JOURNAL OF THE SENATE

Thursday, August 10, 1967

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

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

45. A quorum present.

Excused: Senators Clayton, Henderson and Haverfield.

Prayer by Senator Dick Fincher of the 47th Senatorial District:

Dear Heavenly Father, lawmaker of all the universe, help us to use wisely and well the knowledge entrusted to us. Keep us ever mindful of our obligations to those who would put their faith in us and depend upon our integrity to accept thy will and guidance. In Christ's name, we pray. Amen.

The reading of the Journal was dispensed with.

The Journal of August 9 was corrected and approved as follows:

Page 57, counting from the bottom of column 2, line 14, strike "Section (9)" and insert Subsection (d)

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

REPORTS OF SELECT COMMITTEES PURSUANT TO SENATE RULE 15.2

Senator Verle A. Pope August 3, 1967
President, The Florida Senate
The Capitol

Dear Mr. President:

Your Select Committee appointed on August 1, 1967, pursuant to Senate Rule 15.2, to make inquiry in regard to the following appointment which was on August 1, 1967, submitted by the Governor for confirmation by the Senate:

Charles Tom Henderson, member, Commissioners for the Promotion of Uniformity of Legislation in the United States, for a term ending June 5, 1971.

having met, and after full inquiry, hereby tender as the recommendation of this Select Committee that the Senate advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted,
RALPH R. CLAYTON,
14th District
DENNIS J. PATRICK O'GRADY,
15th District
WILLIAM DEAN BARROW,
3rd District
J. EMORY CROSS,
7th District

On motion by Senator Cross, the Report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of Charles Tom Henderson. The vote was: Yeas—45 Nays—None

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

Senator Verle A. Pope August 3, 1967
President, The Florida Senate
The Capitol

Dear Mr. President:

Your Select Committee appointed on August 1, 1967, pursuant to Senate Rule 15.2, to make inquiry in regard to the following appointment which was on August 1, 1967, submitted by the Governor for confirmation by the Senate:

Howard E. Young, member, Board of the Oklawaha Basin Recreation and Water Conservation and Control Authority in Lake County, for a term ending July 31, 1971.

having met, and after full inquiry, hereby tender as the recommendation of this Select Committee that the Senate advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted,
RALPH R. CLAYTON,
14th District
DENNIS J. PATRICK O'GRADY,
15th District
WILLIAM DEAN BARROW,
3rd District
J. EMORY CROSS,
7th District

On motion by Senator Cross, the Report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of Howard E. Young. The vote was: Yeas—45 Nays—None

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

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

The Honorable Verle Pope, President 9 August 1967
The Florida Senate

Sir:

Your Committee on Rules and Calendar met and recommends the following:

1. That the Senate Concurrent Resolution in commendation of Jackie Gleason and the Senate Resolution in commendation of Hon. Fred M. Burns be received for introduction.
2. Change of Rule as follows:

   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, amendments to amendments, and substitute amendments will be considered to be adopted as approved by a vote of three-fifths or more of the Senators present and voting.

3. That the Rules Committee recommend that the Senate stay in session Friday afternoon for an extended session until 5:00 P.M., at which time the Senate would adjourn to reconvene at 10:00 A.M., Monday, August 14.

JOHN E. MATHEWS, JR.

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

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate the following Resolutions were admitted for introduction and consideration:

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

SCR 6-XXX(67)—A concurrent resolution commending Jackie Gleason for his innumerable contributions to Florida and its economy.

WHEREAS, four years ago, Jackie Gleason displayed outstanding vision and foresight by becoming the first major entertainment personality to originate a network television show from South Florida on a permanent basis, and,

WHEREAS, Jackie Gleason's boundless enthusiasm for our State, and his unswerving faith in its future, have been further evidenced by his announced plans to enter into full-scale television and motion picture production, and,

WHEREAS, through his leadership, the television-motion picture industry in Florida has gained a firm foothold and is currently experiencing tremendous growth and development, and,

WHEREAS, his myriad activities have contributed untold millions of dollars to the economy of Florida, in terms of unprecedented publicity and increased tourism and also by the presence of his own staff of talented writers, technicians and performers, NOW, THEREFORE,

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

That the State of Florida pay fitting tribute to Jackie Gleason for his dedication, courage and true pioneering spirit which have broadened Florida's horizons to include a great new industry, one which will provide employment for thousands and will focus worldwide attention on our State.

