

JOURNAL OF THE SENATE

Monday, July 1, 1968

The Senate was called to order by the President at 11:00 a.m.
A quorum present—44:

Mr. President	de la Parte	Hollahan	Sayler
Askew	Elrod	Johnson	Shevin
Bafalis	Fincher	Knopke	Slade
Barron	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

Excused: Senators Barrow, Horne and Spencer. Senator Edwards until 3:00 p.m. Senator Bafalis for the afternoon session.

Prayer by Senator Ralph R. Poston:

Most gracious heavenly Father, the Bible teaches us that if we knock, the door will be opened. We are taught to seek and we shall find, and to ask and our petition may be granted.

We beseech thee to allow the door of understanding to be opened to thy people. Help us to know by the acceptance of our labors that we have sought justice and right. If it be thy will, dear Lord, we pray that our petition, this Constitution, be judged by thee and then accepted by the people of this great state of Florida. In our Father's name we ask it. Amen.

The Senate pledged allegiance to the flag of the United States of America pursuant to Senate Rule 7.2.

The Journal of June 28 was corrected and approved.

The Journal of June 27 was further corrected and approved as follows:

Page 71, column 1, at end of line 23 add the following: shall subscribe the following: "I do solemnly swear (or affirm)

Page 72, counting from the bottom of column 1, strike lines 18 and 19

Page 73, column 2, line 12, strike "VII" and insert VIII

REPORT OF COMMITTEE

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

The joint resolution was placed on the Calendar.

ENGROSSING REPORTS

Your Engrossing Clerk reports that the Senate amendments have been incorporated in the following joint resolution which was certified to the House: SJR 5-2X.

EDWIN G. FRASER
Secretary of the Senate

Your Engrossing Clerk reports that the Senate amendments have been incorporated in the following bills which were certified to the House:

- SB 10-2X with 3 amendments
- SB 9-2X with 3 amendments
- SB 16-2X with 1 amendment

EDWIN G. FRASER
Secretary of the Senate

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate SB 23-2X was admitted for introduction and consideration on motion by Senator de la Parte. The vote was: Yeas—41 Nays—None

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

By Senator de la Parte—

SB 23-2X—A bill to be entitled An act relating to the Division of Youth Services; authorizing it to establish such programs and facilities as will enhance the opportunities for the successful rehabilitation of all youth committed to its charge by all proper courts, commissions, and agencies in and out of Florida as now exist or may in the future exist; providing an effective date.

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

Unanimous consent was granted Senator Thomas to be recorded as voting "Nay" on the passage of SJR 3-2X on June 28.

MESSAGE FROM THE GOVERNOR

The following Proclamation was read:

PROCLAMATION

State of Florida
Executive Department
Tallahassee

WHEREAS, on June 11, 1968 an Executive Proclamation was issued convening the Legislature into special session on June 24, 1968 for the purpose of considering constitutional revision and additional funding for the Florida School for the Deaf and the Blind, and

WHEREAS, consultation with the leadership of the Florida Legislature reflects that excellent progress has been made in constitutional revision to the end that this historic undertaking is almost all but completed, and

WHEREAS, it is my belief that it is to the best interest of the citizens of Florida that the Legislature be afforded an opportunity to consider other business equally vital to the people of the State;

NOW, THEREFORE, I, Claude R. Kirk, Jr., by virtue of the authority vested in me by Article IV, Section 8 of the Florida Constitution do hereby amend the Executive Proclamation of June 11, 1968 for the purpose of expanding this call to include,

1. Consideration of legislation pertaining only to the interest rates of: educational bonds or revenue certificates, Florida Inter-American Center Authority bonds or revenue certificates, turnpike bonds or revenue certificates and Tampa-Hillsborough County Expressway Authority revenue bonds or certificates and

bonds or revenue certificates of other state, county or district agencies;

2. Consideration of legislation to appropriate funds for pay to jurors and witnesses and for certain costs of the circuit court;

3. Consideration of legislation strictly limited to the enactment of curative technical amendments designed to close certain loopholes and strengthen the enforcement of existing sales tax laws.

This expanded call is for the sole and exclusive purpose of and shall be limited to those matters hereinabove recited.



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 June 28, 1968.

CLAUDE R. KIRK, JR.
Governor

ATTEST:

TOM ADAMS
Secretary of State

SECOND READING

HJR 3-2X—A joint resolution proposing a revision of Article VI of the Constitution of the State of Florida relating to suffrage and eligibility.

Was taken up and read the second time in full.

