

SPECIAL SESSION

JOURNAL OF THE SENATE

Wednesday, August 23, 1967

The Senate was called to order by Senator Horne at 9:30 a. m. The following Senators were recorded present:

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

46. A quorum present.

Excused: Senators Slade and Barron. Senator O'Grady for the afternoon session.

Prayer by Senator John R. Broxson of the 1st Senatorial District:

Heavenly Father, we ask you to go with us through this day. Bless our eyes to see the difference between good and evil; bless our ears to hear the voice of God; bless, we pray, our hearts to have compassion on those less fortunate, and when all is done, grant unto us everlasting life. Through Jesus Christ. Amen.

The Journal of August 22 was corrected and approved.

INTRODUCTION

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

By Senators Chiles, de la Parte, Gunter, Fisher, Poston, Stone, Henderson, Hollahan, Haverfield and Gong—

SCR 9-4X(67)—A concurrent resolution expressing sympathy and sorrow over the passing of Derrie Davis.

WHEREAS, today when many people have become apathetic when asked to help others, and

WHEREAS, Derrie Davis lost her life attempting to save a little boy from drowning, and

WHEREAS, Derrie showed courage that comes only from a real concern for others, and

WHEREAS, this act of courage should be known to others, NOW, THEREFORE,

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

Section 1. That all members of the Senate and House express their deepest regrets over the death of Derrie Davis and hereby publicly manifest their sympathy by providing that this resolution be preserved in the legislative records, and that a copy be sent to Derrie's mother.

Was read the first time in full. On motion by Senator Chiles, the rules were waived and SCR 9-4X(67) was read the second time by title, unanimously adopted, and certified to the House.

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 2-4X(67).

COMMITTEE OF THE WHOLE

Senator Bafalis offered the following amendment:

Amendment 59—Article VIII, Section 9, on page 50, begin-

ning at line 10, strike Section 9 and insert in lieu thereof the following:

Section 9. LOCAL TAXES.—Counties and municipalities shall, and special districts may, be authorized by law to levy taxes for their respective purposes, except ad valorem taxes on intangible property, and taxes prohibited by this constitution. All taxes unless otherwise authorized by this constitution or general law are pre-empted to the state.

Senator Barrow offered the following amendment to Amendment 59 which failed:

Line 3, after "purposes," add: as prescribed by the legislature

Amendment 59 failed.

Senator Shevin offered the following amendment:

Amendment 249—Article VIII, Section 7, on page 50, strike all Section 7 and insert in lieu thereof the following:

Section 7. PARI-MUTUEL TAXES.—All or any portion of the excise taxes levied upon the operation of pari-mutuel pools may be allocated by general law. [and distributed to the several counties in equal amounts.]

Senator Barrow offered the following substitute amendment which failed:

Article VIII, Section 7, on page 50, strike Section 7 and insert:

Section 7. Pari-Mutuels.—Beginning in the year 1980, gambling in Florida in any form shall be prohibited. The monies received from now until then shall defray the costs of retiring the investment of existing gambling facilities by condemnation if necessary.

The vote was:

Yeas—18

Askew	Cross	Gunter	Stolzenburg
Barrow	de la Parte	Plante	Thomas
Boyd	Edwards	Poston	Wilson
Broxson	Elrod	Reuter	
Clayton	Fisher	Spencer	

Nays—23

Mr. President	Griffin	Lane	Shevin
Bell	Haverfield	McClain	Stockton
Deeb	Hollahan	Mathews	Stone
Fincher	Horne	O'Grady	Weber
Friday	Johnson	Ott	Weissenborn
Gong	Knopke	Sayler	

Amendment 249 was adopted. The vote was:

Yeas—28

Bafalis	Gong	Ott	Stockton
Bell	Gunter	Plante	Stolzenburg
Deeb	Haverfield	Poston	Stone
de la Parte	Hollahan	Reuter	Thomas
Elrod	Johnson	Sayler	Weber
Fincher	Knopke	Shevin	Weissenborn
Fisher	Lane	Spencer	Wilson

Nays—16

Mr. President	Broxson	Edwards	Horne
Askew	Chiles	Friday	McClain
Barrow	Clayton	Gibson	Mathews
Boyd	Cross	Griffin	O'Grady

A motion by Senator de la Parte that the Committee of the Whole reconsider the vote by which Amendment 249 was adopted failed.

