SPECIAL SESSION

JOURNAL OF THE SENATE

Wednesday, August 30, 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	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

48. A quorum present.

Prayer by the Secretary of the Senate:

Heavenly Father, we come this day with thankful hearts for the many blessings you have bestowed upon us. Help us to lift up our state's leadership that will result in all that's good for our state and its people. Help us to be ever mindful of our freedoms, for the consideration of expansion thereof, for the benefit of mankind. We ask all these things in our Father's name. Amen.

The Journal of August 29 was corrected and approved.

The President presiding.

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 Barron presiding.

The Liaison Committee offered the following amendment which was moved by Senator Friday:

Amendment 34-a—Article IX, on page 50, (Substantial rewording of Article—see present text)

ARTICLE IX

EDUCATION

Section 1. System of public education.—Adequate provision shall be made by law for a uniform system of public education which shall include free public schools, public educational institutions and programs, public community junior colleges, and public colleges and universities.

Section 2. State board of education.—The governor and members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as provided by law.

Section 3. Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

Section 4. School districts—school boards.—

(a) Each county shall constitute a school district; provided that two or more contiguous counties may be combined by law into one school district. In each school district there shall be a school board composed of five or more members elected by the electors of the school district for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all public schools within the school district and determine the rate of school district taxes. Two or more school districts may operate and finance joint educational programs.

(c) One or more contiguous school districts may jointly operate a community junior college when authorized by law.

(d) Special districts composed of one or more contiguous counties to operate community junior colleges may be established under such governance and having such powers as provided by law.

Section 5. Superintendent of schools.—In each school district there shall be a superintendent of schools who shall be selected in such manner, have such powers and duties, and serve as prescribed by law.

Section 6. The income derived from the state school fund shall be exclusively applied to the support and maintenance of free public schools, as provided by law.

Senator Pope presiding.

Senator Thomas offered the following amendment to Amendment 34-a which was adopted:

Strike Section 6 and insert in lieu thereof the following:

Section 6. The state school fund shall remain inviolate and the income derived therefrom shall be exclusively applied to the support and maintenance of free public schools, as provided by law.

Senator Boyd offered the following amendment to Amendment 34-a as amended which was adopted:

Strike Section 5 and insert new section as follows:

Section 5. Superintendent of Schools.—In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four, for a term of four years; except that, when provided by local law, subject to referendum in the school district, the superintendent of schools shall be appointed by and serve under such conditions as prescribed by law. The local law may be repealed, subject to referendum in the school district, only after it has been in effect for three years. The qualifications, powers and duties of the superintendent of schools shall be prescribed by law.

Amendment 34-a as amended was adopted.

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Friday:

Amendment 43-a—Declaration of Rights, Section 9, on page 2, beginning at line 28, delete Section 9 and insert in lieu thereof:

Section 9. **Due process.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself. [but unreasonable refusal of a public officer to answer before a grand jury questions determined at a judicial hearing to relate directly to his official duties shall be grounds for removal from office if his ability to perform his duties is affected.]

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Friday:

Amendment 44-a—Declaration of Rights, Section 16, on page 4, beginning at line 28, strike all of section 16 and insert in lieu thereof the following:

Section 16. **Rights of accused.**—In all criminal prosecutions the accused shall have the right to a copy of the indictment or information against him, to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel, or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively

and proof that the crime was committed in that area shall be sufficient; but the accused may, before pleading, elect the county in which to be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Friday:

Amendment 45-a—Article III, strike Section 5 and insert in lieu thereof the following:

Section 5. **Investigations—witnesses.**—Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence, or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

Senator Mathews offered the following amendment which was adopted:

Amendment 324—Article IV, Section 2, Subsection (d), on page 24, beginning at line 8, strike present subsection (d) and insert in lieu thereof the following:

(d) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller countersigned by the governor as a ministerial duty subject to original mandamus.

Amendment 39-a by the Liaison Committee was withdrawn.

The Liaison Committee offered the following amendment which was adopted on motion by Senator Friday:

Amendment 35-a—Article IV, Section 5, Subsection (a), on page 27, beginning at line 4, strike subsection (a) and reletter subsequent subsections.