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

Amendment 1—Article VI, Section 2, lines 10 and 15, after the words "at least" add:

[twenty one years of age] *nineteen years of age*

Senator Fisher offered the following amendment to the amendment which was adopted:

Amendment to Amendment 1—Strike "19" and insert 18

The vote was:

Yeas—26

Mr. President	de la Parte	Hollahan	Slade
Askew	Fincher	Knopke	Stone
Bafalis	Fisher	Lane	Thomas
Boyd	Gibson	Mathews	Weissenborn
Broxson	Gong	O'Grady	Wilson
Chiles	Griffin	Poston	
Cross	Gunter	Shevin	

Nays—15

Bell	Henderson	Plante	Stolzenburg
Deeb	Johnson	Reuter	Weber
Elrod	McClain	Sayler	Young
Friday	Ott	Stockton	

On motion by Senator Mathews, the amendment as amended was adopted.

On motion by Senator Mathews, the rules were waived and HJR 3-2X as amended was read the third time in full as follows:

HJR 3-2X—A joint resolution proposing a revision of Article VI of the Constitution of the State of Florida relating to suffrage and eligibility.

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

That the following proposed revision of Article VI of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968:

ARTICLE VI
SUFFRAGE AND ELECTIONS

Section 1. REGULATION OF ELECTIONS.—All elections by the people shall be by direct and secret vote. General elec-

tions shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law.

Section 2. ELECTORS.—Every citizen of the United States who is at least [nineteen years of age] [twenty-one years of age] *eighteen years of age* and who has been a permanent resident for one year in the state and six months in a county, if registered as provided by law, shall be an elector of that county. Provisions may be made by law for other bona fide residents of the state who are least [nineteen years of age] [twenty-one years of age] *eighteen years of age* to vote in the election of presidential electors.

Section 3. OATH.—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

Section 4. DISQUALIFICATIONS.—No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

Section 5. GENERAL AND SPECIAL ELECTIONS.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer, other than justices and judges, whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. Elections to choose justices and judges, special elections, and referenda shall be held as provided by law.

Section 6. MUNICIPAL AND DISTRICT ELECTIONS.—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

—was passed as amended by the required Constitutional three-fifths vote of all members elected to the Senate and certified to the House. The vote was:

Yeas—30

Mr. President	Fincher	Hollahan	Shevin
Askew	Fisher	Knopke	Slade
Bafalis	Friday	Lane	Stone
Boyd	Gibson	McClain	Thomas
Broxson	Gong	Mathews	Weissenborn
Chiles	Griffin	O'Grady	Wilson
Cross	Gunter	Plante	
de la Parte	Haverfield	Poston	

Nays—13

Bell	Henderson	Sayler	Young
Clayton	Johnson	Stockton	
Deeb	Ott	Stolzenburg	
Elrod	Reuter	Weber	

On motion by Senator Mathews, the rules were waived and the Senate recessed at 11:35 a.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 1:30 p.m. A quorum present—43:

Mr. President	Elrod	Johnson	Shevin
Askew	Fincher	Knopke	Slade
Barron	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
de la Parte	Hollahan	Sayler	

By permission, the following report was received:

REPORT OF COMMITTEE

The Committee on Rules and Calendar recommends the following pass: SB 23-2X.

The bill was placed on the Calendar.

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

INTRODUCTION

By Senator Plante—

SB 24-2X—A bill to be entitled An act relating to the Florida state turnpike authority, powers; amending section 340.15(1) to increase the interest limitation on turnpike revenue bonds of the authority from five per centum to six per centum per annum; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By the required Constitutional two-thirds vote of the Senate SB 25-2X was admitted for introduction and consideration on motion by Senator Thomas. The vote was: Yeas—41 Nays—None

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

By Senators Thomas, Bafalis and Friday—

SB 25-2X—A bill to be entitled An act relating to County Comprehensive Community Mental Health Center in any county of the state having a population of not less than two hundred thousand (200,000) nor more than two hundred sixty thousand (260,000), according to the latest official decennial census; authorizing the board of county commissioners in any such county to contribute tax funds for such center; providing an effective date.

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

On motion by Senator Thomas, by two-thirds vote, SB 25-2X was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

Unanimous consent was granted Senator Thomas to take up SB 25-2X out of order.