Senator Friday moved that the Committee of the Whole reconsider the vote by which the substitute amendment failed. The vote was:

Yeas—22

Askew	Cross	McClain	Spencer
Barrow	Edwards	Mathews	Stolzenburg
Boyd	Fisher	O'Grady	Thomas
Broxson	Friday	Plante	Wilson
Chiles	Griffin	Poston	
Clayton	Gunter	Reuter	

Nays—20

Mr. President	Fincher	Johnson	Shevin
Bell	Gong	Knopke	Stockton
Deeb	Haverfield	Lane	Stone
de la Parte	Hollahan	Ott	Weber
Elrod	Horne	Sayler	Weissenborn

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

Yeas—16

Askew	Chiles	Griffin	Spencer
Barrow	Cross	Gunter	Stolzenburg
Boyd	Edwards	Plante	Thomas
Broxson	Friday	Poston	Wilson

Nays—25

Mr. President	Fisher	Lane	Stockton
Bell	Gong	McClain	Stone
Clayton	Haverfield	Mathews	Weber
Deeb	Hollahan	O'Grady	Weissenborn
de la Parte	Horne	Ott	
Elrod	Johnson	Sayler	
Fincher	Knopke	Shevin	

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

The Senate was called to order by Senator Horne at 11:05 a. m. The following Senators were recorded present:

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

46. A quorum present.

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

MESSAGE FROM THE GOVERNOR

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

August 22, 1967

Dear Sir:

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

Joseph Peter D'Alessandro,
Assistant State Attorney, Twelfth
Judicial Circuit, succeeding Guy
R. Strayhorn

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Senator Friday moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Friday, the Senate advised and consented to the ap-

pointment of Joseph Peter D'Alessandro, as contained and set forth in the foregoing communication. The vote was: Yeas—46 Nays—None

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

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 2-4X (67).

COMMITTEE OF THE WHOLE

Senators McClain and Barrow offered the following amendment which was adopted on motion by Senator McClain:

Article VIII, Section 7 as amended, on page 50, beginning at line 4, add: ; provided, however, due protection is given existing liens against the proceeds of such taxes

Senator Mathews offered the following amendment:

Amendment 272—Article VIII, Section 11, on page 51, beginning at line 1, strike Section 11 and insert in lieu thereof the following:

Section 11. PLEDGING CREDIT.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend, or use its taxing power or credit directly or indirectly to aid any corporation, association, partnership, or person[.] , and this shall not prohibit any port authority operating a maritime port or an airport to issue and sell industrial revenue bonds to finance or refinance the cost of the necessary capital project for port authority purposes, which shall be payable solely from funds derived from the revenues of such capital projects to be constructed and owned by any such port authority and operated by such port authority or leased by such port authority to any private corporation, association, partnership or person.

Senator de la Parte presiding.

Senators Mathews and Barrow offered the following substitute amendment which was moved by Senator Mathews:

Section 11, on page 51, beginning at line 1, strike Section 11 and insert in lieu thereof the following:

Section 11. PLEDGING CREDIT.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend, or use its taxing power or credit directly or indirectly to aid any corporation, association, partnership, or person[.] but this shall not prohibit the investment, until needed, of public funds in obligations of, or insured by, the United States or any of its instrumentalities, or the investment of trust funds as may be provided by law.

This shall not prohibit any port authority operating a maritime port or an airport to issue and sell industrial revenue bonds to finance or refinance the cost of the necessary capital project for port authority purposes, which shall be payable solely from funds derived from the revenues of such capital projects to be constructed and owned by any such port authority and operated by such port authority or leased by such port authority to any private corporation, association, partnership or person.

