

SPECIAL SESSION

JOURNAL OF THE SENATE

Monday, August 7, 1967

The Senate was called to order by Senator Askew at 10:00 a. m. The following Senators were recorded present:

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

44. A quorum present.

Excused: Senator Plante. Senator Broxson until 11:05 a.m. Senators Boyd and Young until Noon.

Prayer by the Secretary of the Senate:

Father God, for thy many blessings we express gratitude, and for this day, we ask our daily bread. Only, we ask for that insuring a comfortable earthly tenure. Because we believe in Jesus Christ as our Saviour, and labor within his teachings, we would pray that our spiritual existence would be further secured so that we would enjoy the fruits of heaven with thee.

Let the Holy Spirit direct us to a favorable solution to this task. May we dedicate ourselves to that which is good in thy sight and give a prescription of cure to our people that will provide continuity of those freedoms for benefit of mankind. In Jesus' name, we pray. Amen.

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.

The reading of the Journal was dispensed with.

The Journal of August 4 was corrected and approved as follows:

Page 38, column 2, between lines 29 and 30 in second column of roll call, insert Fisher

Page 39, column 1, line 13, strike "Barrow" and insert Barron

REPORT OF COMMITTEE

The following report of the Committee on Rules and Calendar was read:

The Honorable Verle Pope, President 7 August 1967
The Florida Senate

Sir:

Your Committee on Rules and Calendar met and recommends that HCR 13-XXX(67) be reported favorably and that it be set as a special and continuing order of business when the Senate emerges from the Committee of the Whole this afternoon.

JOHN E. MATHEWS, JR.
Chairman

On motion by Senator Mathews, the report of the Committee was adopted.

The President presiding.

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

COMMITTEE OF THE WHOLE

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

Senator Wilson offered the following amendment which was adopted:

Amendment 62-Declaration of Rights, Section 5, on page 2, beginning at line 7, strike section 5 and insert in lieu thereof:

Section 5. RIGHT TO ASSEMBLE.—The people shall have the right peaceably to assemble [for lawful purposes], to instruct their representatives, and to petition for redress of grievances.

Senator Bafalis offered the following amendment:

Amendment 57-Declaration of Rights, Section 6, on page 2, beginning at line 11, Strike Section 6 and insert in lieu thereof the following:

Section 6. RIGHT TO WORK.—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or association. The right of employees, except public employees, [public or private] by and through a labor union or association, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

Senators Deeb and Clayton offered the following substitute amendment which was moved by Senator Deeb and failed:

Declaration of Rights, Section 6, on page 2, beginning at line 11, strike the words "by and through a labor union or association,"

The question recurred on Amendment 57 which failed.

Senator Shevin offered the following amendment:

Amendment 11-Declaration of Rights, Section 23, on page 5, beginning at line 29, Insert new Section 23—

Section 23. Sovereign Immunity.—Sovereign immunity from liability in tort or contract shall not exist as to the state, its agencies or political subdivisions, in proceedings brought after such notice and within such time and in such forums, administrative or judicial, as may be fixed by statute.

Senator Deeb offered the following substitute amendment which was adopted:

Amendment 16-Declaration of Rights, Section 23, on page 5, beginning at line 29, as follows: insert new section.

Section 23. Sovereign immunity.—Sovereign immunity from liability in tort or contract shall not exist.

Senator Cross presiding.

Senator Fisher offered the following amendment:

Amendment 61-Declaration of Rights, on page 5, beginning at line 29, insert the following new section after Section 23.

Section 24. DEATH PENALTY.—No person charged with crime shall be punished by a sentence of the death penalty. The maximum penalty for any crime shall hereafter be life imprisonment at hard labor without eligibility for parole.

On motion by Senator Mathews, the rules were waived and the time of adjournment was extended until final action on Amendment 61.

Amendment 61 failed. The vote was:

Yeas—10

Barron	O'Grady	Spencer	Wilson
Fisher	Poston	Stone	
Johnson	Shevin	Weissenborn	

Nays—33

Mr. President	Deeb	Haverfield	Sayler
Askew	de la Parte	Henderson	Slade
Bafalis	Edwards	Hollahan	Stockton
Barrow	Elrod	Horne	Stolzenburg
Bell	Friday	Knopke	Thomas
Broxson	Gibson	McClain	Weber
Chiles	Gong	Mathews	
Clayton	Griffin	Ott	
Cross	Gunter	Reuter	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 8.4: I am paired with Senator Lane on Amendment 61 to SJR 2-XXX(67). If he were present he would vote "Nay" and I would vote "Yea".