On motions by Senator Thomas, the rules were waived and SB 25-2X was read the second time by title, the third time in full, passed and certified to the House. The vote was: Yeas—42 Nays—None

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

By the required Constitutional two-thirds vote of the Senate SB 26-2X was admitted for introduction and consideration on motion by Senator Young. The vote was: Yeas—39 Nays—None

Askew	Cross	Friday	Hollahan
Barron	Deeb	Gibson	Johnson
Bell	de la Parte	Griffin	Knopke
Boyd	Elrod	Gunter	McClain
Chiles	Fincher	Haverfield	Mathews
Clayton	Fisher	Henderson	O'Grady

Ott	Sayler	Stolzenburg	Weissenborn
Plante	Shevin	Stone	Wilson
Poston	Slade	Thomas	Young
Reuter	Stockton	Weber	

By Senators Young, Sayler, Deeb, Wilson and O'Grady—

SB 26-2X—A bill to be entitled An act relating to school finance and taxation; amending section 236.251(2), Florida Statutes, to redefine current operating budget; providing an effective date.

Was read the first time by title and referred to the Committee on Education-Public Schools and Junior Colleges.

The President presiding.

By Senators Griffin and Mathews—

SB 27-2X—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending section 212.02(9), Florida Statutes, to require governmental instrumentalities to collect the tax in certain circumstances; amending section 212.03(6), Florida Statutes, to restate the levying of the tax on rental of parking or docking spaces; adding paragraphs (i) and (j) to section 212.06(2), Florida Statutes, containing definitions of "dealer"; adding section 212.07(2A), Florida Statutes, to make a purchaser who cannot prove payment of the tax to his vendor or lessor to be directly liable to the state for the tax, interest, and penalties due; providing an effective date.

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

By Senators Haverfield, Poston, Hollahan, Shevin, Spencer, Fincher, Weissenborn and Gong—

SB 28-2X—A bill to be entitled An act relating to Inter-American Center Authority; amending section 554.08(1), Florida Statutes, to increase the maximum interest rate from six percent (6%) to seven percent (7%) per annum for revenue bonds issued by said authority; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

By the required Constitutional two-thirds vote of the Senate SB 29-2X was admitted for introduction and consideration on motion by Senator Barron. The vote was:

Yeas—41

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

Nays—1

Bell

By Senators Barron and Askew—

SB 29-2X—A bill to be entitled An act relating to general and miscellaneous appropriations; amending the introductory paragraph of subsection (1) and amending paragraph (d) of subsection (1) of section 282.013, Florida Statutes, to authorize the state board of education to allocate funds which become available pursuant to section 19, article XII of the state constitution; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary "B".

SECOND READING

HJR 4-2X—A joint resolution proposing a revision of Article VIII of the Constitution of the State of Florida relating to counties and cities.

Was taken up and read the second time in full.

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

Article VIII, page 1, beginning at line 1, strike all after the Resolving Clause and insert in lieu thereof the following:

ARTICLE VIII

LOCAL GOVERNMENT

Section 1. COUNTIES.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a tax assessor, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. In each magistrates court district the office of constable with a term of four years may be established or abolished by county charter or law approved by vote of the electors.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the electors of the county.

(f) **NON-CHARTER GOVERNMENT.** *Subject to a vote of the electors each county [counties not] operating under a county charter [charters] shall have the power of self-government except as otherwise provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with law, [but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.] but such ordinances shall not be effective in any municipality without the consent of its governing body.*

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES—LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as fixed by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may

not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Section 2. MUNICIPALITIES.—

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

Section 3. **CONSOLIDATION.**—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. By special law a consolidation plan may be proposed which shall become effective only if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. **TRANSFER OF POWERS.**—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.

Section 5. **LOCAL OPTION.**—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

Section 6. SCHEDULE.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES—COUNTY SEATS—MUNICIPALITIES—DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

[(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.]

[(e)] (d) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county

affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

[(f)] (e) **DADE COUNTY—POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

[(g)] (f) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

Section 7. EFFECTIVE DATE.—This revised Article VIII shall take effect at 12:01 o'clock A.M. January 1, A.D. 1970.

On motion by Senator Mathews, the rules were waived and HJR 4-2X as amended was read the third time in full as follows:

HJR 4-2X—A joint resolution proposing a revision of Article VIII of the Constitution of the State of Florida relating to counties and cities.

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

ARTICLE VIII

LOCAL GOVERNMENT

Section 1. COUNTIES.—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a tax assessor, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. In each magistrates court district the office of constable with a term of four years may be established or abolished by county charter or law approved by vote of the electors.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the electors of the county.