Senator Thomas offered the following amendment which failed:

Amendment 319—Article V, Section 5, on page 32, beginning at line 8, strike Section 5 and insert in lieu thereof the following:

Section 5. District courts of appeal. —

Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three **nor more than seven** judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision. **The legislature shall provide for one appellate judge in each appellate district for each 200,000 inhabitants or major fraction thereof according to the last census authorized by law. Immediately upon the adoption and ratification of this amendment and from time to time thereafter as deemed advisable, the legislature shall provide for the determination of the population of any appellate district.**

(a) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgment or decrees of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(b) They shall have the powers of direct review of administrative action prescribed by law.

(c) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

The Liaison Committee offered the following amendment which was moved by Senator de la Parte:

Amendment 48-a—Article III, Section 17, Subsection (a), on page 18, beginning at line 21, strike subsection (a) and insert in lieu thereof the following:

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

Senator Stockton offered the following amendment to Amendment 48-a which failed:

Line 6, strike: "forty" and insert the following: fifty

Senator Plante offered the following amendment to Amendment 48-a which was adopted:

Subsection (a), line 9, strike: "one hundred twenty" and insert the following: one hundred

Senator Broxson offered the following amendment to Amendment 48-a as amended which failed:

Beginning at line 6, strike "30 nor more than 40" and insert in lieu thereof: 35 nor more than 45

The vote was:

Yeas—15

Mr. President	Boyd	Henderson	O'Grady
Bafalis	Broxson	Horne	Slade
Barron	Friday	Knopke	Stockton
Barrow	Gibson	McClain	

Nays—25

Askew	Fisher	Ott	Stone
Bell	Gong	Plante	Thomas
Chiles	Gunter	Poston	Weber
Clayton	Haverfield	Reuter	Wilson
Cross	Johnson	Shevin	
de la Parte	Lane	Spencer	
Elrod	Mathews	Stolzenburg	

On motion by Senator McClain, the Committee of the Whole reconsidered the vote by which the amendment to Amendment 48-a as amended offered by Senator Plante was adopted. The vote was:

Yeas—26

Mr. President	Cross	Horne	Slade
Askew	de la Parte	Johnson	Stolzenburg
Barron	Elrod	Knopke	Stone
Bell	Fincher	McClain	Thomas
Broxson	Friday	Mathews	Weber
Chiles	Gibson	Ott	
Clayton	Gunter	Poston	

Nays—14

Bafalis	Haverfield	Plante	Stockton
Boyd	Henderson	Reuter	Wilson
Fisher	Lane	Shevin	
Gong	O'Grady	Spencer	

EXPLANATION OF VOTE

In spirit of compromise I voted "yea" although I feel the size of the House of Representatives should be 80 to 100 and not a maximum of 120.

JOHN W. BELL, 38th District

The Chair ruled the amendment to the amendment out of order.

Amendment 48-a as amended was adopted. The vote was:

Yeas—22

Mr. President	Cross	Johnson	Stolzenburg
Bell	de la Parte	Knopke	Stone
Boyd	Elrod	McClain	Thomas
Broxson	Fincher	Mathews	Weber
Chiles	Friday	Poston	
Clayton	Horne	Slade	

Nays—18

Askew	Gong	Lane	Spencer
Bafalis	Griffin	O'Grady	Stockton
Edwards	Gunter	Plante	Wilson
Fisher	Haverfield	Reuter	
Gibson	Henderson	Shevin	

On motion by Senator Mathews, by two-thirds vote, time of recess was extended until 12:30 p. m.

On motion by Senator Mathews, by two-thirds vote, it was agreed that the Senate reconvene at 2:00 p.m.

Senator Stockton offered the following amendment which failed:

Amendment 325—Article IV, Section 1, Subsection (c), on page 22, beginning at line 20, 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 Barron presiding.

The Liaison Committee offered the following amendment which was moved by Senator de la Parte:

Amendment 49-a—Strike Article V and insert the following:

ARTICLE V

JUDICIARY

Section 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts, magistrates courts and courts established for the trial of offenses against ordinances of municipalities and chartered counties. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be reviewed as provided by law. The jurisdiction of the courts shall be established uniformly by law except as authorized herein.