Senator Horne presiding.

Senators Mathews, McClain, Barrow, Poston and Fincher offered the following amendment to the substitute amendment which was moved by Senator Mathews:

In Section 11, (in the substitute amendment) lines 13-22 insert the following:

The legislature may authorize any county, municipality, special district or other governmental body to issue and sell revenue bonds to finance or refinance the cost of any capital projects which the legislature has determined to be for a public purpose, so long as such bonds are payable solely from revenues derived from such capital project, even though the capital projects may be leased or alienated in whole or in part to private corporations or individuals; provided, that the properties acquired hereunder and the operations thereof when occupied or operated privately shall be subject to taxation to the same extent as privately owned property and operations, but nothing herein shall be construed to limit or restrict the operations of any port authority, airport authority or other governmental body for public purposes.

The hour of adjournment having arrived, a point of order was called and the Committee of the Whole recessed at 12 noon.

AFTERNOON SESSION

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

The Committee of the Whole resumed consideration of the amendment to the substitute amendment for Amendment 272.

Senator Horne presiding.

Senator Pope presiding.

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.

Senator Mathews moved that the rules be waived and when the Senate adjourns on Friday, August 25, it adjourn to reconvene at 9:00 a. m. Saturday, August 26, to remain in session until 2:00 p. m. and adjourn at that hour to reconvene Monday, August 28 at 10:00 a. m. The motion was adopted.

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 2-4X(67).

COMMITTEE OF THE WHOLE

The Committee of the Whole resumed consideration of the amendment to the substitute amendment for Amendment 272.

The amendment to the substitute amendment failed. The vote was:

Yeas—19

Mr. President	Haverfield	Poston	Stone
Barrow	Lane	Sayler	Weissenborn
Cross	McClain	Shevin	Wilson
Fisher	Mathews	Spencer	Young
Gong	Ott	Stockton	

Nays—18

Askew	Deeb	Henderson	Reuter
Bell	de la Parte	Horne	Stolzenburg
Boyd	Elrod	Johnson	Weber
Broxson	Griffin	Knopke	
Chiles	Gunter	Plante	

PAIR

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

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

JERRY THOMAS, 35th District

Senator Mathews offered the following amendment to the substitute amendment for Amendment 272 which was adopted:

Strike: the period (.) at the end of the substitute amendment and insert the following: ; provided that the properties acquired hereunder and the operation thereof when occupied or operated privately shall be subject to taxation to the same extent as privately owned property and operation.

Senator Horne presiding.

The substitute amendment as amended was adopted.

The vote was:

Yeas—29

Mr. President	Gibson	McClain	Stolzenburg
Barrow	Gong	Mathews	Stone
Bell	Griffin	Ott	Weber
Cross	Haverfield	Poston	Weissenborn
Deeb	Horne	Sayler	Wilson
Elrod	Johnson	Shevin	
Fisher	Knopke	Spencer	
Friday	Lane	Stockton	

Nays—11

Askew	Chiles	Gunter	Reuter
Bafalis	Clayton	Henderson	Young
Broxson	de la Parte	Plante	

PAIR

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

I am paired with Senator Fincher on the substitute amendment for Amendment 272 as amended. If he were present he would vote "Yea" and I would vote "Nay."

JERRY THOMAS, 35th District

The Steering Committee offered the following amendment which was moved by Senator Mathews:

Amendment 220—Article VIII, Section 12, on page 51, beginning at line 8, strike Section 12 and insert in lieu thereof a new Section 12, substantially reworded as follows:

Section 12. STATE BONDS AND REVENUE BONDS.—

(a) Bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of necessary capital projects for state purposes. No vote of the electors shall be required, provided (1) the bonds are issued to refund outstanding state bonds; or (2) the bonds (i) other than refunding bonds, shall not exceed in the aggregate in any fiscal year five per cent of the total tax revenues of the state for the two preceding fiscal years, (ii) shall not create in the aggregate a state bonded debt in excess of the total tax revenues of the state for the two preceding fiscal years, and (iii) shall not be issued to finance any part of the highway system. The issuance of all other bonds under this sub-section 12(a) shall be approved by a majority of the votes cast in a state election held for such purpose.