BE IT FURTHER RESOLVED, that this resolution become part of the permanent records of the Florida Legislature, and a copy presented to Jackie Gleason as a tangible token of deep gratitude and affection of the people of Florida.

Was read the first time in full. On motion by Senator Fincher, the rules were waived and SCR 6-XXX(67) was read the second time by title, unanimously adopted, and certified to the House.

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

SR 7-XXX(67)—A resolution recognizing Fred M. Burns and commending him for nearly three decades of dedicated government service.

WHEREAS, Assistant Attorney General Fred M. Burns has for twenty-eight years generously and willingly given aid, counsel and advice to members of the legislative, judicial and executive branches of government, and

WHEREAS, Fred Burns' knowledge of practical administration in government has earned for him the respect of the bench and bar alike, and

WHEREAS, he is highly regarded as an expert on constitutional law and singlehandedly drafted much of the state law in the areas of finance and taxation, and

WHEREAS, he has been a strong advocate on behalf of the state in the highest courts of the land and is credited with winning many important cases including the Tidelands case which will ultimately return millions of dollars in tax revenue to Florida and all the gulf coast states, and

WHEREAS, Fred M. Burns was recently recognized by the Cabinet as a mainstay of the Attorney General's Office under five different Attorneys General, and

WHEREAS, Fred Burns is characterized as a "walking encyclopedia" of the law and is in every respect a "lawyer's lawyer", NOW, THEREFORE,

Be It Resolved By the Senate of the State of Florida:

Section 1. That Fred M. Burns is hereby recognized for nearly three decades of dedicated public service for the people of the State of Florida and the Senate hereby commends this outstanding Floridian for his generous, exceptional and untiring contributions.

Was read the first time by title. On motions by Senator Horne, SR 7-XXX(67) was read the second time in full and unanimously 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-XXX(67).

COMMITTEE OF THE WHOLE

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

Senator Thomas offered the following amendment which was adopted:

Amendment 81—Article III, Section 3, Subsection (e), on page 11, beginning at line 18, strike Section 3, Subsection (e) and insert the following:

(e) ADJOURNMENT. Neither house shall adjourn for more than [three days] **seventy two consecutive hours** except pursuant to concurrent resolution.

Senator Shevin offered the following amendment:

Amendment 31—Article III, Section 4, Subsection (b), on page 12, beginning at line 8, strike Section 4, subsection (b) and insert in lieu thereof the following:

(b) Sessions of each house shall be public. [, except that the senate may sit in executive session to consider appointment to or removal from public office.]

Senator Mathews offered the following substitute amendment:

After "senate" insert the following: , by a three-fifths vote of the membership,

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

Strike: "by a" and insert the following: by at least a

The substitute amendment as amended failed.

The question recurred on Amendment 31 which failed. The vote was:

Yeas—14

Askew	Gong	Shevin	Weissenborn
Cross	Johnson	Spencer	Young
Elrod	Lane	Stone	
Fincher	Reuter	Thomas	

Nays—27

Mr. President	Barrow	Broxson	Deeb
Barron	Bell	Chiles	de la Parte

Edwards	Gunter	Mathews	Stockton
Fisher	Hollahan	O'Grady	Stolzenburg
Friday	Horne	Ott	Weber
Gibson	Knopke	Poston	Wilson
Griffin	McClain	Sayler	

Senator Thomas offered the following amendment which was adopted:

Amendment 84—Article III, Section 4, Subsection (c), on page 12, beginning at line 12, strike entire subsection (c) and insert the following:

(c) Each house shall keep and publish a journal of its proceedings, and the [yeas and nays] **votes of each of** the members on any question shall, upon the request of five members present, be entered on the journal.

Senator Broxson presiding.

