

SPECIAL SESSION

JOURNAL OF THE SENATE

Friday, August 11, 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	Henderson	Reuter
Askev	Edwards	Hollahan	Saylor
Bafalis	Elrod	Johnson	Shevin
Barron	Fincher	Knopke	Spencer
Barrow	Fisher	Lane	Stockton
Bell	Friday	McClain	Stolzenburg
Boyd	Gibson	Mathews	Stone
Broxson	Gong	O'Grady	Weber
Chiles	Griffin	Ott	Weissenborn
Cross	Gunter	Plante	Wilson
Deeb	Haverfield	Poston	Young

44. A quorum present.

Excused: Senators Clayton, Slade and Thomas.
Senator Horne for the morning session.
Senator Haverfield after 11:00 a. m.

Prayer by Senator Charles H. Weber of the 37th Senatorial District:

Slow Me Down, Lord

Slow me down, Lord. Ease the pounding of my heart by the quieting of my mind. Steady my hurried pace with a vision of the eternal reach of time. Give me, amid the confusion of the day, the calmness of the everlasting hills. Break the tensions of my nerves and muscles with the soothing music of the singing streams that live in my memory. Help me to know the magical restoring power of sleep. Teach me the art of taking minute vacations—of slowing down to look at a flower, to chat with a friend, to pat a dog, to read a few lines from a good book. Remind me each day of the fable of the hare and the tortoise, that I may know that the race is not always to the swift—that there is more to life than increasing its speed. Let me look upward into the branches of the towering oak and know that it grew great and strong because it grew slowly and well. Slow me down, Lord, and inspire me to send my roots deep into the soil of life's enduring values, that I may grow toward the stars of my greater destiny.

The reading of the Journal was dispensed with.

The Journal of August 10 was corrected and approved as follows:

Page 62, column 1, between lines 3 and 4 insert the following: Amendment 110 as amended was adopted.

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

COMMITTEE OF THE WHOLE

Senator Thomas offered the following amendment which was moved by Senator Spencer:

Amendment 116—Article III, Section 8, Subsection (c), on page 14, beginning at line 16, strike all of Subsection (c) and insert in lieu thereof:

(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] votes of each member shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

Senator Thomas offered the following amendment to Amendment 116 which was moved by Senator Spencer and adopted:

On line 4, strike "votes of each member" and insert: vote of each member voting

Amendment 116 as amended was adopted.

Senator Bafalis offered the following amendment:

Amendment 58—Article III, Section 8, Subsection (c), on page 14, beginning at line 16, strike subsection (c) and insert in lieu thereof the following:

(c) If each house shall, by a two-thirds vote, 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.

Senator Shevin offered the following amendment to Amendment 58 which was adopted:

In Section 8(d), line 3, page 1, strike: "of an appropriation bill" and insert the following: of a general appropriation bill

Amendment 58 as amended was adopted.

Senator Stockton offered the following amendment:

Amendment 112—Article III, section 3, Subsection (c), on page 10, beginning at line 30, strike all of subsection (c) and insert the following in lieu thereof:

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or which relates to [of] a communication from the governor, or which is introduced and passed by [consent of] two-thirds of the membership of each house.

Senator Stockton offered the following amendment to Amendment 112 which failed:

Strike lines 6, 7, 8 and 9, and insert: proclamation or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house; provided that no bill or joint resolution outside of the purview of the proclamation or communication shall be passed without the vote of two-thirds of the membership of each house.

Senator Stockton withdrew Amendment 112.

Senator Haverfield, having been excused from the session on August 10, requested unanimous consent to be recorded as voting "Yea" on Amendment 31 to SJR 2-XXX(67).

Senator Lane presiding.

Senator O'Grady offered the following amendment which failed:

Amendment 89—Article III, Section 8, on page 14, add subsection (d) to Section 8:

(d) In lieu of veto, and while the legislature is in session, the governor in returning any bill to the house in which it originated with his objections for reconsideration, within the time prescribed in paragraph (a), may recommend an amendment or amendments specified by him to be made in the bill and in such cases, the legislature may amend the bill by a majority vote in accordance with the governor's recommendations, the yeas and nays to be entered upon the respective journals. In such event or in the event that either house shall fail or refuse to so amend, then in either case, the bill shall again be sent to the governor and he may act upon it as if it were then before him for the first time.

