

**SPECIAL SESSION**  
**JOURNAL OF THE SENATE**

At a Special Session of the Florida Senate convened under Section 7, Article IV, of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

Monday, February 17, 1969

In pursuance of the Proclamation of Senator John E. Mathews, President of the Senate of the State of Florida, the Senate met in Special Session at 10:00 a.m., and was called to order by the President; the Secretary of the Senate, Edwin G. Fraser, and the Sergeant at Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the President convening the Senate in Special Session was read as follows:

**PROCLAMATION**

**TO THE HONORABLE MEMBERS OF  
THE FLORIDA SENATE:**

WHEREAS, Section 7 of Article IV of the Constitution of Florida adopted by the people in the General Election of 1968 and effective on January 7, 1969, authorizes the President of the Senate to convene the Senate in special session for the consideration of executive suspensions; and

WHEREAS, the section was adopted to allow the Senate to take up these matters at a time when the entire Legislature would not have to be in session engaged in the legislative process; and

WHEREAS, the Governor has suspended a number of local officials since the Senate last was in session on July 3, 1968; and

WHEREAS, the legislative delegation representing Taylor County has requested early consideration of the suspension on January 21, 1969, of the entire Taylor County Commission to resolve the matter and set at rest the uncertainty which prevails in Taylor County,

NOW, THEREFORE, I, John E. Mathews, as President of the Senate of Florida, by virtue of the power and authority vested in me by Article IV, Section 7, of the Constitution of the State of Florida, do hereby convene the Senate of the State of Florida in special session at the Capitol at 10:00 a.m. on February 17, 1969.

This call shall be limited to consideration of suspensions by executive order which have occurred since the Senate was last in session.

(SEAL)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Senate of Florida to be affixed at Tallahassee, the Capitol, this 28th day of January, A. D. 1969.

**JOHN E. MATHEWS**  
President of the Florida Senate

ATTEST:

**EDWIN G. FRASER**  
Secretary of the Senate

By direction of the President the roll was called and the following Senators were recorded present:

Senator John R. Broxson—1st District

Senator Reubin O'D. Askew—2nd District

Senator William Dean Barrow—3rd District

Senator Dempsey J. Barron—4th District

Senator Mallory E. Horne—5th District

Senator W. E. Bishop—6th District

Senator Bob Saunders—7th District

Senator John E. Mathews—8th District

Senator Tom Slade—9th District

Senator Dan Scarborough—10th District

Senator C. W. (Bill) Beaufort—11th District

Senator Verle A. Pope—12th District

Senator J. H. Williams—13th District

Senator Frederick B. Karl—14th District

Senator C. Welborn Daniel—15th District

Senator Kenneth A. Plante—16th District

Senator John L. Ducker—17th District

Senator Bill Gunter—18th District

Senator C. W. Bill Young—19th District

Senator Harold S. Wilson—20th District

Senator Henry Saylor—21st District

Senator Richard J. Deeb—22nd District

Senator Ray C. Knopke—23rd District

Senator Joseph A. McClain, Jr.—24th District

Senator T. Truett Ott—25th District

Senator Louis de la Parte, Jr.—26th District

Senator Alan Trask—27th District

Senator Lawton Chiles—28th District

Senator Beth J. Johnson—29th District

Senator Cliff Reuter—30th District

Senator Wilbur H. Boyd—31st District

Senator Warren S. Henderson—32nd District

Senator L. A. 'Skip' Bafalis—33rd District

Senator Elmer O. Friday, Jr.—34th District

Senator Jerry Thomas—35th District

Senator David C. Lane—36th District

Senator Charles H. Weber—37th District

Senator John W. Bell—38th District

Senator Chester W. (Chet) Stolzenburg—39th District

Senator Edmond J. Gong—40th District

Senator Robert M. Haverfield—41st District

Senator Lee Weissenborn—42nd District  
 Senator Robert L. Shevin—43rd District  
 Senator George L. Hollahan, Jr.—44th District  
 Senator Kenneth M. Myers—45th District  
 Senator Ralph R. Poston—46th District  
 Senator Dick Fincher—47th District  
 Senator Richard B. Stone—48th District

