

SPECIAL SESSION

JOURNAL OF THE SENATE

Tuesday, June 25, 1968

The Senate was called to order by the President at 9:30 a.m. A quorum present—45:

Table listing senators and their names: Mr. President, de la Parte, Johnson, Slade, Askew, Edwards, Knopke, Stockton, Bafalis, Elrod, Lane, Stolzenburg, Barron, Fincher, McClain, Stone, Barrow, Fisher, Mathews, Thomas, Bell, Friday, O'Grady, Weber, Boyd, Gibson, Ott, Weissenborn, Broxson, Gunter, Plante, Wilson, Chiles, Haverfield, Poston, Young, Clayton, Henderson, Reuter, Cross, Hollahan, Saylor, Deeb, Horne, Shevin.

Excused: Senator Griffin for the morning session. Senators Spencer and Gong.

Prayer by Senator Beth Johnson:

Heavenly Father, in our deliberations help us to realize that religion gives us the courage to make the decisions we must make in a crisis and then the confidence to leave the result to a higher power and that only by trust in God can a man carrying responsibility find repose. Show us that freedom rests, and always will, on individual responsibility, individual integrity, individual effort, individual courage and individual religious faith. Help us to work together with the understanding that the greatest calamity is not to have failed but to have failed to try. Amen.

The Journal of June 24 was corrected and approved.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following pass: SJR 2-2X with 1 amendment, SJR 4-2X and SJR 5-2X.

The joint resolutions were placed on the Calendar.

The Honorable Verle A. Pope June 24, 1968 President of the Senate

Sir:

Your Committee on Rules and Calendar herewith submits as the Special Order Calendar for Tuesday, June 25, 1968, the following:

SJR 2-2X SJR 4-2X SJR 5-2X

A quorum of the Committee was present, and a majority of those present agreed to the above Report.

Respectfully submitted, JOHN E. MATHEWS, JR. Chairman

Senator Mathews moved that the Senate proceed to the consideration of bills on the Special Order Calendar and take up SJR 2-2X.

A substitute motion by Senator Slade that the Article dealing with local government be included in the main document failed.

The motion by Senator Mathews was adopted.

SPECIAL ORDER CALENDAR

SJR 2-2X—A joint resolution proposing a revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII.

Was taken up and read the second time in full.

PREAMBLE

Senator Barrow offered the following amendment which failed:

Amendment 1—Strike the Preamble and substitute therefor: Preamble

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, form a more perfect government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

ARTICLE I

Senators Shevin, Barrow and Stone offered the following amendment which was adopted on motion by Senator Shevin:

Amendment 1—Article I, Section 14, page 3, beginning at line 27:

Section 14. BAIL.—Until adjudged guilty, every person charged with a crime or violation of municipal or county ordinance shall be entitled to release on reasonable bail with sufficient surety unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great.

Senator Saylor offered the following amendment:

Amendment 2—Article I, Section 6, page 2, beginning at line 15:

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

Senator Stockton offered the following substitute amendment which failed:

Article I, Section 6, page 2, beginning at line 15:

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

Amendment 2 failed.

Senator Weissenborn offered the following amendment which failed:

Amendment 3—Declaration of Rights—Section 8, page 2, beginning at line 29, strike "may be regulated" and insert in lieu thereof shall be regulated

ARTICLE III

Senator Mathews offered the following amendment which was adopted:

Amendment 1—Article III, Section 3, Subsection (f), page 12, strike the word "by" at the beginning of line 1: [by] both houses on a time for adjournment shall prevail.

Senator Saylor offered the following amendment which failed:

Amendment 2—Article III, Section 3, Subsection (d), on page 11, beginning at line 12:

(d) LENGTH OF SESSIONS. A regular session of the

legislature shall not exceed sixty consecutive days and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership. *On the last day of any session of the legislature, the date for adjournment may be postponed by majority vote of both houses for a period of up to 10 days.*

#### ARTICLE IV

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Mathews:

**Amendment 1**—Article IV, Section 2, Subsection (a), page 23, beginning at line 15:

(a) **DUTIES.** There shall be a lieutenant governor. He shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor, *except when otherwise provided by law*, and such other duties as may be prescribed by law.