Senator Deeb offered the following amendment which failed:

Amendment 33—Article III, Section 10, on page 14, beginning at line 8, strike section 10 and insert in lieu thereof:

Section 10. SPECIAL AND LOCAL LAWS.—No special law or local law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by law in each county in the area to be affected, not less than

thirty days nor more than ninety days prior to introduction in the legislature. The fact that publication has been made shall be recited on the journal of each house, and the evidence of publication shall be preserved with the bill in the office of the secretary of state. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected. An act applying to an area because of population or similar criteria of the area is a local law unless it applies to at least three areas.

Senator Mathews offered the following amendment which was adopted:

Amendment 137—Article III, Section 11, Subsection (u), on page 16, beginning at line 18, strike subsection (u) and insert in lieu thereof a new subsection (u), substantially reworded as follows:

(u) Supplementation by any county or municipality of salaries and office expenses payable from state funds; or

The vote was:

Yeas—27

Mr. President	Deeb	Johnson	Shevin
Askew	Edwards	Knopke	Spencer
Bafalis	Elrod	Lane	Stockton
Barron	Fincher	Mathews	Stone
Boyd	Griffin	O'Grady	Weissenborn
Broxson	Henderson	Ott	Young
Cross	Hollahan	Poston	

Nays—11

de la Parte	Gunter	Reuter	Weber
Friday	McClain	Saylor	Wilson
Gibson	Plante	Stolzenburg	

Senator Spencer offered the following amendment which failed:

Amendment 153—Article III, Section 12, on page 16, beginning at line 20, strike all of Section 12 and insert in lieu thereof the following:

Section 12. APPROPRIATION BILLS.—Laws making appropriations for salaries of public officers and other current expenses of the state shall [contain provisions on no other subject.] not contain any other matter or provisions on any other subject.

Senator Barron presiding.

Senators Shevin and de la Parte offered the following amendment which was moved by Senator Shevin:

Amendment 48—Article III, Section 13, on page 16, beginning at line 24, strike all of section 13 and insert in lieu thereof this substantial re-wording of a new section 13 as follows:

Section 13. REQUIRED LAWS.—The legislature shall enact laws effectuating the provisions of this constitution and may enact all other laws on any subject not expressly prohibited herein; the legislature shall enact laws providing for the protection and promotion of the public health, welfare, and safety of its citizens.

Senator Wilson offered the following substitute amendment which failed:

Article III, Section 13, page 16, beginning at line 24, strike section 13 in its entirety and renumber the following sections.

Senator Pope presiding.

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

The Senate was called to order by the President at 11:55 a. m. A quorum present.

The President appointed a committee composed of Senators Askew, Bafalis and McClain to escort Mr. Bill Warner of St. Petersburg to the rostrum. The President appointed a committee composed of Senators Johnson, Henderson, Elrod and Cross to escort Senator Young to the rostrum where Mr. Warner,

on behalf of the St. Petersburg Junior Chamber of Commerce, presented the Cooper Taylor Memorial Award to Senator Young for promoting traffic safety.

The hour of recess having arrived, a point of order was called and the Senate recessed at 12:07 p. m. to reconvene at 1:30 p. m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p. m. The following Senators were recorded present:

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

44. A quorum present.

Senator Mathews moved that the rules be waived and when the Senate adjourns it adjourn to reconvene at 1:00 p. m., August 14, and remain in session until 5:00 p.m. Which was agreed to.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages were read:

The Honorable Verle A. Pope August 11, 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—

SCR 6-XXX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Concurrent Resolution, contained in the above message, was ordered enrolled.

The Honorable Verle A. Pope August 11, 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 passed—

SB 3-XXX(67)

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

By the required Constitutional two-thirds vote of the Senate, the Concurrent Resolution contained in the following message was admitted for introduction and consideration:

The Honorable Verle A. Pope August 11, 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 McDonald and others—

HCR 9-XXX(67)—A concurrent resolution directing the

speaker of the house of representatives and the president of the senate to create a joint legislative committee on personnel and administration and prescribing a uniform pay scale for employees of the Florida legislature.