Section 2. Administration—practice and procedure.—The supreme court shall adopt rules governing:

(a) the administrative supervision of all courts established by this article;

(b) the assignment of justices and judges, including consenting retired justices and judges, to temporary duty in any courts;

(c) practice and procedure in all courts, including the time for seeking appellate review;

(d) the times and places for holding court;

(e) the transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

Section 3. Chief justice.—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.

(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

Section 4. Supreme court.—

(a) Organization. The supreme court shall consist of seven justices, one of whom shall be chosen the chief justice by the members of the court. Five justices shall constitute a quorum. The concurrence of four shall be necessary to a decision.

(b) Jurisdiction. The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same question of law, and may issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(3) When provided by law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or entered in proceedings for the validation of bonds or certificates of indebtedness and issue writs of certiorari to commissions established by law and writs of mandamus and quo warranto to state officers and state agencies.

Section 5. District courts of appeal.—

(a) Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision.

(b) Jurisdiction.—

(1) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgment or order of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(2) They shall have the powers of direct review of administrative action prescribed by law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

Section 6. Circuit courts.—

(a) Judicial circuits. The state by law shall be divided into judicial circuits, each composed of one county or contiguous counties, and containing at least one hundred thousand inhabitants according to the last decennial census, except that the county of Monroe shall constitute one of the circuits.

(b) Circuit courts. There shall be a circuit court in each judicial circuit.

(c) Circuit judges. There shall be provided by law at least one circuit judge in each circuit for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law. The county of residence of any circuit judge may be fixed by law, but shall not be changed with respect to an incumbent during his continuous tenure in office without his consent.

(d) Jurisdiction. The circuit courts shall have all original jurisdiction not vested in other courts, and the jurisdiction of appeals from other trial courts which is prescribed by law. They shall have power to issue writs of mandamus, injunction, certiorari, prohibition, quo warranto, habeas corpus, and all other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the powers of direct review of administrative action prescribed by law.

Section 7. County Courts.—

(a) County courts. In each county having a population of not more than one hundred thousand inhabitants, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

(b) County judges. There shall be provided by law one or more judges for each county court.

(c) Jurisdiction. County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be provided by law.

Section 8. Magistrates courts.—

(a) Courts. There shall be a magistrates court in each county, or, if the county be divided by law into magistrates court districts, in each magistrates court district, unless that court shall be abolished, and not re-established, by vote of the electors pursuant to law. Magistrates courts districts may be consolidated or changed by law.

(b) Number of judges. There shall be one or more judges for each magistrates court, as provided by law, or a magistrates court may be presided over by the county judge in any county when provided by law.

(c) Jurisdiction. The judges of magistrates courts shall perform such duties and exercise such jurisdiction as shall be prescribed by law. Conditions upon which chartered counties or municipalities may authorize magistrates courts to issue process and try violations of their ordinances may be provided by law.

Section 9. Additional judges.—Additional judges for any court except the supreme court may be authorized by law only upon certification of need by the supreme court.

Section 10. Specialized divisions of circuit courts.—

(a) In counties having a population in excess of one hundred thousand, and in other counties when provided by law, there shall be in the circuit court a juvenile division, a probate division, a criminal division, and such other divisions as may be established by law, each exercising the specific jurisdiction fixed by law.

(b) Judges shall be appointed or elected to specialized devisions, and if elected then by the electors within the county or counties in which their respective divisions have jurisdiction. All judges of the court shall have jurisdiction to hear all causes within the jurisdiction of the court.

Section 11. Eligibility.—A justice or judge shall be a citizen of the state and a resident within the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for ten years: A judge of a circuit court must have been a member of the bar of Florida for five years. A judge of a county court or magistrates court must be a member of the bar of Florida unless otherwise provided by law.

Section 12. Vacancies.—

The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by judicial nominating commissions appointed by the governor and established by law. No member shall hold office in a political party, or be eligible to succeed himself after having served a full term, or be nominated to judicial office by a commission during or within one year after service thereon.

Section 13. Elections—terms.—

(a) Justices and judges shall be elected in the same manner as other state and county officers are elected.

(b) The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts and magistrates courts shall be prescribed by law. The terms of justices of the supreme court and judges of the district courts of appeal shall be appropriately staggered.