Senator Stockton offered the following amendment to Amendment 1 which failed:

Insert: He shall perform the duties of the secretary of state etc.—

Amendment 1 was adopted.

On motion by Senator Mathews, the Senate recessed at 11:06 a.m.

The Senate was called to order by the President at 11:28 a.m. A quorum present.

The Senate resumed consideration of SJR 2-2X.

Senators Bell and Stolzenburg offered the following amendment which was moved by Senator Bell and failed:

**Amendment 2**—Article IV, Section 4, Subsection (a), page 25, beginning at lines 15 and 16, strike the words:

“and in party primaries, if held,”

On motion by Senator Mathews, the rules were waived and time of recess was extended until 12:30 p. m.

Senator Wilson offered the following amendment which failed:

**Amendment 3**—Article IV, Section 2, page 23, beginning at line 15:

Section 2. **SUCCESSION TO OFFICE OF GOVERNOR.**

(a) Upon vacancy in the office of governor, the Secretary of State shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) **ACTING GOVERNOR.** Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the Secretary of State shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the Secretary of State by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

Senator Barrow offered the following amendment which failed:

**Amendment 4**—Article IV, Section 4, Subsection (b), Paragraph 1, page 25, beginning at lines 27 and 28, strike: “No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.” Substitute therefor: No governor may serve but one 4 year term except that a Lieutenant Governor who has become acting Governor may run for a one year term.

Amendments 5 and 6 to Article IV were withdrawn.

Senator Elrod offered the following amendment which failed:

**Amendment 7**—Article IV, Section 7, Subsection C, page 27, beginning at line 29, strike: Subsection (c)

Amendment 8 was withdrawn.

Senator Saylor offered the following amendment which was adopted:

**Amendment 9**—Article IV, Section 4, Subsection b, page 25, beginning at line 22:

When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor. [or] acting governor, *or a member of the cabinet* for more than six years in two consecutive terms shall be elected [governor for the succeeding term] to such position for a succeeding term.

The vote was:

Yeas—23

Bafalis	Fincher	O'Grady	Stolzenburg
Bell	Fisher	Ott	Thomas
Clayton	Henderson	Plante	Weber
Deeb	Johnson	Saylor	Wilson
de la Parte	Knopke	Slade	Young
Elrod	Lane	Stockton	

Nays—21

Mr. President	Chiles	Haverfield	Shevin
Askew	Cross	Hollahan	Stone
Barron	Edwards	Horne	Weissenborn
Barrow	Friday	McClain	
Boyd	Gibson	Mathews	
Broxson	Gunter	Poston	

Senator Mathews offered the following amendment which was adopted:

**Amendment 10**—Article IV, Section 2, page 23, beginning at line 14, strike entire Section 2 and insert in lieu thereof the following:

Section 2. **LIEUTENANT GOVERNOR.**—There shall be a lieutenant governor. He shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor, except when otherwise provided by law, and such other duties as may be prescribed by law.

Section 3. [(b)] **SUCCESSION TO OFFICE OF GOVERNOR—ACTING GOVERNOR.**—

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

[(c) **ACTING GOVERNOR.**] (b) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the secretary of state by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

[Subsequent Sections to be renumbered accordingly]

On motion by Senator Mathews, it was agreed by a two-thirds vote that when the Senate recesses it recess to reconvene at 2:00 p. m. and remain in session until 4:30 p. m.

Senator Weissenborn offered the following amendment:

**Amendment 11**—Article IV, Section 4, Subsection (b), beginning at line 31, add the following:

The provisions of this subsection with reference to the person holding the office of Governor having the right to seek election

to succeed himself shall not be applicable to the person holding the office of Governor at the time of the adoption of this constitution by the electors of this state.

Pending consideration of the foregoing amendment, on motion by Senator Mathews, the Senate recessed at 12:23 p. m. to reconvene at 2:00 p. m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p. m. A quorum present—46:

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

On motion by Senator Mathews, the rules were waived and the Senate reverted to the order of—

**INTRODUCTION**

By Senators Mathews, Pope, Thomas, Fisher, Slade, Stockton, Cross, Barrow, Elrod, Johnson, Ott, Fincher, Stone, Shevin, Boyd, Friday, McClain, Poston, Horne, Lane, Hollahan, Gunter, Wilson, Chiles, Bell, Young and Weber—

**SB 8-2X**—A bill to be entitled An act authorizing the Board of Trustees for the Florida School for the Deaf and the Blind to employ teaching personnel and child care counselors for twelve months beginning July 1, 1968, providing an effective date.