(b) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance the cost of necessary capital projects for state purposes and shall be payable solely from funds derived from source other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, Section 10(d) of this constitution.

Senator Chiles offered the following substitute amendment:

Article VIII, Section 12, on page 51, beginning at line 8, strike Section 12 and insert in lieu thereof a new Section 12, substantially reworded as follows:

Section 12. State Bonds. —

Bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of necessary capital projects for state purposes, upon approval by a majority of the votes cast in a state election held for such purpose; provided however, that bonds may be issued to refund presently outstanding revenue bonds or certificates of the state

or its agencies without approval of the voters as provided by law.

Senator Wilson offered the following amendment to the substitute amendment which was adopted:

Insert the following: (b) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance the cost of necessary capital projects for state purposes and shall be payable solely from funds derived from source other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, Section 10(d) of this constitution.

The substitute amendment as amended was adopted.

Senator Stolzenburg offered the following amendment which failed:

Amendment 250—Article VIII, Section 12, on page 51, beginning at line 8, strike Section 12 and insert in lieu thereof: (Substantial rewrite)

Section 12. STATE BONDS.—

(a) State bonds are those bonds pledging the full faith and credit of the state and may be issued only to finance the cost of capital projects for state purposes as theretofore authorized by the legislature or to refund state bonds then outstanding upon approval of the state board of administration. No vote of the electors shall be required; provided (1) the bonds are issued to refund outstanding state bonds; or (2) the bonds (i) other than refunding bonds, issued in any one fiscal year shall not exceed in the aggregate ten per centum (10%) of the total revenue of the state from taxes, licenses and fees, as certified by the state comptroller, for the two preceding fiscal years, (ii) shall not, together with any such state bonds then outstanding, cause the aggregate amount of state bonds then outstanding to be in excess of seventy-five per centum (75%) of the total revenue of the state from taxes, licenses and fees, as certified by the state comptroller, for the two preceding fiscal years, and (iii) shall not be issued to finance any part of the state highway system.

(b) The issuance of all other state bonds under this section shall be approved by a majority of the votes at a referendum cast in a special or general state election; provided, however, that the aggregate amount of state bonds outstanding at any one time, whether issued under (a) above or this subsection (b), shall never exceed the total revenue of the state from taxes, licenses and fees, as certified by the state comptroller, for the two preceding fiscal years; provided, further, the authority to issue additional state bonds shall be suspended at such time or times when such aggregate amount of state bonds then outstanding shall equal or exceed the total revenue of the state from taxes, licenses and fees, as certified by the state comptroller, for the two preceding fiscal years.

The legislature shall appropriate moneys sufficient to pay such state bonds and interest thereon and reserves therefor as the same due. The state treasurer in each year shall set apart and pay into the state bond sinking fund, which is hereby created, from the first revenue received applicable to the general revenue fund of the state, an amount sufficient to pay the principal, interest and reserves therefor becoming due in such year, as provided in the proceedings authorizing the issuance of such state bonds; and the state board of administration, as trustee of the state bond sinking fund, shall pay to the holders of such state bonds the amount of any such principal or interest when due. The provisions of this section may be enforced in any court of competent jurisdiction by any holder of such state bonds.

Senator Deeb offered the following amendment:

Amendment 251—Article VIII, Section 12, on page 51, beginning at line 8, strike entire Section 12 and insert in lieu thereof substantially reworded new Section 12:

Section 12. STATE BONDS AND REVENUE BONDS.