DICK FINCHER
Senator, 47th District

Dated August 7, 1967

On motion by Senator Mathews, the rules were waived and it was agreed by two-thirds vote that when the Committee of the Whole recesses it recess to reconvene at 2:00 p. m.

The hour of recess having arrived, a point of order was called and the Committee of the Whole recessed at 12:45 p. m.

AFTERNOON SESSION

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

The Committee of the Whole resumed consideration of SJR 2-XXX(67).

Senator Shevin offered the following amendment:

Amendment 23-Declaration of Rights, Section 16, on page 4, beginning at line 20, strike Section 16 and insert in lieu thereof:

Section 16. RIGHTS OF ACCUSED.—In all criminal prosecutions the accused shall have the right to a copy of the charges, to have compulsory process for witnesses, to confront at trial adverse witnesses, [to be heard in person and by counsel] to have the assistance of counsel for his defense, and to have a speedy, public and impartial trial by 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.

Senator Poston offered the following amendment to Amendment 23 which was adopted:

Beginning at line 5, insert the words: to be heard in person and

Amendment 23 as amended was adopted.

Senator Bell presiding.

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

The Senate was called to order by Senator Bell at 2:28 p. m. The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	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	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

47. A quorum present.

SPECIAL AND CONTINUING ORDER

HCR 13-XXX(67)—A concurrent resolution providing that the House of Representatives and the Senate convene in joint meeting in the chamber of the House of Representatives at 2:00 p.m. on Tuesday, August 8, for a program in recognition of the planning now underway to cope with the problems of mass transportation in Florida.

WHEREAS, the importance of planning and coordination in the area of mass transportation already has been recognized both by this Legislature and by the national Congress through the enactment of legislation, and

WHEREAS, the Legislature already has expressed, through adoption of HCR 9-X(67), its pleasure over the appointment of a Floridian, The Honorable Alan S. Boyd, as first Secretary of the Department of Transportation, and

WHEREAS, opportunity has presented itself for Mr. Boyd to join here with other Floridians interested in meeting the challenges of moving people in evergrowing number from place to place, day by day, and that members of the Legislature should have the benefit of the joint thinking on this vital subject, NOW, THEREFORE,

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

That the House of Representatives and the Senate convene in joint meeting in the chamber of the House of Representatives at 2:00 p.m. on Tuesday, August 8, 1967, for the purpose of a program on mass transportation that would include an address by The Honorable Alan S. Boyd, U. S. Secretary of Transportation.

BE IT FURTHER RESOLVED that the Legislature express its appreciation to Secretary Boyd for his acceptance of the invitation to address this joint meeting, and that he be presented with a copy of this resolution as evidence of that gratitude.

Was taken up and read the second time in full. On motion by Senator Mathews, HCR 13-XXX(67) was 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.

COMMITTEE OF THE WHOLE

Senator Bell presiding.

The Committee of the Whole resumed consideration of SJR 2-XXX(67).

Senators Sayler and Deeb offered the following amendment which was moved by Senator Sayler:

Amendment 25-Article I, Section 1, on page 6, beginning at line 3, strike entire Section 1 and insert substantially rewritten Section 1.

Section 1. BOUNDARIES—The state boundaries shall be prescribed by law.

Senator Stolzenburg offered the following substitute amendment which failed:

Article I Section 1, on page 6, beginning at line 3, as follows: Substantial rewording of Article I, section 1, page 6, strike Section 1 and insert the following:

Section 1. BOUNDARIES.—The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; then due east to the Chattahoochee river; then down the middle of said river to its confluence with the Flint river; from thence straight to the head of the St. Mary's river; then down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; thence southwestwardly along the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning.

The question recurred on the adoption of Amendment 25 which failed.

Senator Pope presiding.

Senators Horne, McClain and Weissenborn offered the following amendment:

Amendment 39-Article I, Section 2, on page 7, beginning at line 21, strike all of Section 2 and insert substantially rewritten Section 2 as follows:

SEAT OF GOVERNMENT.—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held. This location shall not be changed except upon vote of three fifths (3/5) of the members elected to each house except that, in time of invasion or grave emergency, the governor by proclamation may for the period necessary transfer the seat of government to another place.