Section 14. Discipline—retirement—removal.—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal, two judges of circuit courts, one judge of a county court and one judge of a magistrates court, selected by the judges of the respective categories of courts;

(2) Two electors who have resided in, and been members of the bar of the state for eight years, appointed by the governing body of the bar of Florida;

(3) Three electors who have resided in the state for five years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. After recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two-thirds of its members, the supreme court may order that any justice or judge, except judges of municipal courts and of courts of chartered counties, may be disciplined by private reprimand; removed from office, with termination of compensation, for wilful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is, or is likely to become, permanent.

(e) A justice or judge shall not serve after attaining the age of seventy years except to complete a term half of which he has served.

(f) This section shall be cumulative to the power of impeachment.

(g) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

Section 15. Prohibited activities.—Justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

Section 16. Judicial Salaries.—

(a) All justices and judges shall be compensated by state salaries fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality. Judges of county courts and magistrates courts may also be compensated for non-judicial services as provided by law.

(b) The salaries of justices and judges shall not be diminished during the terms for which they have been elected or appointed, unless as part of a general reduction of salaries applying uniformly to all salaried officers of the state.

Section 17. Grand juries.—

(a) The composition, length of service and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the adequacy and care of public property and facilities, the conduct of public business or the performance of duties by public officers or employees, no grand jury shall make a presentment, other than a formal charge of crime, which is derogatory of any person.

Section 18. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years by the qualified electors to perform duties prescribed by law. State

attorneys shall appoint such number of assistant state attorneys as may be authorized by law. Salaries of state attorneys and assistant state attorneys shall be payable from state funds and fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality.

Section 19. Attorneys, admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

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 Broxson at 2:00 p. m. A quorum present.

Consideration of Amendment 49-a was resumed.

Senator Bell offered the following amendment to Amendment 49-a which failed:

In Section 9, line 13, page 6, strike: "a juvenile division" and insert the following: a matrimonial division

Senator Wilson offered the following amendment to Amendment 49-a which failed:

Page 7, strike: section 12 in its entirety.

Senator Thomas offered the following amendment to Amendment 49-a which was adopted:

Article V, Section 5, on page 3, beginning at line 8, strike sub-section (a) and insert in lieu thereof:

Section 5. District courts of appeal.—

(a) Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three **nor more than seven** judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision. **The legislature shall provide for one appellate judge in each appellate district for each 200,000 inhabitants or major fraction thereof according to the last census authorized by law. Immediately upon the adoption and ratification of this amendment and from time to time thereafter as deemed advisable, the legislature shall provide for the determination of the population of any appellate district.**

The vote was:

Yeas—27

Bafalis	Haverfield	Plante	Stone
Clayton	Hollahan	Poston	Thomas
Deeb	Horne	Reuter	Weber
Elrod	Johnson	Sayler	Weissenborn
Fincher	Knopke	Shevin	Wilson
Fisher	McClain	Slade	Young
Gibson	O'Grady	Spencer	

Nays—13

Mr. President	Chiles	Gong	Stolzenburg
Barron	Cross	Gunter	
Bell	de la Parte	Mathews	
Broxson	Friday	Stockton	

Senators Poston and Stone offered the following amendment to Amendment 49-a as amended which was moved by Senator Poston and adopted:

Article V, on page 8, line 16, strike: "After" and insert upon

Senator Chiles offered the following amendment to Amendment 49-a as amended which was adopted:

Article V, Section 13, at end of line 15, strike period and add ; provided that justices and judges may be elected in nonpartisan elections as provided by law.

The vote was:

Yeas—24

Mr. President	Chiles	Horne	Poston
Askew	Clayton	Johnson	Shevin
Barron	Fisher	Knopke	Spencer
Barrow	Gibson	McClain	Stone
Boyd	Gong	Mathews	Thomas
Broxson	Haverfield	Ott	Weissenborn

Nays—13

Bafalis	Elrod	Sayler	Wilson
Cross	Gunter	Slade	
Deeb	Plante	Stockton	
de la Parte	Reuter	Stolzenburg	

Senator Pope presiding.

