

SPECIAL SESSION

JOURNAL OF THE SENATE

Friday, August 18, 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.

Excused: Senator Lane for the afternoon session.

Prayer by the Secretary of the Senate:

Father God, in prayer this day we ask thee to abide with us. Hear us as we submit our pleas, seeking decision in drafting this constitution which shall guide the destiny of our people and chart the development of our state for many years hence. Even though we have experienced moments of discouragement, the painful sting of physical tire, we shall stay embarked upon our travels, resolute to do the job necessary. May the end result add glorification to thy name. In our Master's name, we pray. Amen.

The Journal of August 17 was corrected and approved.

The Journal of August 15 was further corrected and approved as follows:

Page 75, column 2, strike lines 10 and 11 and insert the following: Askew, the Senate advised and consented to the appointment by the Governor of Horace W. Olcott, Pat Dodson, Hampton Dunn, Ellis W. Bullock, Jr., and Jesse Earle Bowden, as contained and set forth in the fore-

Page 72, column 1, strike lines 4 through 6 and insert the following: Amendment 74—Article IV, strike Section 7, insert a new Section 4 and renumber all subsequent sections accordingly.

Page 72, column 1, strike lines 24 through 26 and insert the following: by the governor, by the speaker of the house and the president of the senate, or by the lieutenant governor and three members of the cabinet. Restoration of capacity to

Page 72, column 1, strike line 30 and insert the following: and three members of the cabinet.

Page 72, column 2, line 34, strike "of" and insert or

The Journal of July 31 was further corrected and approved as follows:

Page 4, column 2, line 3, strike the period and insert the following: and Lane.

Senator Johnson moved that the rules be waived and the Senate receive in open session a report of the Select Committee appointed to inquire into the Executive Order of Suspension in the case of J. M. Sample, County Judge of St. Lucie County, Florida. Which was agreed to.

By direction of the President Pro Tempore, the Secretary of the Senate read the following—

REPORT OF SELECT COMMITTEE PURSUANT TO SENATE RULE 15.2

Honorable Verle Pope
President
The Florida Senate
Capitol Building
Tallahassee, Florida

August 18, 1967

Re: Suspension of J. M. Sample,
County Judge of St. Lucie
County, Florida

Dear Mr. President:

Your Select Committee appointed to inquire into the suspension of J. M. Sample as County Judge of St. Lucie County, Florida, as contained in the Order of Suspension dated August 1, 1967, by Claude R. Kirk, Jr., Governor, reports as follows:

1. Your Committee recommends that this report be received in open session of the Senate.
2. Your Committee has conducted a public hearing into the matter and has received testimony concerning same in a public hearing called by the Committee notwithstanding the fact that Judge Sample declined to attend the hearing; however, Judge Sample was represented at the hearing by Attorney Robert McClure. Based upon the results of the inquiry and hearing, your Committee finds that evidence offered does justify the removal of J. M. Sample and therefore recommends that J. M. Sample be removed as County Judge of St. Lucie County, Florida.

Respectfully submitted,

BETH JOHNSON, Chairman

MALLORY E. HORNE

DICK FINCHER

WARREN S. HENDERSON

Senator Johnson moved the adoption of the report, and that pursuant thereto the recommendation of the Governor be adopted and that J. M. Sample be removed from office as County Judge of St. Lucie County, State of Florida. The vote was: Yeas—48 Nays—None

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

INTRODUCTION

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

By Senators Stone and Askew—

SR 12-XXX(67)—A resolution commending and honoring Mrs. Lena Mintzes.

WHEREAS, Mrs. Lena Mintzes, Miami Beach's "lady of last resort" has recently celebrated her seventy-seventh birthday, and

WHEREAS, for twenty-seven years any worthwhile cause, no matter how forlorn its prospects, has found in Lena Mintzes a staunch ally who will not quit, and

WHEREAS, Lena Mintzes formed the South Shore Citizens Club and the Senior Citizen's Association, to constructively serve the needs of the people of the south end of Miami Beach, many of whom are elderly, and

WHEREAS, under her leadership and influence these groups were able to secure the construction by the City of the Pier Park facility, complete with outdoor stage and seating for hundreds, and

WHEREAS, more recently Lena Mintzes spearheaded the move which successfully culminated in the building and operation by government agencies of the South Beach Clinic and Medical Center, providing much-needed health services where none were previously available, and

WHEREAS, realizing the pressing need of many old people for additional income she has striven to have established an employment service in Miami Beach to use the many talents of older persons, and

WHEREAS, this remarkable woman who has many accomplishments to her credit has always sought fresh challenges in her aggressive devotion to a better life for the people of Miami Beach, and

WHEREAS, Mrs. Lena Mintzes, who is not only an effective leader in her community but a friend to all those who need help, typifies the finest qualities of a neighbor and citizen, NOW, THEREFORE,

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

That the Senate on the occasion of the seventy-seventh birthday of Mrs. Lena Mintzes commends her for her exemplary life and the many years of kindness and service she has shown to the citizens of Miami Beach, and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Great Seal of the State of Florida affixed be delivered to Mrs. Lena Mintzes.