Senator Gunter offered the following substitute amendment which failed:

Article I, Section 2, paragraph 1, on page 7, beginning at line 21, as follows:

Section 2. Seat of Government.—The seat of government of the state shall be at the City of Tallahassee, Leon County, and this location shall not be changed except by a majority vote of qualified electors at an election provided for by the legislature for that purpose; and, in the event the seat of government is removed from the City of Tallahassee to any other place in the state, the capitol buildings and grounds or the proceeds from the sale thereof shall be used for education or other lawful public purposes.

Senator Stockton offered the following amendment to Amendment 39 which was adopted:

In Section 2, line 7, strike "members elected to" and insert the following: "membership of"

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

Amendment 39 as amended failed. The vote was:

Yeas—24

Mr. President	Gong	Lane	Spencer
Bell	Gunter	McClain	Stolzenburg
Boyd	Haverfield	Mathews	Stone
Deeb	Hollahan	Poston	Weber
de la Parte	Horne	Sayler	Weissenborn
Elrod	Johnson	Slade	Wilson

Nays—22

Askew	Clayton	Gibson	Shevin
Bafalis	Cross	Griffin	Stockton
Barron	Edwards	Henderson	Thomas
Barrow	Fincher	Knopke	Young
Broxson	Fisher	O'Grady	
Chiles	Friday	Ott	

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

The Senate was called to order by the President at 4:19 p.m.

The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	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	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

47. A quorum present.

RECONSIDERATION

The motion by Senator Friday on August 4 that the Senate reconsider the vote by which the following report was adopted—

*The Honorable Verle Pope, President
The Florida Senate*

August 3, 1967

Sir:

The Committee on Rules and Calendar met and recommends the following Rules to be in effect while the Senate is in the Committee of the Whole House considering Senate Joint Resolution 2-XXX(67):

1. That upon consideration for the first time of amendments to Senate Joint Resolution 2-XXX(67) on an Article by Article and section by section basis, amendments will be considered to be adopted if approved by a vote of three-fifths or more of the membership of the Senate.
2. Articles as amended or after all amendments proposed have been considered to a specific article will be considered as adopted and informally engrossed as a portion of Senate Joint Resolution 2-XXX(67) if approved by a three-fourths vote.

The Rules herein shall cease to exist after completion of the consideration for the first time of each Article of Senate Joint Resolution 2-XXX(67) in the Committee of the Whole House.

Respectfully submitted,
JOHN E. MATHEWS, JR.

Was taken up and failed.

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

COMMITTEE OF THE WHOLE

Senator Pope presiding.

The Committee of the Whole resumed consideration of SJR 2-XXX(67).

On motion by Senator Mathews, Section 2 of Article I was adopted. The vote was:

Yeas—31

Mr. President	Chiles	Friday	Ott
Askew	Clayton	Gibson	Sayler
Bafalis	Cross	Griffin	Shevin
Barron	Deeb	Henderson	Stockton
Barrow	de la Parte	Horne	Stone
Bell	Edwards	Knopke	Thomas
Boyd	Fincher	Mathews	Young
Broxson	Fisher	O'Grady	

Nays—16

Elrod	Hollahan	Poston	Stolzenburg
Gong	Johnson	Reuter	Weber
Gunter	Lane	Slade	Weissenborn
Haverfield	McClain	Spencer	Wilson

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.

The following Senators were recorded present:

Mr. President	de la Parte	Hollahan	Shevin
Askew	Edwards	Horne	Slade
Bafalis	Elrod	Johnson	Spencer
Barron	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	Poston	Wilson
Cross	Haverfield	Reuter	Young
Deeb	Henderson	Sayler	

47. 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 8, 1967.

REGISTRATIONS UNDER SENATE RULE TWELVE
FROM JULY 31 THROUGH AUGUST 4

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Mrs. Georgia K. Barber 515 E. Call Tallahassee	Justice of Peace & Constable Assn., 2915 N. "L" St., Pensacola	Continuous	Constitutional Revision	None
Mrs. Richard Malchon 2400 Pinellas Point Dr., So. St. Petersburg	League of Women Voters of Florida, 5201 Lakeview Ave., So., St. Petersburg	Extra Session	Constitutional Revision	None
Mrs. George Terry, Jr. 713 So. Delaney Orlando	Self same address	Continuous	Constitutional Revision	None