On motion by Senator Stockton, the Committee of the Whole reconsidered the vote by which the amendment to Amendment 49-a offered by Senator Thomas was adopted. The vote was:

Yeas—34

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

Nays—11

Bafalis	Henderson	Reuter	Wilson
Elrod	Johnson	Thomas	Young
Gibson	Plante	Weber	

By permission, Senator Thomas withdrew the amendment.

Senator Thomas offered the following amendment to Amendment 49-a as amended which failed:

Strike sub-section 3a and insert in lieu thereof new sub section (a):

Section 5. District courts of appeal.—

(a) Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three **nor more than seven** judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision. **The legislature shall provide for one appellate judge in each appellate district for each 200,000 inhabitants according to the last census authorized by law. Immediately upon the adoption and ratification of this amendment and from time to time thereafter as deemed advisable, the legislature shall provide for the determination of the population of any appellate district.**

Senator Askew offered the following amendment to Amendment 49-a as amended which was adopted:

In Section 6, line 16, strike: "for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law." and insert the following: a period "."

Amendment 49-a as amended was adopted.

The Liaison Committee offered the following amendment which was adopted on motion by Senator Elrod:

Amendment 46-a—Article VII, Section 1, strike Subsection (a) on page 42, and insert:

(a) **Political subdivisions.**—The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Elrod:

Amendment 47-a—Article VII, Section 1, Subsection (i), on page 44, beginning at line 4, as follows:

(i) **County seat.**—In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices

for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

The Liaison Committee also offered the following amendment which was moved by Senator Horne:

Amendment 52-a—Article VII, Section 1, Subsection (c), on page 42, beginning at line 16, strike section (c) and insert in lieu thereof the following:

(c) **County officers.**—Except where otherwise provided by county charter, there shall be elected by the qualified electors for a term of four (4) years a clerk of the circuit court who shall also be clerk of the board of county commissioners, recorder, and ex officio auditor of the county, a sheriff, a tax assessor, 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.

Senators Broxson, Poston, Askew, Mathews, Pope and Barrow offered the following substitute amendment for Amendment 52-a which was moved by Senator Poston:

Strike section (c) and insert in lieu thereof the following:

(c) County officers. Except where otherwise provided by county charter, 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, a tax collector, and a supervisor of elections, **and a constable who shall be elected by the qualified electors of each magistrates district in each county having justice of the peace districts on the effective date of this constitution.** Their powers, duties, and qualifications, except as provided in a county charter, shall be as prescribed by law. **The office of constable may be established or abolished in any county by law, subject to referendum.** 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 Stockton offered the following amendment to the substitute amendment which was adopted:

Line 18, insert: and ex-officio auditor of the county

Senator Chiles offered the following amendment to the substitute amendment as amended which was adopted:

In line 2 after "county charter": add or county referendum

The substitute amendment as amended was adopted. The vote was:

Yeas—24

Mr. President	Elrod	Hollahan	Ott
Askew	Gibson	Horne	Poston
Bell	Gong	Johnson	Shevin
Broxson	Griffin	Knopke	Slade
Chiles	Gunter	McClain	Stone
Clayton	Haverfield	Mathews	Weissenborn

Nays—12

Bafalis	Fincher	Reuter	Stolzenburg
Barron	Lane	Spencer	Thomas
Boyd	O'Grady	Stockton	Weber

The Liaison Committee offered the following amendment which was moved by Senator Friday:

Amendment 53-a—Article VIII, Section 6, on page 49, beginning at line 3, strike entire section 6 and insert in lieu thereof:

Section 6. **Homestead exemption.**—

(a) Every person who has the legal, equitable or beneficial title to real property in this state and in good faith makes the same his or her permanent residence or the permanent residence of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of five thousand dollars on said residence and contiguous real property not to exceed in extent one hundred sixty acres of land or half of one acre within the limits of any incorporated city or town, upon claim therefor and establishment of right thereto in a manner prescribed by law.

(b) Said title to such real property may be held by the entireties, jointly, in common with others, by condominium ownership or cooperative ownership by ownership of stock in a corporation owning a fee or a leasehold initially for a period of more than ninety-eight years.

(c) Not more than one exemption shall be allowed to any one person or family unit nor on any one residence unit.

