Slade
Barron	Edwards	Johnson	Weber
Barrow	Elrod	McClain	Young
Bell	Fincher	O'Grady	
Broxson	Gibson	Ott	

Amendment 215 failed. The vote was:

Yeas—20

Askew	Barrow	Clayton	de la Parte
Barron	Broxson	Deeb	Edwards

Elrod	Haverfield	Shevin	Thomas
Friday	Henderson	Slade	Weber
Gibson	Ott	Stone	Young

Nays—22

Mr. President	Gong	Lane	Sayler
Bell	Griffin	McClain	Stockton
Boyd	Gunter	Mathews	Stolzenburg
Chiles	Hollahan	O'Grady	Weissenborn
Cross	Horne	Poston	
Fincher	Johnson	Reuter	

PAIR

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

I am paired with Senator Fisher on Amendment 215. If he were present he would vote "Yea" and I would vote "Nay."

HAROLD WILSON, 20th District

EXPLANATION OF VOTE

I voted against both the amendment to Amendment 215 and Amendment 215 for the same reason. Both of these proposals have as their laudatory purpose the reduction of the tax load being borne by real and personal property. But, in my opinion, both proposals are irresponsible at this time when the legislature has not approved a new or an additional source of state revenue which would be necessary to support our 67 public school systems if the support these systems now derive from property taxes is to be either cut off or drastically reduced. I voted for the 4% sales tax proposed during the regular session which would have given the extra cent back to the counties where raised, because this really would have given meaningful tax relief to the property owner. I might add that I don't like the sales tax because of its regressive nature and because of all the sacred cow special interest exemptions which were retained (despite the effort of some of us to eliminate these exemptions). But I felt that adding a cent to the sales tax constitutes a lesser evil than the tax burden being borne by the property owners of this state. However, it is no answer to the property tax problem to simply mandatorily reduce this tax at the expense of our school systems when this legislature has already refused on one occasion by defeating the 4% tax proposal—to give relief to the local counties. In my opinion, the horse has got to come before the cart.

LEE WEISSENBORN, 42nd District

A motion by Senator Shevin failed that the Committee of the Whole reconsider the vote by which the substitute amendment as amended failed.

Senator Pope presiding.

On motion by Senator Mathews, the Committee of the Whole reconsidered the vote by which Amendment 215 failed.

Senators Mathews and Boyd offered the following amendment to Amendment 215 which was adopted on motion by Senator Mathews:

Strike the period and insert the following: in excess of 5 mills on the dollar on non-exempt property.

The vote was:

Yeas—34

Mr. President	Deeb	Henderson	Sayler
Askew	de la Parte	Hollahan	Shevin
Barron	Edwards	Horne	Slade
Barrow	Fincher	Johnson	Stone
Bell	Friday	Lane	Thomas
Boyd	Gibson	McClain	Weber
Broxson	Gong	Mathews	Young
Chiles	Gunter	Ott	
Clayton	Haverfield	Poston	

Nays—8

Cross	Griffin	Reuter	Stolzenburg
Elrod	O'Grady	Stockton	Weissenborn

PAIR

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

I am paired with Senator Fisher on the amendment to Amendment 215. If he were present he would vote "Yea" and I would vote "Nay."

HAROLD WILSON, 20th District

Amendment 215 as amended was adopted. The vote was:

Yeas—35

Mr. President	Clayton	Haverfield	Poston
Askew	Deeb	Henderson	Sayler
Bafalis	de la Parte	Hollahan	Shevin
Barron	Edwards	Horne	Slade
Barrow	Fincher	Johnson	Stone
Bell	Friday	Lane	Thomas
Boyd	Gibson	McClain	Weber
Broxson	Gong	Mathews	Young
Chiles	Gunter	Ott	

Nays—8

Cross	Griffin	Reuter	Stolzenburg
Elrod	O'Grady	Stockton	Weissenborn

PAIR

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

I am paired with Senator Fisher on Amendment 215 as amended. If he were present he would vote "Yea" and I would vote "Nay."

HAROLD WILSON, 20th District

EXPLANATION OF VOTE

I voted against the Amendment as amended because it means the state must take over the entire cost of education. At this time we do not know the amount of money that will be required nor the type of additional tax that must be levied to produce the needed income. I fear that such a large amount can only be raised by a state income tax and an increase in the sales tax to over 5%.

ROBERT H. ELROD, 17th District

Senator Barron presiding.

Senator Sayler offered the following amendment:

Amendment 238—Article VIII, Section 2, Subsection (a), on page 47, beginning at line 14, strike subsection (a) and insert in lieu thereof the following:

(a) By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation. For the levying of taxes property may be classified by general law on the basis of character or use[.]. [and] The rate of taxation shall be uniform [in each class].

Senator Pope presiding.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 4:30 p. m.

Senator Askew presiding.

Senator Pope offered the following amendment to Amendment 238 which was adopted:

In line 3, following the period(.) strike the remainder of the paragraph and insert: Such valuation may be based upon use and classification. The rate of taxation shall be uniform.

Senator Pope presiding.

Amendment 238 as amended failed.

Senators Gunter and Plante offered the following amendment which was moved by Senator Gunter:

Amendment 253—Article VIII, Section 2, Subsection (a), on page 47, beginning at line 14, strike all of subsection (a) and insert in lieu thereof the following (substantial rewording):

(a) By general law of uniform operation, property may be classified for the purpose of ad valorem taxation on the basis of character or use. The legislature shall provide for uniform and equal rate of taxation, and prescribe such regulations as shall secure a just valuation of all property within each classification.

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

The Senate was called to order by the President at 4:31 p. m. A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:32 p. m. to reconvene at 9:30 a. m., August 22, 1967.