Prayer by the Senate Chaplain, the Reverend Alva H. Brock:

Let us have a moment of silence together. (Silence) Before we pray let us remember the word of the Lord: If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways then will I hear from Heaven and will forgive them and heal their land. Let us pray: O Lord, in your divine wisdom you know why this special session has been called. You know in what direction you desire for our state which we love to move. Give the President and the members of this Senate the wisdom to personally seek your guidance and to follow it.

Help each person here to think without confusion clearly and to speak and act with the sure knowledge that you are here in the midst of us, O God, that you are concerned with all that is said or done, that you do want to help us. Thank you for enabling each person here to know when to speak and when to listen and to see the whole picture clearly and to act with the highest motives for the good of all the people.

Bind the evil forces and let your Holy Spirit be our constant guide. We claim your promise, O God: Thou art our refuge, our God, in thee do we trust. O Master come and be with us. In the name of Jesus. Amen.

At the request of the President, Senator Reubin O'D. Askew, President Pro Tempore, led the Senate in—

The pledge of allegiance to the flag of the United States of America pursuant to Senate Rule 4.3:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

By direction of the President, the Secretary read the following communication:

*Honorable John E. Mathews* February 17, 1969  
*President of the Senate*  
*The Capitol*  
*Tallahassee, Florida*

Dear Sir:

In response to your request, we are enclosing a list of Suspensions filed since July 3, 1968 and placed on record in our office.

Please let us know if we may be of further assistance to you at any time.

With kind regards, I remain

Sincerely,  
**TOM ADAMS**  
 Secretary of State

SUSPENSIONS

DATE FILED	NAME	OFFICE
July 26, 1968	J. W. Saunders (Municipal)	Chairman, Utility Board, Key West
October 16, 1968	Charles E. Smith (Municipal)	Member, Utility Board, Key West
October 16, 1968	Ben N. Adams (Municipal)	Member, Utility Board, Key West

DATE FILED	NAME	OFFICE
November 19, 1968	Clifford H. Wilson (Reinstated 2-12-69)	Member, Board of County Commissioners, Santa Rosa County
January 8, 1969	Clifford H. Wilson (Reinstated 2-12-69)	Member, Board of County Commissioners, Santa Rosa County
January 10, 1969	William Randall Slaughter	State Attorney, Third Judicial Circuit
January 21, 1969	Ray Cooke (Municipal)	Member, City Commission, Stuart
January 21, 1969	William P. Todt (Municipal)	Member, City Commission, Stuart
January 21, 1969	Arthur E. Sims (Municipal)	Member, City Commission, Stuart
January 21, 1969	Jack Hartman (Municipal)	Member, City Commission, Stuart
January 22, 1969	R. L. Edwards (suspended twice)	Member, Board of County Commissioners, Taylor County
January 22, 1969	W. H. King (suspended twice)	Member, Board of County Commissioners, Taylor County
January 22, 1969	W. N. Wood (suspended twice-re-elected)	Member, Board of County Commissioners, Taylor County
January 22, 1969	W. Bert Fife	Member, Board of County Commissioners, Taylor County
January 22, 1969	Bob Millinor	Member, Board of County Commissioners, Taylor County
July 8, 1968	J. A. Livingston (term out)	Member, Board of County Commissioners, Taylor County
July 8, 1968	George A. Kelsey (term out)	Constable, District Three, Seminole County
July 8, 1968	W. Hugh Duncan (term out)	Justice of the Peace, District 4, Seminole County
July 12, 1968	Robert A. Halvorsen	Juvenile Judge, Pinellas County
July 8, 1968	Robert J. Haslett (term out)	Clerk of the Criminal Court of Record, Polk County
July 8, 1968	W. H. King (suspended twice)	Member, Board of County Commissioners, Taylor County
July 8, 1968	R. L. Edwards (suspended twice)	Member, Board of County Commissioners, Taylor County
July 8, 1968	W. N. Wood (suspended twice-re-elected)	Member of the Board of County Commissioners, Taylor County
July 8, 1968	E. J. Tedder	Member, Board of County Commissioners, Taylor County
January 29, 1969 (Amended Order of Suspension)	W. N. Wood E. J. Tedder W. H. King R. L. Edwards J. A. Livingston W. Bert Fife Bob Millinor	Members, Board of County Commissioners, Taylor County