Was read the first time by title. On motion by Senator Mathews, the rules were waived and the bill was placed on the Calendar.

By unanimous consent the following bill was admitted for introduction and consideration on motion by Senator Mathews:

By Senators Mathews, Pope, Slade, Fisher, Thomas, Stockton, Askew, Poston, Cross, Ott, Fincher, Stone, Shevin, Boyd, Friday, McClain, Horne, Lane, Hollahan, Gunter, Wilson, Chiles, Bell, Barrow, Young and Weber—

**SB 9-2X**—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; appropriating funds from the general revenue fund to the Board of Trustees and for its use and benefit; creating new positions; authorizing the Board of Trustees to establish salary scales for educational personnel; exempting same from State Personnel Board regulation; providing an effective date.

Was read the first time by title and referred to the Committee on Appropriations.

By the required Constitutional two-thirds vote of the Senate **SB 10-2X** was admitted for introduction and consideration on motion by Senator Hollahan. The vote was:

Yeas—36

Mr. President	Cross	Henderson	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Elrod	Horne	Stockton
Barrow	Fincher	Knopke	Stolzenburg
Bell	Friday	Lane	Stone
Boyd	Gibson	McClain	Thomas
Broxson	Griffin	Mathews	Weissenborn
Chiles	Gunter	Poston	Wilson
Clayton	Haverfield	Sayler	Young

Nays—5

Fisher	Plante	Reuter	Weber
Johnson			

By Senators Hollahan, Sayler, Haverfield, Stone and Thomas—

**SB 10-2X**—A bill to be entitled An act relating to the Florida Probation and Parole Commission; appropriating funds for employment of additional employees and for implementation of new professional salary scale; providing a minimum entrance salary; providing an effective date.

Was read the first time by title and referred to the Committees on Appropriations and Judiciary "A".

By the required Constitutional two-thirds vote of the Senate **SB 11-2X** was admitted for introduction and consideration on motion by Senator Young. The vote was:

Yeas—34

Mr. President	Cross	Johnson	Stockton
Askew	Deeb	Knopke	Stolzenburg
Bafalis	Elrod	McClain	Stone
Barron	Friday	Mathews	Thomas
Barrow	Gibson	Ott	Weissenborn
Bell	Griffin	Poston	Wilson
Boyd	Henderson	Sayler	Young
Broxson	Hollahan	Shevin	
Clayton	Horne	Slade	

Nays—7

Chiles	Fincher	Lane	Weber
de la Parte	Fisher	Plante	

By Senators Pope, Barron, Barrow, Horne, Broxson and Gunter—

**SB 11-2X**—A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending sections 325.11(14), 325.12, 325.13, 325.14, and 325.15, Florida Statutes, to limit the application of the inspection requirements to cars that are at least two (2) years old or that have at least forty thousand (40,000) miles registered on their odometers, whichever occurs first; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation and Safety.

By the required Constitutional two-thirds vote of the Senate **SB 12-2X** was admitted for introduction and consideration on motion by Senator Sayler. The vote was:

Yeas—34

Mr. President	Cross	Johnson	Stockton
Askew	Deeb	Knopke	Stolzenburg
Bafalis	Elrod	McClain	Stone
Barron	Friday	Mathews	Thomas
Barrow	Gibson	Ott	Weissenborn
Bell	Griffin	Poston	Wilson
Boyd	Henderson	Sayler	Young
Broxson	Hollahan	Shevin	
Clayton	Horne	Slade	

Nays—7

Chiles	Fisher	Plante	Weber
de la Parte	Lane		
Fincher			

By Senators Sayler, Wilson, Young, Deeb, Thomas, Stolzenburg, Elrod and Bell—

**SB 12-2X**—A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending sections 325.12(6) and 325.13, Florida Statutes, to require that safety inspection be made annually instead of semiannually; extending the time limitation for initial inspection and certification; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation and Safety.