(d) The legislature by vote of three-fifths of the members elected to each house may uniformly increase the homestead exemption allowed herein not to exceed a maximum of ten thousand dollars of assessed valuation to such persons who are sixty-five years of age or over upon such conditions as the legislature may by a majority vote prescribe by law.

Senators O'Grady and Horne offered the following amendment to Amendment 53-a which was adopted on motion by Senator O'Grady:

In Section (d), line 29, page 1, after "valuation" strike remainder of sentence and insert the following: to persons on the basis of any reasonable classification.

Senators Pope and Cross offered the following amendment to Amendment 53-a as amended which was adopted on motion by Senator Cross:

In Section 6, line 15, strike the period and insert the following: , providing, however, any citizen of Florida upon attaining the age of 65 shall have an additional exemption of five thousand dollars ($5,000.00).

The vote was:

Yeas—32

Mr. President	de la Parte	Henderson	Poston
Askew	Edwards	Hollahan	Reuter
Bafalis	Fincher	Horne	Shevin
Barron	Gibson	Johnson	Slade
Boyd	Gong	Knopke	Stockton
Broxson	Griffin	McClain	Stone
Chiles	Gunter	Mathews	Thomas
Cross	Haverfield	Plante	Weissenborn

Nays—7

Bell	Lane	Spencer	Weber
Elrod	O'Grady	Stolzenburg	

Amendment 53-a as amended was withdrawn on motion by Senator Friday.

The Liaison Committee offered the following amendment which was moved by Senator Friday:

Amendment 54-a—Article VIII, Section 7, on page 50, beginning at line 11, strike all of 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 law and distributed to the several counties in equal amounts.

On motion by Senator Mathews, the rules were waived and time of adjournment was extended until final disposition of amendments on file with the Secretary of the Senate and consideration of a special House Concurrent Resolution.

Senator Cross presiding.

Senator Shevin offered the following substitute amendment which was adopted:

Strike: all of Section 7.

The vote was:

Yeas—22

Bafalis	Bell	Elrod	Fincher

Gibson	Johnson	Reuter	Thomas
Gong	Knopke	Shevin	Weber
Gunter	Lane	Spencer	Weissenborn
Haverfield	Plante	Stolzenburg	
Hollahan	Poston	Stone	

Nays—17

Mr. President	Clayton	Griffin	O'Grady
Barron	Cross	Henderson	Stockton
Boyd	de la Parte	Horne	
Broxson	Edwards	McClain	
Chiles	Friday	Mathews	

The Liaison Committee also offered the following amendment which was moved by Senator Chiles:

Amendment 55-a—Article VIII, Section 10, on page 51, beginning at line 1, strike section 10 and insert in lieu thereof:

Section 10. 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.) **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, in which event, however, the financial responsibility of the applicant industry and the economic feasibility of the project shall first be approved by the board of bond review or its successors, provided further that at the time of issuance the interest on such bonds is exempt from federal income tax;** (and further 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 operations.)

Note: Parentheses indicate Senate language not in House draft. Underlined language is from House draft adopted by the committee. Double underlined language indicates language which is in neither version.

Senator Henderson offered the following amendment to Amendment 55-a which failed:

In line 12 after word "authorize" insert: subject to a referendum

Amendment 55-a failed. The vote was:

Yeas—18

Mr. President	Haverfield	Mathews	Stockton
Fincher	Hollahan	Poston	Stone
Friday	Horne	Shevin	Weissenborn
Gibson	Lane	Slade	
Gong	McClain	Spencer	

Nays—22

Askew	Clayton	Gunter	Reuter
Bafalis	Cross	Henderson	Stolzenburg
Bell	de la Parte	Johnson	Thomas
Boyd	Edwards	Knopke	Weber
Broxson	Elrod	O'Grady	
Chiles	Griffin	Plante	

The Liaison Committee also offered the following amendment which was moved by Senator Chiles:

Amendment 60-a—Article VIII, Section 2, on page 47, beginning at line 14, strike all of Section 2 and insert in lieu thereof the following: (substantial rewording)

Section 2. Taxes—rate.—All ad valorem taxation shall be at a uniform rate within each taxing unit except:

(a) the tax on intangible personal property shall never exceed two mills on the dollar of assessed value; provided that as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

(b) all property owned by a municipality and used exclusively for municipal or public purposes within the county in which the municipality is located shall be exempt from taxation. By general law other property owned by a municipality and used exclusively for municipal or public purposes, and property used exclusively for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

(c) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(d) No state ad valorem taxes shall be levied upon real estate or tangible personal property.