President John E. Mathews addressed the Senate as follows:

Senators, we are in a rather unprecedented session of the Senate under Section 7, Article IV of the new constitution. Our purpose today is to consider the executive suspensions made since the Senate was last in session. I ask you to remember that when we were debating the provisions of the new constitution, it was felt that the Senate could well serve the state if these quasi-judicial and non-legislative duties were handled at a time other than when we were considering general legislation, and it would be my purpose if there are executive suspensions made periodically to call the Senate into session for what we hope would be very short sessions, to keep these current, several times during the year. Now we have a number of them that were made since the Senate was last in session which under the Senate Rules have been considered by a Select Committee, chaired by Senator Fred Karl. That committee met in Tallahassee last week, after setting up certain standards and procedures to assure that due process would be followed, that everything pertinent would be made available to the committee so that the recommendations of the committee to the Senate would have supporting evidence and contrary evidence, and anything else that any interested party wanted to put before the committee. I commend the committee in advance for the work they did, the manner in which they tackled the job, and for the manner in which I think all parties who appeared before the committee felt that they were receiving a fair hearing.

Now under the rules, the Report of the Chairman of this Committee must be made in executive session. I recognize the Senator from the 34th.

Senator Friday moved that the rules be waived in the following manner:

1. That the reports of the Select Committee be received in open Session and the proceedings of the Senate in relation thereto be held in open Session,
2. That the Committee on Rules and Calendar be authorized by the Senate to meet at any time during the Session on the call of the Chairman, as might be required;
3. That counsel for the Committee, Mr. Lawrence O. Sands, be allowed the privileges of the floor so as to be available to the Chairman, the members of the Select Committee and other members of the Senate as the case might require.

Senator Young offered as an amendment that counsel for the Governor also be allowed the privileges of the floor. Which was adopted.

The motion as amended was adopted.

Senator Karl, Chairman of the Select Committee on Executive Suspensions, was accorded the privileges of the Well, and addressed the Senate as follows:

Mr. President, members of the Senate, if I may be permitted just a few preliminary remarks before reading the first Report, I would like to review for the Senate briefly the membership of the Committee. It consisted of Senator McClain, Senator Haverfield, Senator Thomas, Senator Henderson, Senator Lane, Senator Williams and myself. Those of you who are familiar with these individuals will know that this Committee represents considerable legislative experience, a great and wide general experience in the field of law and some experience in past hearings on executive suspensions.

It should be noted that Senator Henderson received an emergency call the first morning of the hearings and therefore was absent from the taking of the testimony for the balance of the week because of that emergency, and he was excused. However, he did participate in the deliberations and in the discussion of the evidence and in a discussion of the law that was involved and he has joined with the rest of the Committee in approving the reports that I am going to read.

For your information, the Committee did not break down into subcommittees. It was decided that the full Committee, all members present, would sit and hear each of the cases in full. All of the members of the Committee who were present were active participants in the proceedings. All gave strict attention to the details that were presented and I can say, without fear of contradiction, that all took their responsibilities seriously. The reports and the recommendations that this Committee makes are unanimous. The only exception to that being that

Senator Thomas disqualified himself as to one report, and he, perhaps, will explain the reasons for that, and so his signature does not appear on that single report. Otherwise, all members of the Committee subscribed to the reports and the content thereof.