By the required Constitutional two-thirds vote of the Senate **SB 13-2X** was admitted for introduction and consideration on motion by Senator Slade. The vote was:

Yeas—34

Mr. President	Broxson	Griffin	Mathews
Askew	Clayton	Henderson	Ott
Bafalis	Cross	Hollahan	Poston
Barron	Deeb	Horne	Sayler
Barrow	Elrod	Johnson	Shevin
Bell	Friday	Knopke	Slade
Boyd	Gibson	McClain	Stockton

Stolzenburg Thomas Wilson Young  
Stone Weissenborn

Nays—7

Chiles Fincher Lane Weber  
de la Parte Fisher Plante

By Senators Slade and Bell—

SB 13-2X—A bill to be entitled An act relating to regulation of traffic on highways; amending Sections 11, 12, 13 and 15 of Chapter 325, Florida Statutes; providing definitions of old cars; definition of new cars; providing for annual safety inspection of motor vehicles; providing that new cars as defined shall be exempt from inspection for the first year; providing for old cars to be inspected semi-annually; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation and Safety.

The Senate resumed consideration of—

SJR 2-2X—A joint resolution proposing a revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII.

together with the amendment offered by Senator Weissenborn, which was pending at the hour of recess.

Senator Weissenborn moved the adoption of the amendment which failed.

ARTICLE VII

Senator Wilson offered the following amendment which failed:

Amendment 1—Article VII, Section 5, page 31, add a new subsection (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.

Senators Haverfield, Weissenborn, Shevin, Poston, Hollahan and Fincher offered the following amendment which was moved by Senator Haverfield and failed:

Amendment 2—Article VII, Section 6, page 32, beginning at line 4, strike the words "when allocated to the counties, the distributions shall be in equal amounts to the several counties."

The vote was:

Yeas—21

Bafalis	Haverfield	Reuter	Weissenborn
Bell	Hollahan	Sayler	Wilson
Deeb	Knopke	Shevin	Young
Elrod	Lane	Stolzenburg	
Fincher	Ott	Thomas	
Gunter	Poston	Weber	

Nays—24

Mr. President	Chiles	Gibson	Mathews
Askew	Clayton	Griffin	O'Grady
Barron	Cross	Henderson	Plante
Barrow	Edwards	Horne	Slade
Boyd	Fisher	Johnson	Stockton
Broxson	Friday	McClain	Stone

EXPLANATION OF VOTE

To adopt this amendment as part of a "noncontroversial" constitutional amendment is to doom Constitutional Revision to defeat.

Richard B. Stone, 48th District

ARTICLE IV

Senator Fincher moved that the Senate reconsider the vote by which Amendment 9 offered by Senator Sayler to Article IV was adopted. The vote was:

Yeas—27

Mr. President	Clayton	Gunter	Poston
Askew	Cross	Haverfield	Shevin
Barron	Edwards	Hollahan	Stockton
Barrow	Fincher	Horne	Stone
Boyd	Friday	Knopke	Thomas
Broxson	Gibson	McClain	Weissenborn
Chiles	Griffin	Mathews	

Nays—17

Bafalis	Johnson	Reuter	Wilson
Bell	Lane	Sayler	Young
Deeb	O'Grady	Slade	
Elrod	Ott	Stolzenburg	
Fisher	Plante	Weber	

The question recurred on the adoption of the amendment which failed. The vote was:

Yeas—18

Bafalis	Johnson	Reuter	Weber
Bell	Lane	Sayler	Wilson
Deeb	O'Grady	Slade	Young
Elrod	Ott	Stockton	
Fisher	Plante	Stolzenburg	

Nays—26

Mr. President	Clayton	Gunter	Poston
Askew	Cross	Haverfield	Shevin
Barron	Edwards	Hollahan	Stone
Barrow	Fincher	Horne	Thomas
Boyd	Friday	Knopke	Weissenborn
Broxson	Gibson	McClain	
Chiles	Griffin	Mathews	

ARTICLE VII

The President Pro Tempore presiding.

Senator Sayler was granted unanimous consent to take up the following amendment out of order:

Amendment 11—Article VII, page 29: Delete entire Article VII.

The President presiding.