Was read the first time by title. On motions by Senator Stone, SR 12-XXX(67) was read the second time in full and unanimously adopted.

MESSAGE FROM THE GOVERNOR

The following Proclamation was read:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, on July 26, 1967, an Executive Proclamation was issued convening the Florida Legislature in special session on July 31, 1967, for the purpose of considering constitutional revision, and

WHEREAS, consultation with the leadership of the Florida Legislature reflects that constitutional revision is proceeding in a purposeful manner and should be continued until this historic undertaking is completed, and

WHEREAS, it is my belief that it is to the best interest of the citizens of Florida that the Florida Legislature immediately reconvene for the purpose of continuing and completing this unfinished business and to immediately thereafter submit a revised constitution to the people for their consideration at a special election;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 8, and Article III, Section 2, of the Constitution of the State of Florida, do hereby reconvene the Legislature of the State of Florida in special session beginning at 10 A.M. on Monday, August 21, 1967 and ending not later than 12 midnight, Friday, September 1, 1967.

This call is for the sole and exclusive purpose of, and shall be limited to, revision of the Florida Constitution and additionally for the fixing of an early date for the special election to permit the people of the State to vote upon the proposed revised constitution.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 16 day of August, A. D. 1967.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

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

COMMITTEE OF THE WHOLE

Senators Stone, Bell, Lane, Stolzenburg, Weber and Deeb offered the following amendment:

Amendment 234—Article VIII, Section 6, on page 48, beginning at line 26, strike present section 6 and substantially reword as follows:

Section 6. HOMESTEAD EXEMPTION.—

(a) Every person who has the legal, equitable or beneficial title to real property in this State and who resides thereon 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, for the year 1939 and thereafter, 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 or cooperative ownership, by ownership of stock in a corporation holding title thereto, or by a leasehold initially for a period of more than ninety-eight years and each owner residing thereon shall be entitled to exemption not to exceed Five Thousand Dollars or such portion thereof as his interest bears to the assessed valuation of the real property.

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

(d) By vote of its electors any county, municipality or special district may eliminate or reduce the amount of such exemption, or cause the same to be inapplicable, in whole or in part, to the taxes levied for school, county, municipal or special district purposes respectively. It shall be the duty of the governing body of any county, municipality or special district, upon petition of ten per cent of its qualified electors who are freeholders, to call an election for such purpose. The election may be held separately or with any other election not sooner than two years after an earlier election under this section.

Senator Weber offered the following amendment to Amendment 234 which was adopted:

Section 6, on page 1, beginning at line 4, strike: "who resides thereon and"

Senator Weber also offered the following amendment to Amendment 234 as amended which was adopted:

Section 6, on page 1, beginning at line 13, strike: ", for the year 1939 and thereafter,"

Senator Weber also offered the following amendment to Amendment 234 as amended which was adopted:

Section 6, on page 1, beginning at line 26, strike: "more than" and insert: any

Senator Wilson offered the following substitute amendment which failed:

After Section 5, line 26, page 48, strike: Section 6 in its entirety and renumber the following sections

The vote was:

Yeas—7

Bell	Lane	Reuter	Wilson
Elrod	Ott	Sayler	

Nays—40

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

Amendment 234 as amended was adopted.

Senator Broxson presiding.

Senator Bell offered the following amendment:

Amendment 243—Article VIII, Section 6, Subsection (c), on page 49, beginning at line 17, eliminate subsection (c) in its entirety.

Amendment 243 failed. The vote was:

Yeas—22

Mr. President	Clayton	Henderson	Shevin
Askew	Deeb	Horne	Stolzenburg
Barrow	de la Parte	Lane	Stone
Bell	Edwards	McClain	Weber
Boyd	Fisher	O'Grady	
Broxson	Gibson	Ott	

Nays—21

Barron	Gunter	Plante	Stockton
Cross	Haverfield	Poston	Thomas
Elrod	Hollahan	Reuter	Young
Friday	Johnson	Sayler	
Gong	Knopke	Slade	
Griffin	Mathews	Spencer	

A motion by Senator O'Grady was adopted that the Committee of the Whole reconsider the vote by which Amendment 243 failed.