As soon as this Committee was appointed by the President, I took it upon myself, as Chairman, to personally call upon the counsel for the Governor for the purpose of giving him as much notice as possible of the time and place of the proposed hearings and of establishing without any doubt that the role of the Governor's office in these proceedings would be that of prosecutor. That is, that the Governor's office would accept the responsibility of preparing and presenting the evidence.

We then held an organizational meeting in Orlando. With the special permission of the Rules Committee, we retained counsel, Mr. Larry Sands, we contracted for a court reporter, we agreed on the procedures that were to be followed and we set dates for the hearings and for the pre-hearing conference that was scheduled.

On Saturday, February 1, approximately ten days prior to the scheduled hearings, notice by certified mail of the hearings was sent to the Governor's office and to each of the suspended officials. In addition to that we also sent copies of the notice or letter to each member of the Senate who represents the district in which the suspended official resides and we sent such a letter to each member of the House of Representatives inviting them to be present and to participate to the extent that they felt they would like to.

On Friday, February 7, the Committee scheduled and conducted a pre-hearing conference. It was the purpose of this conference to get the lawyers together, to exchange information, to encourage the exchange of witness lists, to see if there were areas of agreement as to the facts and the law that was involved, to identify and isolate any problems that might come up, to establish the order of the hearings so that all of the witnesses would not have to be present on the first or beginning day.

I might also say that I think this pre-hearing conference sort of set the tone for the conduct of the hearings throughout. Parenthetically that was a success in its first experiment and I would recommend that subsequent committees having this responsibility follow a similar procedure because it was very helpful and I believe all agreed that it helped to expedite the hearings.

The hearings, themselves, began last Monday morning at 10:00 a. m. Due notice was given, as I have said, to all parties. All of the testimony was taken in public. Every word that was spoken at the meetings by counsel, by Committee members or by witnesses was transcribed—or at least was recorded and is being transcribed and the complete record of that will become a permanent part of the Senate files.

The Secretary of the Senate's office performed admirably. They prepared for the Committee a complete kit showing the suspension orders, the history of the various suspensions, the procedures that were followed in the past, the correspondence from people in the counties who were concerned, and all of the matters that pertained to these suspensions.

We think the hearings were well conducted and that the schedule was fairly well adhered to, and, certainly, I can report to you that they were orderly. There was no misconduct, there were no interruptions, there were no problems.

The Committee determined, and presumably it is correct in this, that the deliberations, the findings, the decisions and the recommendations should not be disclosed except to the President of the Senate in executive session, or under these conditions, that rule having been waived. That is covered by Rule 12, and it is for that reason that we have not consulted with you nor have we disclosed the content of the reports until this time. So far as we know, that mandate of the Rule has been followed strictly. It was because of that, that at the close of the testimony, the Committee went into an executive session to decide the content of these reports. The decisions were actually reached last Thursday in an almost all day session of deliberations. Counsel was instructed to draft the reports and he did. We had an informal discussion yesterday and then we had our final meeting this morning at which the reports were approved and all members subscribed to them.

I think it is a fair statement for me, as Chairman of the Committee, to make that all of the hearings were such as to give full opportunity for each side to present all evidence that was available and to argue all points of law that were pertinent. The attorneys for the Governor and for most of the offices, particularly those that were contested, expressed satisfaction with the procedures that were adopted and with the conduct and the attention of the Committee. Hopefully, the Senate in some subsequent action will approve the procedures that we have followed in this and we urge that you give serious consideration to these reports.

Senator Karl, Chairman of the Select Committee, made an announcement for the information of the Senate concerning the Executive Order of Suspension dated January 7, 1969, which was directed to Clifford H. Wilson, member of the Board of County Commissioners of Santa Rosa County, Florida. He stated no report would be presented to the Senate on this matter by reason of the fact it had been brought to the attention of the Committee that on February 12, 1969, an executive order had been entered withdrawing the order of suspension and reinstating Mr. Wilson in office.