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

That the speaker of the house of representatives and the president of the senate each appoint three (3) members of his respective house to a committee to be named the joint legislative committee on personnel and administration. The committee shall elect a chairman and a vice-chairman from its membership.

The duties of said committee shall be to provide a liaison between the two (2) houses of the legislature in areas of personnel and administration, to set uniform pay scales and classification of job positions, to set working conditions and hours of work, holidays and all other personnel matters to provide uniform personnel policies after considering qualifications, longevity, degree of responsibility and other criteria as may be deemed prudent by the committee.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
 Clerk, House of Representatives

HCR 9-XXX(67), contained in the above message, was read the first time in full. On motion by Senator Mathews, the rules were waived and HCR 9-XXX(67) was read the second time by title, adopted, and certified to the House.

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

COMMITTEE OF THE WHOLE

The Committee of the Whole resumed consideration of Amendment 48.

Senator Young offered the following amendment to Amendment 48:

Strike the period and add the following: and an auditor to serve at the pleasure of the legislature.

Senator Askew offered the following substitute amendment for the amendment to Amendment 48 which failed:

Line 9, strike: the period and insert the following: ; an auditor to serve at the pleasure of the legislature; and for suits against the state, its agencies and subdivisions.

The amendment to Amendment 48 failed.

Senator Reuter offered the following amendment to Amendment 48 which failed:

Line 6, strike: the legislature shall enact laws providing for the protection and promotion of the public health, welfare and safety of its citizens.

Amendment 48 was adopted.

Senator Mathews offered the following amendment which was adopted:

Amendment 156—Article III, Section 8, Subsection (a), on page 13, beginning at line 27, strike subsection (a) and insert in lieu thereof the following:

(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 consecutive days after presentation. If during that period the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation 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. If on the seventh day the legislature has adjourned sine die or is in a recess of more than thirty days, he shall have fifteen days from the date of presentation to act on the bill.

Senator Mathews also offered the following amendment:

Amendment 136—Article III, Section 16, Subsection (a), on

page 18, beginning at line 7, strike subsection (a) and insert in lieu thereof the following:

(a) SENATORS. Senators shall be elected for [appropriately staggered] terms of four years [.] , those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even numbered years the numbers of which are not multiples of four.

Senator Hollahan presiding.

Senator Weissenborn offered the following amendment to Amendment 136 which failed:

In line 4 strike "odd-" and substitute even- and in line 7 strike "even-" and substitute odd-

The vote was:

Yeas—13

Askew	Fisher	McClain	Young
Chiles	Friday	Plante	
Deeb	Gunter	Reuter	
de la Parte	Johnson	Weissenborn	

Nays—22

Barron	Fincher	Ott	Stolzenburg
Boyd	Griffin	Poston	Stone
Broxson	Hollahan	Saylor	Weber
Cross	Horne	Shevin	Wilson
Edwards	Knopke	Spencer	
Elrod	Mathews	Stockton	

Amendment 136 failed.

On motion by Senator Wilson, the Senate reconsidered the vote by which Amendment 136 failed.

The question recurred on the amendment and Amendment 136 was adopted.

Senator Pope presiding.

Senators Spencer and Weissenborn offered the following amendment which was moved by Senator Spencer and failed:

Amendment 147—Article III, Section 17, Subsection (a), on page 18, beginning at line 20, strike all of 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 population and with the constitution of the state and of the United States into not less than forty nor more than fifty 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 Deeb offered the following amendment:

Amendment 166—Article III, Section 17, Subsection (a), on page 18, beginning at line 19, strike subsection (a) and insert in lieu thereof the following:

Section 17. LEGISLATIVE APPORTIONMENT.—

(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 forty nor more than fifty 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.] Each representative district shall be of contiguous territory different from any other district. 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 Weissenborn offered the following amendment to Amendment 166 which was adopted:

Line 15, strike: "Each representative district shall be of contiguous territory different from any other district." and insert the following: Representative districts shall be contiguous but they shall not overlap or share identical territory.