(f) **NON-CHARTER GOVERNMENT.** *Subject to a vote of the electors each county [counties not] operating under a county charter [charters] shall have the power of self-government except as otherwise provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with law, [but an*

ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.] but such ordinances shall not be effective in any municipality without the consent of its governing body.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES—LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as fixed by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Section 2. MUNICIPALITIES.—

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

Section 3. CONSOLIDATION.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. By special law a consolidation plan may be proposed which shall become effective only if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. TRANSFER OF POWERS.—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.

Section 5. LOCAL OPTION.—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five percent of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

Section 6. SCHEDULE.—

(a) This article shall replace all of Article VIII of the Con-

stitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES—COUNTY SEATS—MUNICIPALITIES—DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.]

(e) **(d) CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) **(e) DADE COUNTY—POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **(f) DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

Section 7. EFFECTIVE DATE.—This revised Article VIII shall take effect at 12:01 o'clock A.M. January 1, A.D. 1970.

—was passed as amended by the required Constitutional three-fifths vote of all members elected to the Senate and certified to the House. The vote was:

Yeas—30

Mr. President	Fincher	Knopke	Stockton
Askew	Fisher	Mathews	Stone
Bell	Gibson	Ott	Thomas
Boyd	Gong	Poston	Weber
Broxson	Gunter	Reuter	Weissenborn
Chiles	Haverfield	Sayler	Wilson
Cross	Henderson	Shevin	
de la Parte	Hollahan	Slade	

Nays—9

Barron	Griffin	Plante	Young
Clayton	Johnson	Stolzenburg	
Elrod	O'Grady		

On motion by Senator Mathews, the President appointed Senators Barron, Shevin and Cross as a committee to escort the Honorable LeRoy Collins, former governor of Florida, to the rostrum. The Committee escorted Governor Collins to the rostrum where he received a standing ovation and addressed the Senate briefly.

SB 23-2X—A bill to be entitled An act relating to the Division of Youth Services; authorizing it to establish such programs and facilities as will enhance the opportunities for the success-

ful rehabilitation of all youth committed to its charge by all proper courts, commissions, and agencies in and out of Florida as now exist or may in the future exist; providing an effective date.

Was taken up. On motions by Senator de la Parte, the rules were waived and SB 23-2X was read the second time by title, the third time in full, passed and certified to the House. The vote was: Yeas—39 Nays—None

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

On motion by Senator Mathews, the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Verle A. Pope July 1, 1968
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendment to—

By Representative Dubbin and others—

HJR 3-2X—A joint resolution proposing a revision of Article VI of the Constitution of the State of Florida relating to suffrage and eligibility.

which amendment reads as follows:

Article VI, Section 2, on page 1, on lines 10 and 15:

After the words "at least" strike "*twenty one years of age*" and insert *eighteen years of age*

—and requests the Senate to recede therefrom.

—and in the event the Senate refuses to recede, requests the President of the Senate to appoint a Conference Committee to confer with a like Committee to be appointed by the Speaker of the House to adjust the differences on Senate amendment to HJR 3-2X.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Mathews, the Senate refused to recede from the amendment to HJR 3-2X and the House was requested to appoint a Conference Committee to confer with a like Committee to be appointed on the part of the Senate to adjust the differences on the Senate amendment to HJR 3-2X.

The President appointed Senators Boyd, Broxson, Cross, O'Grady, Slade and Stone as the committee.

The action of the Senate was certified to the House.

On motion by Senator Mathews, the Senate recessed at 2:52 p.m.

The Senate was called to order by the President at 3:38 p.m. A quorum present.

The Senate resumed—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Verle A. Pope July 1, 1968
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendment, by the required Constitutional three-fifths vote of all members elected to the House of Representatives—

By Senators Mathews and Spencer—

SJR 5-2X—A joint resolution proposing a revision of Article VIII of the Constitution of the State of Florida relating to counties and cities.

which amendment reads as follows:

Strike: Everything after the resolving clause and insert the following:

That the following proposed revision of Article VIII of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968:

ARTICLE VIII

LOCAL GOVERNMENT

Section 1. *COUNTIES.*—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a tax assessor, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter [or special law] approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. In each magistrates court district the office of constable with a term of four years may be established or abolished by county charter or law approved by vote of the electors.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into *five* districts of contiguous territory as nearly equal in population as practicable[. One commissioner residing in each district shall be elected by the electors of the county.] ; a commissioner, who resides in the district, shall be elected by the electors of the county.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have [the] *such* power of self-government [except] as [otherwise] provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with *general or special* law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES—LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as fixed by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

Section 2. *MUNICIPALITIES.*—

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

Section 3. *CONSOLIDATION.*—[The] *By the method provided herein, the government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities[,] thereby consolidated.* By special law a consolidation plan may be proposed which shall become effective only if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

[Section 4. *TRANSFER OF POWERS.*—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.]