Amendment 243 was adopted. The vote was:

Yeas—31

Mr. President	Cross	Knopke	Stockton
Askew	Deeb	Lane	Stolzenburg
Barron	de la Parte	McClain	Stone
Barrow	Edwards	O'Grady	Thomas
Bell	Gibson	Ott	Weber
Boyd	Griffin	Plante	Weissenborn
Broxson	Henderson	Poston	Wilson
Clayton	Horne	Shevin	

Nays—13

Elrod	Gunter	Reuter	Young
Fisher	Hollahan	Sayler	
Friday	Johnson	Slade	
Gong	Mathews	Spencer	

Senator Barron presiding.

Senator Sayler offered the following amendment which failed:

Amendment 235—Article VIII, Section 1, Subsection (a), on page 47, beginning at line 5, strike subsection (a) and insert in lieu thereof the following:

(a) No tax shall be levied except in pursuance of law. [Each form of taxation except ad valorem taxes may be pre-empted to the state by general law.]

The hour of adjournment having arrived, a point of order was called and the Committee of the Whole recessed at 12:00 noon.

AFTERNOON SESSION

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

Senator Bafalis offered the following amendment which was adopted:

Amendment 56—Article VIII, Section 1, Subsection (a), on page 47, beginning at line 5, strike subsection (a) and insert in lieu thereof the following:

(a) No tax shall be levied except in pursuance of law. Each form of taxation except ad valorem taxes shall [may] be pre-empted to the state except as provided by general law.

Senators Young, Slade, Friday, Stone, Deeb, de la Parte, Broxson, Askew, Fincher, Bafalis and Thomas offered the following amendment:

Amendment 215—Article VIII, Section 2, on page 47, beginning at line 31, insert the following new subsection:

(d) No county or school district ad valorem taxes shall be levied upon real estate or tangible personal property for school purposes.

Senators Mathews, Pope, Chiles and Slade offered the following amendment to Amendment 215:

Strike the language of (d) and insert the following:

(d) There shall be levied annually for public school purposes in each county an ad valorem tax of 5 mills on the dollar on the assessed value of the property the proceeds of which shall be remitted to the state treasurer for use of the public schools.

No other ad valorem tax shall be levied upon real estate or tangible personal property for school purposes.

Pending consideration of the foregoing amendment, Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Barron at 3:20 p. m. A quorum present.

On motion by Senator Mathews, the rules were waived and the Senate reverted to the order of receiving reports of committees.

By direction of the President Pro Tempore, the Secretary of the Senate read the following—

REPORT OF SELECT COMMITTEE PURSUANT TO SENATE RULE 15.2

Senator Verle A. Pope
President, The Florida Senate
The Capitol

Dear Mr. President:

Your Select Committee appointed on August 3, 1967, pursuant to Senate Rule 15.2, to make inquiry in regard to the following appointments which were on August 3, 1967, submitted by the Governor for confirmation by the Senate:

Maurice M. Condon, Pinellas County Expressway Authority, for a term ending January 3, 1969.

Elliott W. Holland, Pinellas County Expressway Authority, for a term ending January 3, 1969.

Thomas J. Murphy, Pinellas County Expressway Authority, for a term ending January 3, 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 appointments made by the Governor.

Respectfully submitted,

C. W. BILL YOUNG, 19th District
Chairman

HAROLD S. WILSON, 20th District

HENRY B. SAYLER, 21st District

RICHARD J. DEEB, 22nd District

On motion by Senator Young, the report of the Select Committee was adopted and the Senate advised and consented to the appointment by the Governor of Maurice M. Condon, Elliott W. Holland and Thomas J. Murphy, as contained and set forth in the foregoing Report. The vote was: Yeas—44 Nays—None

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

MESSAGES FROM THE GOVERNOR

By direction of the President Pro Tempore, the Secretary of the Senate read the following communications from Honorable Claude R. Kirk, Jr., Governor of Florida:

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

August 4, 1967

Dear Sir:

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

Leonard T. Jones, member, Board of Pilot Commissioners for the Port of Miami, Dade County, for a term ending October 25, 1967, succeeding J. B. Tompkins, resigned.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Senator Weissenborn moved that the rules be waived and the Senate take up for consideration the foregoing appointment made by the Governor. Which was agreed to. On motion by Senator Weissenborn, the Senate advised and consented to the appointment by the Governor of Leonard T. Jones, as contained and set forth in the foregoing communication. The vote was: Yeas—44 Nays—None

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

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

August 3, 1967

Dear Sir:

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

Willard Peebles, member, State Road Board, District Five, for a term ending June 30, 1970.