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr. February 17, 1969  
President  
The Florida Senate

In Re: Suspension of Certain Municipal Officials

Dear Mr. President:

This Committee was appointed and instructed to hear and recommend to the Senate concerning all suspensions of public officials by the Governor since July 3, 1968. Pursuant to this appointment the Committee obtained from the Secretary of State copies of all Executive Orders of Suspension entered by the Governor since July 3, 1968. Certain of these Executive Orders suspended municipal officials as authorized by Section 166.16, Florida Statutes, and Section 7(c), Article 4, of the 1968 Revision of the Florida Constitution.

Since these are the first suspensions of municipal officials under the new Constitutional provision, the Committee has carefully considered the role of the Senate with regard to suspensions of municipal officials. Counsel for the Committee advised that neither the statute nor the new Constitution provides any area for Senate action in the suspension of municipal officials. This conclusion was supported by an opinion of the Attorney General in a letter to the Chairman of this Committee dated February 7, 1969, as follows:

"It is my opinion that the Senate has no involvement in the suspension of municipal officers by the Governor, pursuant to either the terms of Section 166.16, Florida Statutes, or Section 7(c), Article 4, of the Constitution."

Both counsel for the Governor and counsel for certain of the suspended municipal officials expressed the same opinion before the Committee. In a letter to the Chairman of this Committee the President of the Senate, a very able lawyer, concurred in this opinion. The Committee has unanimously concluded that under the procedure authorized by the statute and by the Constitution the Senate is not required or authorized to act upon the suspension of municipal officials.

It is, therefore, the recommendation of this Select Committee that no action be taken on the pending suspensions of municipal officials.

Respectfully submitted,  
FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

On motion by Senator Karl, the Report was unanimously adopted.

Senator Karl, Chairman of the Select Committee, read for the information of the Senate the following General Report cover-

ing observations, conclusions and recommendations of the Committee:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

Dear Mr. President:

The Select Committee on Executive Suspensions has carefully considered the suspensions of public officials by the Governor since the last session of the Senate on July 3, 1968. Before presenting recommendations concerning each suspended official, some important considerations involved in these proceedings should be called to the attention of the Senate.

Both historically and legally this will be a very significant Special Session of the Senate of the State of Florida. For the first time, the Senate will consider the suspension of public officials under the 1968 Revision of the Florida Constitution. Although that Constitution authorizes the Senate to consider executive suspensions "in proceedings prescribed by law", no rules or code of procedure have been established. In addition, several of the executive suspensions now before the Senate present important legal questions arising out of the "due process of law" requirement of the Florida Constitution and the Constitution of the United States. The resolution of such legal issues in these initial Senate proceedings under our new Constitution presents an unusual opportunity to establish this new procedure on a firm foundation of law and justice.

Because of the legal complications of a new Constitution and the presence of important and unusual questions of law, the Committee retained legal counsel. Before hearings were commenced by the Committee, counsel prepared and furnished to all Committee members a thorough legal memorandum on the general subject of suspension and removal of public officials, and on the specific legal issues which were anticipated in these proceedings. In order to assure the Senate of the legal accuracy of any recommendations by the Committee, the opinion of the Attorney General was requested on several primary legal issues. A copy of the opinion of the Attorney General is available for each Senator. This opinion fully corroborates the conclusions of counsel for the Committee and supports the recommendations contained in this report.

One of the primary legal issues raised in these proceedings involves the suspension of an official upon the same Constitutional grounds and for the same misconduct for which the official was previously suspended by the Governor and reinstated by the Senate. This issue was further complicated by the fact that at these hearings counsel for the Governor presented considerable evidence against these officials which was not offered at the last session of the Senate. Counsel for the Governor knew of this evidence when these cases were previously presented to the Senate, but for some reason the evidence was not offered at that time. Moreover, much of the evidence offered by the Governor before this Committee was not reasonably included within the grounds for suspension alleged in the respective Executive Orders. Certain of the Executive Orders were virtually devoid of any allegations of jurisdictional facts in support of the stated Constitutional grounds for suspension. Finally, several of the suspensions involved alleged misconduct during a prior term of the suspended official.