Senator Sayler moved the adoption of the amendment which failed.

On motion by Senator Mathews, the Senate recessed at 3:25 p.m.

The Senate was called to order by the President at 3:40 p.m. A quorum present.

The Senate resumed consideration of SJR 2-2X.

Senator Wilson offered the following amendment which failed:

Amendment 3—Article VII, Section 1, Subsection b, page 29, beginning at line 14: (b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, [but shall not be subject to ad valorem taxes.]

Senator Wilson also offered the following amendment which failed:

Amendment 4—Article VII, Section 3, Subsection (a), page 30, beginning at line 19: (a) Agricultural land [or land used exclusively for non-commercial recreational purposes] may be classified by general law and assessed solely on the basis of character or use.

The vote was:

Yeas—14

Clayton	Fisher	Reuter	Wilson
Cross	Johnson	Sayler	Young
Deeb	O'Grady	Stolzenburg	
Elrod	Plante	Weissenborn	

Nays—23

Mr. President	Bell	Edwards	Gibson
Askew	Boyd	Fincher	Griffin
Barrow	Chiles	Friday	Hollahan

Horne Knopke Lane	McClain Mathews Ott	Poston Slade Stockton	Stone Weber
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Senators Wilson and Sayler offered the following amendment which was moved by Senator Wilson and failed:

**Amendment 5**—Article VII, Section 5, Subsection (c), page 31, beginning at line 26: [(c) If the real estate be maintained as a bona fide permanent home for an owner who has been a resident of the state for the preceding five years and who is over the age of sixty-five or totally disabled as defined by law, the amount of the exemption shall be ten thousand dollars of assessed value.]

The vote was:

Yeas—11

Bell Boyd Elrod	Lane O'Grady Reuter	Sayler Stolzenburg Weber	Wilson Young
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Nays—31

Mr. President Askew Barron Barrow Broxson Chiles Clayton Cross	Deeb Edwards Fincher Fisher Friday Gibson Griffin Gunter	Haverfield Hollahan Horne Johnson Knopke Mathews Ott Plante	Poston Shevin Slade Stockton Stone Thomas Weissenborn
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**Statement Pursuant to Rule 4.11**

Re explanation of withdrawal of my vote on Section 5, Article VII, Subsection c of amendment by Senator Wilson to strike said section:

I am sympathetic to the proposal to provide a \$10,000 homestead exemption to homeowners over the age of 65, however, since I could benefit by such a provision, I refrained from voting on such provision.

J. A. McCLAIN, JR., 24th District

Senator Mathews offered the following amendment which was adopted:

**Amendment 6**—Article VII, Section 5, Subsection a, page 31, beginning at line 12, strike "entirities" and insert entireties

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

**Amendment 7**—Article VII, Section 2, Subsection a, page 29, beginning at line 24, after the word "exceed", strike "two" and insert one

The vote was:

Yeas—20

Bell Clayton Deeb Elrod Fisher	Gibson Henderson Johnson Lane O'Grady	Plante Reuter Sayler Slade Stolzenburg	Stone Thomas Weber Wilson Young
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Nays—24

Mr. President Askew Barron Barrow Boyd Broxson	Chiles Cross Edwards Fincher Friday Griffin	Gunter Haverfield Hollahan Horne Knopke McClain	Mathews Ott Poston Shevin Stockton Weissenborn
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Senators Barrow, Pope, Barron and Gibson offered the following amendment which was moved by Senator Barron and failed:

**Amendment 8**—Article VII, Section 5, Subsection (a), Paragraph 1, page 31, beginning at line 9, strike "five" and insert ten

The vote was:

Yeas—13

Mr. President Barron	Barrow Clayton	Edwards Elrod	Fisher Gibson
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Haverfield Hollahan	O'Grady	Shevin	Weissenborn
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Nays—31

Askew Bell Boyd Broxson Chiles Cross Deeb de la Parte	Fincher Friday Griffin Gunter Horne Johnson Knopke Lane	McClain Mathews Ott Plante Poston Reuter Sayler Slade	Stockton Stolzenburg Stone Thomas Weber Wilson Young
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Senators Sayler, de la Parte and Fincher offered the following amendment which was moved by Senator de la Parte and failed:

**Amendment 9**—Article VII, section 8, Subsection b, page 32, beginning at line 19, delete entire subsection b

The vote was:

Yeas—11

de la Parte Fincher Lane	McClain Ott Reuter	Sayler Stolzenburg Stone	Wilson Young
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Nays—35

Mr. President Askew Bafalis Barron Barrow Bell Boyd Broxson Chiles	Clayton Cross Deeb Edwards Elrod Fisher Friday Gibson Griffin	Gunter Haverfield Henderson Hollahan Horne Johnson Knopke Mathews O'Grady	Plante Poston Shevin Slade Stockton Thomas Weber Weissenborn
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On motion by Senator Mathews, the rules were waived and time of adjournment was extended until 5:30 p.m.

Senator Sayler offered the following amendment which was adopted:

**Amendment 10**—Article VII, Section 1, Subsection b, page 29, beginning at line 30: All property owned by a municipality and used exclusively by such municipality for municipal or public purposes [within the county in which the municipality is located] shall be exempt from taxation. By general law other property owned by a municipality and used exclusively for municipal or public purposes, and property used exclusively for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

Senator Stockton offered the following amendment which failed:

**Amendment 12**—Article VII, Section 3, Subsection a, page 30, beginning at line 19: Agricultural and unimproved, unproductive land, or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

**The President Pro Tempore presiding.**

Senator Sayler offered the following amendment which failed:

**Amendment 13**—Article VII, Section 5, Subsection (c), page 31, beginning at line 32, add the following:

(d) An annual fee of twenty dollars shall be charged upon the filing of a claim to establish an exemption, which fee shall be a credit on taxes collected, if any, for the property in the same year. If no taxes are due and payable in any year for property on which homestead exemption has been claimed, the fee collected shall be deposited in the county school fund of the county wherein property is located to be disbursed by the several county boards of public instruction for the support and maintenance of free public schools.

**The President presiding.**

On motion by Senator Clayton, the Senate proceeded to the consideration of—

## EXECUTIVE BUSINESS

*Honorable Verle A. Pope* June 24, 1968  
*President of the Senate*  
*The Capitol*  
*Tallahassee, Florida*

*Dear Mr. President:*

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

Robert C. Cummings, member, Board of the Alachua County Recreation and Water Conservation and Control Authority, Alachua County, for a term ending September 9, 1971.

Kenneth Glen Marshall, Jr., member, The Jacksonville Port Authority, Duval County, for a term ending June 25, 1972.

Robert W. Padrick, member, Governing Board, Central and Southern Florida Flood Control District, for a term ending July 12, 1971.

Respectfully requested,  
 CLAUDE R. KIRK, JR.  
 Governor

—which were referred to the Special Select Committee on Executive Appointments and Suspensions.

*Honorable Verle A. Pope* June 25, 1968  
*President of the Senate*  
*The Capitol*  
*Tallahassee, Florida*

*Dear Mr. President:*

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

Miss Mary Turner Rule, member, Pensacola Historical Restoration and Preservation Commission for a term ending two years from date of commission.

Respectfully requested,  
 CLAUDE R. KIRK, JR.  
 Governor

—which was referred to the Special Select Committee on Executive Appointments and Suspensions.

*Honorable Verle A. Pope* June 25, 1968  
*President of the Senate*  
*The Capitol*  
*Tallahassee, Florida*

*Dear Mr. President:*

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

Napoleon W. Mizell, member, State Board of Funeral Directors and Embalmers, District Five, for a term of four years from July 22, 1968.

Respectfully requested,  
 CLAUDE R. KIRK, JR.  
 Governor

—which was referred to the Special Select Committee on Executive Appointments and Suspensions.

*Honorable Edwin G. Fraser* June 25, 1968  
*Secretary of the Florida Senate*  
*The Capitol*  
*Tallahassee, Florida*

*Dear Sir:*

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we attach a certificate listing a commission subject to confirmation by the Senate which has been prepared by our office subsequent to the list we sent to you on June 24.

Sincerely,  
 TOM ADAMS  
 Secretary of State

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we do hereby certify that a commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	For Term Ending
Frank J. Mediavilla St. Petersburg	Member of the State Board of Cosmetology, District Number Four	June 27, 1972



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital this the 25th day of June, A.D., 1968.