Senators Gong and Chiles offered the following amendment which was moved by Senator Gong and failed:

Amendment 106—Article III, Section 4, Subsection (d), on page 12, beginning at line 16, strike present subsection (d) and insert in lieu thereof the following (substantial rewording):

(d) Each house may punish a member for contempt, disorderly conduct or breach of its rules and, by a roll call vote entered in the journal, two-thirds of the membership concurring, may censure or expel a member.

Senator Mathews offered the following amendment which failed:

Amendment 93—Article III, Section 7, on page 13, beginning at line 13, strike Section 7 and insert in lieu thereof the following:

Section 7. PASSAGE OF BILLS.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote in each house shall be taken by yeas and nays and entered on its journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives. **By concurrent resolution adopted by both houses at a regular session convened in an odd-numbered year, the legislature may provide that business unfinished upon adjournment of that session shall be carried over to the succeeding regular session.**

Senator Thomas offered the following amendment:

Amendment 86—Article III, Section 8, Subsection (a), on page 13, beginning at line 27, strike Section 8, Subsection (a) and insert the following:

Section 8. EXECUTIVE APPROVAL AND VETO.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within [seven] **five** days after presentation. If during that period the legislature adjourns sine die or takes a recess of more than thirty days, he shall have twenty days from the date of adjournment or recess to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill.

Senator Stockton offered the following amendment to Amendment 86 which was adopted:

Line 9, strike "twenty" and insert fifteen consecutive

The hour of recess 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 Amendment 86 as amended to Article III, Section 8 of SJR 2-XXX(67).

Senator Askew offered the following amendment to Amendment 86 as amended:

Beginning at line 5, strike "five" and insert seven consecutive

Senator Thomas offered the following substitute amendment for the amendment to Amendment 86 as amended which failed:

On line 5 strike "seven consecutive days" and insert five consecutive days

The amendment to Amendment 86 was adopted.

Senator Stockton offered the following amendment to Amendment 86 as amended which was adopted:

Lines 9 and 10 strike "adjournment or recess" and insert presentation

Amendment 86 as amended was adopted.

Senator Shevin offered the following amendment:

Amendment 70—Article III, Section 8, Subsection (a), on page 13, beginning at line 27, strike Section 8, subsection (a) and insert in lieu the following:

Section 8. EXECUTIVE APPROVAL AND VETO.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven days after presentation. If during that period the legislature adjourns sine die or takes a recess of more than thirty days, he shall have twenty days from the date of adjournment or recess to act on the bill. In all cases except [general] appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific [appropriation] **item** in [a general] **an** appropriation bill.

Senator Cross presiding.

Senators Askew and Stockton offered the following amendment to Amendment 70 which was adopted on motion by Senator Askew:

Page 1, strike: lines 2 through 7 and insert in lieu thereof the language of Amendment 86 as amended.

Senator Weissenborn offered the following amendment to Amendment 70 as amended which failed:

Strike all of lines 8 through 10 and insert the following in lieu thereof: in all cases except general appropriations bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation item in a general appropriations bill. The governor may reduce any item in an appropriations bill, general or otherwise.

Senator Weissenborn also offered the following amendment to Amendment 70 as amended which was adopted:

Line 9, strike: "item" and insert the following: appropriation

Amendment 70 as amended failed. The vote was:

Yeas—14

Bafalis	Johnson	Shevin	Weber
Cross	O'Grady	Spencer	Wilson
Elrod	Plante	Stockton	
Fisher	Sayler	Stolzenburg	

Nays—26

Mr. President	Bell	Chiles	Friday
Askew	Boyd	Edwards	Gibson
Barrow	Broxson	Fincher	Gong

Griffin	Knopke	Ott	Thomas
Gunter	Lane	Poston	Weissenborn
Hollahan	McClain	Reuter	
Horne	Mathews	Stone	

PAIR

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

I am paired with Senator de la Parte on Amendment 70 as amended. If he were present he would vote "Nay" and I would vote "Yea."

RICHARD J. DEEB, 22nd DISTRICT

Senator Thomas offered the following amendment:

Amendment 85—Article III, Section 7, on page 13, beginning at line 13, strike Section 7 and insert the following:

Section 7. PASSAGE OF BILLS.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, [the] **each member's** vote [in each house] shall be taken [by yeas and nays] and entered on its journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives.