Section 4. TRANSFER OF POWERS.—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a local government unit may be transferred to or contracted to be performed by another local government unit, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law. "Local government unit" as used herein shall mean a county, a municipality, or a special district.

Section 5. *LOCAL OPTION.*—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

Section 6. *SCHEDULE.*—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES — COUNTY SEATS — MUNICIPALITIES — DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recog-

nized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) **DADE COUNTY — POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law the Metro-

politan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Mathews, the Senate refused to concur in the House amendment to SJR 5-2X and the House was requested to recede therefrom or appoint a Conference Committee to confer with a like committee consisting of Senators Askew, Chiles, de la Parte, Wilson, Shevin, Lane and Weissenborn appointed by the President on the part of the Senate to adjust the differences on the House amendment to SJR 5-2X. The action of the Senate was certified to the House.

Senator Broxson presiding.

On motion by Senator Mathews, the conferees on the part of the Senate on HJR 1-2X were given the freedom of choice in working with the conferees on the part of the House to reconcile the differences as to Article I, Section 20, by, if necessary, deleting the constitutional provision on sedition.

On motion by Senator Mathews, the Senate adjourned at 3:53 p.m. to reconvene at 9:30 a.m. July 2, 1968.

**REGISTRATIONS UNDER SENATE RULE TWELVE
FROM JUNE 24 THROUGH JUNE 28**

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Representation Particular Legislation</i>	<i>Direct Business Association or Partnership with Legislator</i>
Ashler, Philip F. Board of Regents Gaines Street Tallahassee, Florida	State University System of Fla. Collins Building, Gaines St. Tallahassee, Florida	Continuous	Higher Education	None
Boyte, W. H., Jr. 1212 W. Stetson Orlando, Florida	Brotherhood of Railway Clerks Legislative Committee 1212 W. Stetson Orlando, Florida	Session	Labor	None
Curran, Marshall G., Jr. 1633 N.E. 28th Street Fort Lauderdale, Fla.	Governor's Office	Special session	Constitutional Revision	None
Ervin, Robert M. P. O. Box 1567 Tallahassee, Florida	Florida Home Builders Assoc. P. O. Box 1259 Tallahassee, Florida	Session	Matters affecting construction industry	None
	Florida Institute of Certified Public Accountants P. O. Box 14287, University Station, Gainesville, Florida	Session	Matters affecting accountants	None
Harley, Kinney S. P. O. Box 1259 Tallahassee, Florida	Florida Home Builders Assoc. P. O. Box 1259 Tallahassee, Florida	Continuous	Matters affecting construction industry	None
Jacobs, Joseph C. P. O. Box 1567 Tallahassee, Florida	Florida Institute of Certified Public Accountants Box 14287, University Station Gainesville, Florida	Session	Matters affecting accountants	None
Kirchhaine, William F. 2865 Boca Ciega Drive N. St. Petersburg, Fla.	Beneficial Management Corp. of America 2865 Boca Ciega Drive North St. Petersburg, Florida 33710	Continuous	Matters relating to consumer credit	None
Lippold, William H., Jr. P. O. Box 1231 Orlando, Florida	Fla. Association of Realtors P. O. Box 1231 Orlando, Florida	Session	Real Estate	None
Odom, F. Perry P. O. Box 1567 Tallahassee, Florida	Florida Home Builders Assoc. P. O. Box 1259 Tallahassee, Florida	Continuous	Matters affecting construction industry	None
	Florida Podiatry Association 118 S.W. 4th Avenue Gainesville, Florida	Continuous	Matters affecting health, welfare and insurance	None
F. F. Reber 7339 Twin Branch Road N.E. Atlanta, Georgia	Florida Committee for Consumer Progress 112 West Pensacola Street Tallahassee, Florida	Continuous	Matters related to consumer credit	None
	Domestic Finance Company 3151 Maple Drive Atlanta, Georgia	Continuous	Matters related to finance companies	None
Williams, Edwin L. 5790 S.W. 99th Terrace Miami, Florida 33156	Eastern Airlines and Industry 1117 First National Bank Bldg. Miami, Florida	Special session	Constitutional Revision	None