TOM ADAMS  
 Secretary of State

—which was referred to the Special Select Committee on Executive Appointments and Suspensions.

The Senate resumed the consideration of SJR 2-2X.

Senator Sayler offered the following amendment which failed:

**Amendment 14**—Article VII, Section 5, Subsection (c), on page 31, beginning at line 32, add the following:

(d) There shall be charged, subject to county referendums as provided in subsection (e), a fee to be paid upon the filing of a claim to establish the exemption provided for in this section, and for each subsequent claim filed, which fee shall be a credit on taxes collected, if any, for the property in the same year. If no taxes are due and payable in any year for property upon which homestead exemption has been claimed, the fee collected in that year shall be deposited in the county school fund of the county in which the property is located to be disbursed by the several county boards of public instruction for the support and maintenance of free public schools. The legislature may determine the minimum and maximum of such fees.

(e) The proposition described in subsection (d) and the amount of the fee shall become operative in each county only upon approval of a majority of the qualified electors.

Amendment 15 was withdrawn.

Senator Sayler also offered the following amendment which failed:

**Amendment 16**—Article VII, Section 5, Subsection (c), page 31, beginning at line 26:

(c) If the real estate be maintained as a bona fide permanent home for an owner who has been a resident of the state for the preceding five years and who is over the age of sixty-five or totally disabled as defined by law, or who has an income of less than four thousand dollars per year and is the head of a household consisting of twelve or more children, the amount of the exemption shall be ten thousand dollars of assessed value.

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

**Amendment 17**—Article VII, Section 4, page 30, beginning at line 27, strike entire section.

Senator Broxson offered the following amendment which failed:

**Amendment 18**—Article VII, Section 8, Subsection b, page 32, beginning at line 19, strike: “, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are owners of freeholds therein not wholly exempt from taxation,”

Senator Mathews offered the following amendment which was adopted:

**Amendment 19**—Article VII, Section 2, page 29, beginning at line 20, strike entire Section 2 and insert in lieu thereof the following:

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

The taxes on intangible personal property may be at different rates but shall never exceed two mills on the dollar of assessed value; provided that as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever

located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

Section 3. *TAXES—EXEMPTIONS.*—

[(b)] (a) All property owned by a municipality and used exclusively by such municipality for municipal or public purposes shall be exempt from taxation. By general law other property owned by a municipality and used exclusively for municipal or public purposes, and property used exclusively for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

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

[Subsequent Sections to be renumbered accordingly]

ARTICLE IX

Consideration of Amendment 1 was deferred.

Senator Fisher offered the following amendment which failed:

Amendment 2—Article IX, Section 1, on page 36, beginning at line 3:

Section 1. *SYSTEM OF PUBLIC EDUCATION.*—Adequate provision shall be made by law for a uniform system of free public schools and for the establishment, maintenance and operation of institutions of higher learning and other public education programs that the needs of the people may require.

*A uniform system guarantees that the citizen of each school district shall pay the same tax rate for public education, and that the student of each school district shall receive an equal amount of expenditure for public education.*

Senator Askew offered the following amendment which was adopted:

Amendment 3—Article IX, Section 6, page 37, beginning at line 12:

Section 6. *STATE SCHOOL FUND.*—[The income derived from the state school fund shall, and the principal of such fund may, be appropriated only to the support and maintenance of free public schools.] *The income derived from the state school fund shall be appropriated to the support and maintenance of free public schools. The principal of such fund may be appropriated to the same purpose, but to no other.*

Amendment 4 was withdrawn.

ARTICLE X

Senator Mathews offered the following amendment:

Amendment 1—Article X, Section 13, page 42, beginning at line 29, strike Section 13 and insert in lieu thereof the following:

Section 13. *SOVEREIGN IMMUNITY.*—The state, its agencies, and political subdivisions, and municipalities may be sued on their contracts. They shall be responsible for their torts under the circumstances and subject to the limitations established by law. Methods, administrative or judicial, for determining tort claims may be prescribed by general law.

Pending consideration of the foregoing amendment, the hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:30 p.m. to reconvene at 9:30 a.m. June 26, 1968.