(e) In lieu of all ad valorem taxes, motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall for their operation be subject to a license tax in such amount and levied for such purposes as may be prescribed by law.

Senator Broxson presiding.

Senators Horne, Gunter and Plante offered the following amendment to Amendment 60-a which was adopted on motion by Senator Horne:

Strike all of Section (b) and insert the following:

(b) Any property used exclusively for municipal or public purposes shall be, and any property used exclusively for educational, literary, scientific, religious, or charitable purposes may be exempted by law from taxation.

The vote was:

Yeas—22

Mr. President	Fincher	Johnson	Shevin
Askew	Gibson	Knopke	Stolzenburg
Barron	Gong	McClain	Stone
Broxson	Gunter	Mathews	Weissenborn
Clayton	Hollahan	Plante	
Elrod	Horne	Poston	

Nays—12

Bell	Cross	Griffin	O'Grady
Boyd	Edwards	Henderson	Spencer
Chiles	Friday	Lane	Stockton

Senators Thomas and Stone offered the following amendment to Amendment 60-a as amended which was moved by Senator Thomas and failed:

Article VIII, Section 2, Subsection (a), beginning at line 4, Strike subsection (a) and insert new subsection (a) as follows: (a) intangible personal property shall be exempt from taxation.

Senator Horne presiding.

Senators Thomas and Stone also offered the following amendment to Amendment 60-a as amended which was moved by Senator Thomas and failed:

Article VIII, Section 2, Subsection (a), on line 5, strike "two mills" and insert in lieu thereof one mill

Amendment 60-a as amended was adopted.

Senator Pope presiding.

The Liaison Committee also offered the following amendment which was moved by Senator Chiles:

Amendment 65-a—Article VIII, Section 3, on page 48, be-

ginning at line 5, strike all of Section 3 and insert in lieu thereof the following:

Section 3. **Taxation—assessments.**—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value.

Senator Shevin offered the following amendment to Amendment 65-a which failed:

In Section 3, line 10, page 48, strike: "held for sale as stock in trade and livestock" and insert the following: commonly known as stock in trade or inventory and livestock

The vote was:

Yeas—15

Elrod	Hollahan	Poston	Thomas
Fincher	Knopke	Shevin	Weber
Gong	Lane	Spencer	Weissenborn
Haverfield	O'Grady	Stone	

Nays—19

Mr. President	Chiles	Gunter	Plante
Askew	Cross	Henderson	Reuter
Barron	Friday	Horne	Stockton
Boyd	Gibson	Johnson	Stolzenburg
Broxson	Griffin	Mathews	

Senator Weissenborn offered the following amendment to Amendment 65-a which failed:

Strike subsection (a) and insert: Agricultural land may be classified, for assessment purposes only, by general law, provided that all properties within such classification, shall be uniformly assessed within each taxing unit, and such assessment shall be made solely on the basis of character and use.

Amendment 65-a was adopted.

EXPLANATION OF VOTE

I voted against Amendment 65-a (on a voice vote) after an amendment thereto which I offered, which would have tied down that agricultural land can be classified for assessment purposes only, that assessments within such classification must be uniform within each taxing unit, and that country clubs should not be granted special tax treatment, was defeated. In my judgment, under Amendment 65-a the Legislature can classify agricultural and so-called non-commercial recreational lands with respect to rates as well as with respect to assessments and I do not think this is in the public interest. Amendment 65-a was a bad compromise and I want the record to attest that I did not support it.

LEE WEISSENBORN, 42nd District

Amendment 61-a by the Liaison Committee was withdrawn.

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Chiles:

Amendment 62-a—Article VIII, Section 5, on page 48, beginning at line 18, strike all of Section 5 and renumber subsequent sections.

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Chiles:

Amendment 63-a—Article VIII, Section 8, on page 50, beginning at line 17, strike Section 8 and insert in lieu thereof:

Section 8. **Aid to Local Governments.**—State funds may be appropriated to the several counties, school boards, municipalities or special districts upon such conditions as may be provided by general law.