In the reports to the Senate concerning each of the suspended officials, the Committee has recommended certain legal conclusions applicable to these issues. Although the legal conclusions of the Committee in many instances would have fully determined the propriety of the suspension, the function of this Committee is only to advise and recommend to the Senate. In order that any recommendation of the Committee should be based upon full knowledge of the entire situation and so that all of the parties involved and interested members of the public could fully present their complaints and defenses, the Committee heard all competent evidence offered by anyone interested in these proceedings. Before concluding the hearing on any suspended official the parties were invited and encouraged to submit any additional evidence which they might care to offer. At the conclusion of each contested hearing, counsel for the Governor and for the suspended official expressed appreciation for the opportunity afforded by the Committee to fully and fairly present all competent evidence bearing upon the suspension. Briefs on any legal questions involved were submitted by counsel for the respective parties and fully considered by the Committee.

The reports and recommendations of this Committee on the pending suspensions of public officials will be based upon conclusions of law adopted by the Committee. These legal conclusions have been suggested by counsel for the Committee and approved by the Attorney General. It is hoped that these legal conclusions will be adopted by the Senate and followed by the Governor and the Senate in considering suspensions of public officials in the future.

The Committee has determined that under the law of Florida a public official may not be suspended or removed upon the same grounds and for the same offenses for which the official was previously suspended and which were previously heard and determined by the Senate. Under the Florida Constitution of 1885 and the 1968 Revision of the Florida Constitution, the action of the Senate in removing or reinstating a suspended official is final and may not be reviewed by any other authority. *State ex rel. Hardie vs. Coleman*, 115 Fla. 119, 155 So. 129, 92 ALR 988 (1934); *State ex rel. Kelly vs. Sullivan*, 52 So.2d 422 (1951); *Advisory Opinion to the Governor*, 196 So.2d 737 (1967). It is firmly established under the Florida Constitution and the Constitution of the United States that no person shall twice be put in jeopardy for the same offense. Even in civil actions the principle of res adjudicata requires that once a case has been finally determined, it cannot be litigated again. The provision of the Constitution that only the Senate can remove a public official for misconduct in office could be nullified if the Governor could indefinitely resuspend public officials after reinstatement by the Senate. Therefore, it is the recommendation of this Committee that the Senate should not consider as grounds for suspension or removal of a public official any charges previously heard and determined at a prior session of the Senate.

Similarly, it is the recommendation of the Committee that an official should not be suspended or removed on the basis of charges or evidence which were known or which reasonably should have been known to counsel for the Governor at the time when other charges and evidence against the same official were presented to a previous session of the Senate. Before suspending any official a careful investigation should be conducted by the Governor to discover and verify all misconduct of the official in his current term of office. Suspension of an official should be based upon all acts of misconduct in his present term which are known or which reasonably should be known to the Governor. If a governor can make charges against an official in piecemeal fashion, then an official elected by the people and reinstated by the Senate can be suspended and resuspended indefinitely. This type of wrongful suspension denies law and justice to the suspended official and the people who elected him and imposes unreasonable costs to the suspended official, to the Senate, and to the taxpayers who must bear the dual expense of a suspended official and his appointed replacement.