Amendment 166 as amended was adopted.

Senator Stockton offered the following amendment which was adopted:

Amendment 133—Article III, Section 18, Subsection (a), on page 20, beginning at line 29, strike all of subsection (a), section 18, and insert the following in lieu thereof:

Section 18. IMPEACHMENT.—

(a) The governor, members of the cabinet, justices of the supreme court and judges of other courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote [of the members present] shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

Senators Chiles and Gong offered the following amendment which was adopted on motion by Senator Chiles:

Amendment 103—Article III, on page 21, following line 31, Number and insert a new section to be worded as follows:

Section . CODE OF ETHICS.—The legislature shall prescribe a code of ethics for its members, its employees and for the elected officeholders, appointees, and employees of the state for the purpose of prohibiting conflicts between public duty and private interest.

Senator Weissenborn offered the following amendment which was adopted:

Amendment 167—Article III, Section 5, on page 12, beginning at line 19, 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 public and private 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 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 upon a designated committee of legislators for a stated period of operation with reference to specific matters. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law. All persons compelled to appear before either house, or any committee thereof, or to produce public or private documents and other evidence to either house, or to any committee thereof, shall at all times have the right to counsel and be afforded due process of law.

On motion by Senator Ott, the Senate reconsidered the vote by which Amendment 167 was adopted.

On motion by Senator Ott, further consideration of Amendment 167 was temporarily deferred.

Senator Saylor offered the following amendment which failed:

Amendment 69—Article III, Section 17, Subsection (a), on page 18, beginning at line 20, 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 [forty] thirty-five nor more than fifty 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 con-

tiguous, 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 Thomas offered the following amendment which was adopted on motion by Senator Barron:

Amendment 119—Article III, Section 10, on page 14, beginning at line 26, strike all of Section 10 and insert in lieu thereof:

Section 10. SPECIAL AND LOCAL LAWS.—No special law or local law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by law. [in each county in the area to be affected, not less than thirty days nor more than ninety days prior to introduction in the legislature. The fact that publication has been made shall be recited on the journal of each house, and the evidence of publication shall be preserved with the bill in the office of the secretary of state.] Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

Senator O'Grady offered the following amendment:

Amendment 161—Article III, Section 13, Subsection (l), on page 17, beginning at line 23 add new subsection (l) following the present subsection (k).

(l) a uniform system of county government and powers.

Senator Wilson moved that Amendment 161 be temporarily deferred.

Senator de la Parte moved as a substitute motion that Amendment 161 be adopted. The amendment failed.

Senator Thomas offered the following amendment which was moved by Senator Mathews and failed:

Amendment 118—Article III, Section 13, on page 16, beginning at line 24, strike all of Section 13 and renumber remaining sections of Article III.

Senator Thomas also offered the following amendment which was moved by Senator Mathews and failed:

Amendment 117—Article III, Section 15, on page 17, beginning at line 26, strike all of Section 15 and insert new Section 15.

Section 15. CIVIL SERVICE SYSTEM.—[By law there shall be created a civil service system for state employees, except those expressly exempted.] A civil service system may be provided by law for state employees and there may be created civil service systems and boards for county, district or municipal employees and for such officers thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

Senator Thomas also offered the following amendment which was moved by Senator Mathews and failed:

Amendment 139—Article III, Section 17, Subsection (a), on page 18, beginning at line 20, strike Subsection (a) and insert 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 forty nor more than fifty 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 Shevin offered the following amendment which was adopted:

Amendment 72—Article III, Section 17, Subsection (a), on page 18, beginning at line 19, strike Section 17, subsection (a) and insert in lieu the following:

Section 17. LEGISLATIVE APPORTIONMENT.—

(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 forty nor more than fifty] 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] nor more than one hundred 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.

On motion by Senator Mathews, Article III as amended was adopted.

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

The Senate was called to order by Senator Weissenborn at 4:59 p. m. A quorum present.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p. m. to reconvene at 1:00 p. m., August 14, 1967.