Michael O. O'Neil, member, State Road Board, District Four, for a term ending June 30, 1971.

James W. Lee, member, State Road Board, District Three, for a term ending June 30, 1968.

Harry R. Gonzalez, member, State Road Board, District Two, for a term ending June 30, 1969.

Donald R. Crane, member, State Road Board, District One, for a term ending June 30, 1971.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

Senator Poston moved that the rules be waived and the Senate take up for consideration the foregoing appointments made by the Governor. Which was agreed to. On motion by Senator Poston, the Senate advised and consented to the appointment by the Governor of Willard Peebles, Michael O. O'Neil, James W. Lee, Harry R. Gonzalez and Donald R. Crane, as contained and set forth in the foregoing communication. The vote was: Yeas—44 Nays—None

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

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

August 18, 1967

Dear Sir:

In order to avoid the application of Section 112.07(1)(c) which may arise by reason of the Senate adjourning prior to confirmation of certain appointments, it would be appreciated if you would return to this office our letter of August 4, 1967, requesting confirmation of the members of the Florida Land Sales Board.

These members names will be resubmitted at the beginning of the session on Monday, August 21, 1967.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

On motion by Senator Mathews, the request contained in the foregoing communication from the Governor was granted and the letter as designated therein was ordered returned to the Office of the Governor.

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

August 18, 1967

Dear Sir:

We are enclosing a copy of a letter from Harry W. Fogle, whom we appointed Assistant State Attorney for the Sixth Judicial Circuit, advising that he is unable to accept this position due to other duties and responsibilities to his clients.

Therefore, we respectfully request that the request for confirmation of this appointment be returned to this office.

Respectfully submitted,
CLAUDE R. KIRK, JR.
Governor

On motion by Senator Young, the request contained in the foregoing communication from the Governor was granted and the letter as designated therein was ordered returned to the Office of the Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message was read:

The Honorable Verle A. Pope
President of the Senate

August 18, 1967

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 Bevis and others—

HCR 34-XXX(67)—A concurrent resolution honoring Mr.

A. R. "Roy" Surles, Jr. for his dedicated service to the citizens of Florida.

WHEREAS, A. R. "Roy" Surles, Jr. has been an able and dedicated citizen of Florida for many years, and

WHEREAS, Roy Surles proudly represented Imperial Polk County with distinction as a member of the Florida Legislature from 1948 to 1958, and

WHEREAS, after his departure from the Legislature, Mr. Surles continued his friendship and service to the members of the Legislature, and

WHEREAS, on July 7, 1967, Mr. Surles disappeared while piloting his aircraft between Tallahassee and Lakeland, and

WHEREAS, it has become increasingly doubtful that Mr. Surles will safely return to his family and friends, NOW, THEREFORE,

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

Section 1. That the members of the Florida Legislature are greatly saddened by the disappearance of their friend and colleague, Mr. A. R. "Roy" Surles, Jr., and that we prayerfully hope for his safe return, improbable as it may seem, and that, in the event he has been taken from us, he will always be remembered as a man dedicated to his family and to the service of his fellow men.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 34-XXX(67), contained in the above message, was read the first time in full. On motion by Senator Griffin, the rules were waived and HCR 34-XXX(67) was read the second time by title, unanimously adopted, and certified to the House.

On motion by Senator Mathews, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 11:59 p.m. August 19, 1967.

CO-INTRODUCERS

By permission, Senators O'Grady, Clayton and Gunter were recorded as co-introducers of SJR 11-XXX(67).

Unanimous consent was granted Senators Barron, Fisher and Gibson to be recorded as voting "yea" on the adoption of Article VII on August 17.

Unanimous consent was granted Senator Barron to be recorded as voting "nay" on the adoption of Article IV on August 16.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 4:00 p. m. to reconvene at 11:59 p. m., August 19, 1967.

REGISTRATIONS UNDER SENATE RULE TWELVE
FROM AUGUST 14 THROUGH AUGUST 18

<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>
Boykin, Edlyne 517 Main St. Chattahoochee	Fla. Youth Advisory Council Sec. of State, Capitol Tallahassee	session	Constitutional Revision	None
Smith, Sandy 432 Riverview Drive Melbourne	Fla. Youth Advisory Council Sec. of State, Capitol Tallahassee	session	Constitutional Revision	None