The Committee has further concluded that the law of Florida requires an Executive Order of Suspension to allege one or more of the grounds for suspension provided in the Constitution and to support such ground for suspension with jurisdictional facts sufficient to reasonably notify the suspended official of the nature of the charges made against him. In the case of *State ex rel. Hardie vs. Coleman*, 115 Fla. 119, 155 So. 129, 92 ALR 988 (1934), the Florida Supreme Court expressed this principle as follows:

"Section 15 of Article 4 of the Constitution does not, neither do the Statutes, indicate what form an Executive Order of Suspension should take, but we are of the view that if the Order names one or more of the grounds embraced in the Constitution and clothes or supports it with alleged facts sufficient to constitute the grounds or cause of suspension, it is sufficient. A mere arbitrary or blank order of suspension without supporting allegations of fact, even though it named one or more of the Constitutional grounds of suspension, would not meet the requirements of the Constitution."

If the Governor has investigated sufficiently to justify suspension of an official, it should not unduly burden the Executive to state in his suspension order all offenses or misconduct charged against the suspended official. Since there are no discovery procedures available by which a governor may be required to produce a bill of particulars or disclose further information concerning the basis for his suspension order, it is absolutely necessary that the Executive Order of Suspension provide notice of the charges sufficient for the preparation of an adequate defense. Therefore, the Senate should not consider charges against a suspended official which are not included with reasonable particularity in the suspension order.

Finally, the Committee has determined that under well established law in Florida an official may not be suspended or removed from office for misconduct in a prior term of office. This principle was first stated by the Florida Supreme Court in a 1912 *Advisory Opinion to the Governor*, 64 Fla. 168, 60 So. 337 (1912):

"You are therefore respectfully advised that the Constitution does not authorize the Governor to suspend an incumbent of the office of county commissioner for an act of malfeasance or misfeasance in office committed by him prior to the date of the beginning of his present term of office as such county commissioner."

This principle was reaffirmed by the Supreme Court in 1945 in the case of *Rosenfelder vs. Huttoe*, 156 Fla. 682, 24 So.2d 108 (1946):

"No rule is better settled under our democratic theory than this: when one is reelected or reappointed to an office or position he is not subject to removal for offenses previously committed."

The following decisions of the Florida Supreme Court also support this principle: *State ex rel. Hardie vs. Allen*, 126 Fla. 878, 172 So. 222 (1937); *State ex rel. Hand vs. McDonald*, 154 Fla. 456, 18 So.2d 16 (1944). This rule is subject to the exception that where a Constitutional ground for suspension or removal is continuing in nature and extends into a present term of office, an official may be suspended or removed from office even though the grounds for suspension originally occurred in a prior term of office. See *State ex rel. Hardie vs. Allen*, 126 Fla. 878, 172 So. 222 (1937). However, neither the Governor nor the Senate should lose sight of the fact that the people should have paramount authority in the selection of their officials. According to the courts, the re-election of a public official constitutes ratification of his previous performance and an expression of confidence for the future. Nothing in the new Constitution justifies any departure from this well established principle of law.

With all of the legal resources at his command the Governor should be aware of these legal principles. Nevertheless, in the Executive Suspensions now before the Senate these rules of law have not been followed. It is always presumed that these actions of the Governor were based upon good motives and advice of counsel. If the motives were good, the advice certainly was not. The denial of due process of law inherent in these Executive Suspensions has caused great expense to the State and to the suspended officials. Moreover, the violations of organic law in these suspensions by the Governor have undoubtedly forced the reinstatement of officials who probably should be removed.

The new Constitution contemplates that rules and procedures for the suspension and removal of public officials will be prescribed by law. This Committee urgently recommends the adoption of appropriate Senate rules or general statutes providing rules of procedure for the suspension and removal of public officials. These rules should recognize that the right to public office is a valuable property right which will be protected by the due process of law requirements of the Florida Constitution and the Constitution of the United States. Reasonable notice and an opportunity to be heard should be afforded every suspended official. Executive Suspensions should be entered only after careful investigation and determination that charges against the official are well founded. On the other hand, public officials must be made to realize that the Senate expects of them a higher standard of moral and professional conduct than of the public generally. While suspensions or removals should not be made lightly, anything less than honesty and fair dealing in public office cannot be tolerated.