(a) Bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of the necessary capital projects for state purposes and to provide financ-

ing of the state bond fund. No vote of the electors shall be required, provided (1) the bonds are issued to refund outstanding state bonds; or (2) the bonds (i) other than refunding bonds, shall not exceed in the aggregate in any fiscal year five per cent (5%) of the total tax revenues of the state for the two preceding fiscal years, and (ii) shall not create in the aggregate a state bonded debt in excess of the total tax revenues of the state for the two preceding fiscal years, and (iii) shall not be issued to finance any part of the highway system, or (iv) the bonds are issued to provide financing for the state bond fund. The issuance of all other bonds under this subsection 12 (a) shall be approved by a majority of the votes cast in a state election held for such purpose.

(b) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance the cost of necessary capital projects for state purposes and shall be payable solely from funds derived from sources other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, Section 10 (d) of this Constitution.

(c) There shall be a state bond fund to be administered by a board as provided by law. Except for full faith and credit bonds which shall be issued by the state bond fund, all borrowing of money by any governmental agency, whether state or local, required, authorized or permitted herein or by law shall be from the state bond fund, and all evidences of such borrowing, of whatever possible nature or description or time or terms or conditions or amounts, shall be issued to and held by the state bond fund, all as provided by law; but a governmental agency may be authorized by law to borrow from and issue evidences of indebtedness to a federal agency upon certification by the state bond fund that the money may be so obtained upon better terms and conditions than from the state bond fund and is repayable from funds derived from sources other than tax revenues or rents or fees paid from tax revenues.

Senator Deeb offered the following substitute amendment:

Article VIII, Section 12, on page 51, beginning at line 8, strike entire Section 12 and insert in lieu thereof substantially reworded new Section 12:

Section 12. STATE BONDS AND REVENUE BONDS.

(a) Bonds pledging the full faith and credit of the state may be issued only to finance the state bond fund.

(b) There shall be a state bond fund to be administered by a board as provided by law. Except for full faith and credit bonds which shall be issued by the state bond fund, all borrowing of money by any governmental agency, whether state or local, required, authorized or permitted herein or by law shall be from the state bond fund, and all evidences of such borrowing, of whatever possible nature or description or time or terms or conditions or amounts, shall be issued to and held by the state bond fund, all as provided by law; but a governmental agency may be authorized by law to borrow from and issue evidences of indebtedness to a federal agency upon certification by the state bond fund that the money may be so obtained upon better terms and conditions than from the state bond fund and is repayable from funds derived from sources other than tax revenues or rents or fees paid from tax revenues.

Senator Sayler offered the following amendment to the substitute amendment which was adopted:

In line 10 delete "a board" and insert: the executive branch of government

The substitute amendment as amended failed.

Senator Deeb withdrew Amendment 251.

Senator Boyd offered the following amendment:

Amendment 262—Article VIII, Section 13, on page 51, beginning at line 12, strike Section 13 and insert in lieu thereof the following:

Section 13. LOCAL BONDS.—Counties, [county school boards,] district school boards, municipalities, and special districts may issue bonds payable from ad valorem taxation only

when authorized by law for capital projects and only when approved by a majority of the votes cast in an election by the electors of the county, school district, municipality or special district who are owners of freeholds therein which are not wholly exempt from taxation. No election shall be required for bonds issued exclusively for the purpose of refunding outstanding bonds or the interest thereon of such county, [county school board,] school district, municipality or special district.

Senator Thomas offered the following amendment to the amendment which failed:

Add new sentence to Section 13 following period on line 24 as follows:

Revenue bonds or revenue certificates when authorized by law may be issued by counties, municipalities, school districts or special taxing districts without a vote of the electors only

to finance or refinance the cost of necessary capital projects for county, municipal, school districts or special taxing district purposes and shall be payable solely from funds derived from sources other than ad valorem tax revenues or rents or fees paid from ad valorem tax revenues.

Amendment 262 was adopted.

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

The Senate was called to order by Senator Horne at 5:01 p.m. A quorum present.

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 24, 1967.