The Liaison Committee also offered the following amendment which was moved by Senator Chiles:

Amendment 64-a—Article VIII, Section 9, on page 50, beginning at line 22, strike all of Section 9 and insert a new section 9 to be worded as follows:

Section 9. **Local Taxes.**—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by general law to levy taxes for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes shall not be levied in excess of the following millages on the dollar of assessed value for the following purposes: For all county purposes, including special taxing districts lying wholly within a county, ten mills; for all municipal purposes, ten mills; and for all school purposes, ten mills; except taxes levied for the payment of principal of and interest upon bonds and taxes levied for periods not longer than two years when authorized by vote of the owners of freeholds not wholly exempt from taxation. A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, levy therein additional taxes within the limits fixed for municipal purposes.

Senator Barron offered Amendment 323 as a substitute amendment:

Article VIII, Section 9, strike Section 9 and insert in lieu thereof the following:

Section 9. Local taxes.—

(a) 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.

(b) Counties, municipalities and special districts shall have the power to levy ad valorem taxes in the aggregate of not more than fifteen mills on taxable property. Apportionment of the maximum millage for each of the local governmental units shall be as provided by law. No ad valorem tax in excess of such millage shall be levied except when additional millages for period not exceeding two years, are approved by a vote of the electors of the county, district or municipality who pay therein a tax on real or personal property.

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

Line 18, strike: "a tax on real and personal property" and insert the following: an ad valorem tax on real and personal property

Pending further consideration of the substitute amendment 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 8:30 p. m. A quorum present.

Senator Horne presiding.

On motion by Senator Mathews, the Senate reverted to the order of receiving—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message was read and by the required Constitutional two-thirds vote of the Senate, the concurrent resolution contained therein was admitted for introduction and consideration:

The Honorable Verle A. Pope August 30, 1967
President of the Senate

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—

By Representative Yarborough and others—

HCR 49-XXXX(67)—A resolution expressing sympathy on the passing of Robert King High.

WHEREAS, Robert King High served as Mayor of Miami since 1957 in a manner which brought national and international acclaim to the city, and

WHEREAS, Mayor High provided governmental leadership that led to the completion of many housing projects for the benefit of the senior citizens, and

WHEREAS, Bob High fought to the successful conclusion important state-wide actions benefitting all Floridians namely, the denial of a state-wide request for increases in auto insurance rates, a decision ordering the restoration of railroad passenger service to Florida and a rate reduction resulting in a saving to Florida Telephone and electric power consumers estimated at $35,000,000.00 annually, and

WHEREAS, Robert King High served five consecutive terms as mayor of Miami a tenure unprecedented in the city's history, and

WHEREAS, he forcefully and dynamically led Miami to a progressive position that won for him and the city many honors from state, national and international organizations of municipalities, and

WHEREAS, Mayor High extended the bonds of friendship between Miami and South America in a manner which led to Miami being recognized as the gateway to the Americas, and

WHEREAS, Robert King High was standard bearer of the Democratic Party as candidate for Governor in 1966, and

WHEREAS, the "Little Redhead" was a promoter of good government as a champion of the little people and a valiant fighter for those causes in which he believed, and

WHEREAS, Robert King High made many contributions enuring to the benefit and good government of the State of Florida, and

WHEREAS, the legislature considers the untimely passing of Robert King High a tragic loss to the State, NOW, THEREFORE,

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

That all the members of the legislature express their deep sorrow over the passing of Robert King High and wish to express their sympathy to his wife, family and many friends who are bereaved by his passing.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 49-XXXX(67), contained in the above message, was read the first time in full. On motion by Senator Haverfield, the rules were waived and HCR 49-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

Senators Haverfield, Barron, Stone, Pope, Mathews, Broxson, Weissenborn and Griffin arose in turn and paid personal tribute to the memory of the late Robert King High for his rare qualities of sterling character, exceptional ability and unwavering friendship, the loss of which in his untimely demise had occasioned an irreparable loss to his family and the public he served so faithfully and an abysmal void in the hearts of his friends who are legion.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 9:00 p. m. to reconvene at 9:00 a. m., August 31, 1967.