Senator Thomas offered the following substitute amendment:

Article III, Section 7, on page 13, beginning at line 13, strike Section 7 and insert the following:

Section 7. PASSAGE OF BILLS.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote [in each house] **of each member voting shall be** [taken by yeas and nays and] entered on [its] the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives.

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

Strike: . the period at the end of the substitute amendment and insert the following: during or as soon as practicable after adjournment sine die of the session of the legislature.

The Substitute Amendment as amended was adopted.

Senator Stolzenburg offered the following amendment which failed:

Amendment 99—Article III, Section 8, Subsections a,b,c, on page 13, beginning at line 27, strike Section 8 and insert the following in lieu thereof: Subsection (b) substantial rewording

Section 8. EXECUTIVE APPROVAL AND VETO.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven days after presentation. If during that period the legislature adjourns sine die or takes a recess of more than thirty days, he shall have twenty days from the date of adjournment or recess to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. [The governor may veto any specific appropriation in a general appropriation bill.]

[(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.]

(b) The Governor shall have the power to veto, strike or reduce any item, section or provision in appropriation bills or bills making appropriations. The item, section or provision approved shall be law. The item, section or provision reduced shall become operative and the item, section or provision disapproved shall be void unless repassed according to the rules and limitations prescribed for other bills over the executive veto.

[(c) If each house shall re-enact the bill or reinstate a vetoed specific appropriation of an appropriation bill by two-thirds vote, the yeas and nays shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.]

(c) When a bill has been vetoed by the governor or when any item, section or provision of a general appropriations bill has been vetoed, stricken or reduced by the governor, he shall transmit his signed objections or executive action to the house in which the bill originated. The house to which the governor's veto or action shall have been transmitted shall forthwith proceed to reconsider such veto or executive action. If each house shall re-enact the bill or reinstate a vetoed [specific appropriation] **stricken or reduced item, section or provision** of an appropriation bill by two-thirds vote, the yeas and nays shall be entered on the respective journals, and the bill shall become law or the [specific appropriation] **item, section or provision** reinstated, the veto notwithstanding. **If that house is not in session, he shall file them with the secretary of state, who shall lay them before the house at its next regular or special session, and they shall be entered on its journal.**

Senator de la Parte offered the following amendment:

Amendment 109—Declaration of Rights, Section 14, on page 3, beginning at line 30, strike section (14) and insert the following in lieu thereof:

Section 14. BAIL—Until adjudged guilty, every person [detained] **charged with a crime** shall be entitled to release on reasonable bail with sufficient surety unless charged with a capital offense and the proof of guilt is evident or the presumption is great.

Senator Weissenborn offered the following amendment to Amendment 109 which failed:

Add at the end: No person shall be unreasonably detained without being charged with a crime.

On motion by Senator Mathews, time of adjournment was extended until final disposition of amendments relating to the Declaration of Rights.

Amendment 109 was adopted.

Senator de la Parte offered the following amendment:

Amendment 110—Declaration of Rights, Section 15, Subsection b, on page 4, beginning at line 13, strike subsection (b) and insert in lieu thereof the following substantial rewording:

(b) When authorized by law, affording due process of law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of a crime and tried without a jury or other requirements applicable to criminal cases. Upon demand made as provided by law before a hearing in a juvenile court, the child shall be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

Senator Barrow offered the following amendment to Amendment 110 which was adopted:

Page 1, beginning at line 1, strike "affording due process of law,"

Senator Askew offered the following amendment to Amendment 110 which was adopted:

Line 7, page 1, strike: "court" and insert the following: proceeding

Amendment 110 as amended was adopted.

Senator de la Parte offered the following amendment which was adopted:

Amendment 21—Declaration of Rights, section 15, on page 4, beginning at line 4, strike lines 4 and 5 and insert the following in lieu thereof:

Section 15. PROSECUTION FOR CRIME. [JUVENILE OFFENSES.] **Offenses Committed by Children.**

On motion by Senator Mathews, the Preamble and the Declaration of Rights, as amended, were adopted.

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

The Senate was called to order by the President Pro Tempore at 4:15 p. m. A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:20 p. m. to reconvene at 9:30 a. m., August 11, 1967.