Guided by these considerations and the Mandate of the President of the Senate this Select Committee on Executive Suspensions presents the following report and recommendations.

Respectfully submitted,  
**FREDERICK B. KARL, Chairman**  
**ROBERT M. HAVERFIELD**  
**WARREN S. HENDERSON**  
**DAVID C. LANE**  
**JOSEPH A. McCLAIN**  
**JERRY THOMAS**  
**J. H. WILLIAMS**

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

## ORDER OF SUSPENSION

WHEREAS, GEORGE A. KELSEY has served in the capacity of Constable, District 3, Seminole County, State of Florida, and

WHEREAS, information has been received by me and I find that the evidence reflects misfeasance, malfeasance, incompetency and neglect of duty in office, and

WHEREAS, in particular, information was received by me and I find that the evidence reflects that the said GEORGE A. KELSEY, while acting in his official capacity had on numerous occasions requested, solicited and accepted bribes in connection with the performance of his official duties, contrary to and in violation of Section 838.02 of the Florida Statutes; neglected to serve warrants upon requests of the proper judicial authorities; failed to enforce the criminal laws of the State; failed to co-operate with other Justices of the Peace, and

WHEREAS, evidence of the foregoing was presented to a Senate Select Committee as a result of a Suspension Order entered on January 3, 1968 and such evidence was contained in a transcript of testimony prepared in connection with such suspension hearing, which suspension hearing was a public hearing and the said transcript deemed to be a public document, and

WHEREAS, although such transcript constituted a public document I was prevented from securing a copy, thereby materially affecting the presentation of all such evidence and information to the Senate Select Committee in connection with the Suspension Order entered on February 17, 1968, and

WHEREAS, in addition to the foregoing and subsequent to the Suspension Order of February 17 I was officially advised that on April 12 the Grand Jury of the Eighteenth Judicial Circuit in and for Seminole County, Florida returned four indictments against the said GEORGE A. KELSEY, charging him with violation of the criminal laws of the State; more specifically, GEORGE A. KELSEY was charged with the commission of certain felonies involving bribery, gambling, lotteries and bolita, and

WHEREAS, the Senate failed to take any action in the foregoing matters, and

WHEREAS, GEORGE A. KELSEY, acting in his official capacity as Constable, District 3, Seminole County, is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the foregoing information received, doubt has been raised as to the integrity and ability of GEORGE A. KELSEY to continue to perform the duties of Constable, District 3, Seminole County, and

WHEREAS, I find that the best interest of the citizens of Seminole County would be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15, of the Constitution of Florida do hereby suspend the said GEORGE A. KELSEY, Constable, District 3, Seminole County, State of Florida, on the grounds of malfeasance, misfeasance, neglect of duty in office and incompetency as reflected by the information presented to me and the evidence I have found to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said GEORGE A. KELSEY is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.

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 8 day of July, A. D. 1968.

CLAUDE R. KIRK, JR.  
Governor



Attest:  
TOM ADAMS  
Secretary of State

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of George A. Kelsey, Constable, District Three, Seminole County, Florida

Dear Mr. President:

George A. Kelsey was originally suspended as Constable, District Three, Seminole County, Florida, on January 3, 1968. Thereafter, on February 16, 1968, this suspension was considered by the Senate, and the officer was reinstated. He was again suspended by the Governor upon the same grounds on February 17, 1968. On July 3, 1968, this suspension was again considered by the Senate. The Senate took no action on the suspension at that time, and the officer was automatically reinstated. He was suspended for the third time on the same charges on July 8, 1968.

Each of the three suspensions of this official by the Governor is based upon the same Constitutional grounds, the same jurisdictional facts, and the same evidence. In fact, at the hearings before this Committee the Governor offered no evidence other than the transcript of testimony presented on January 20, 1968, before the Senate Select Committee considering the first suspension of George A. Kelsey. Of course, the Senate has previously considered this evidence and determined on February 16, 1968, that this official should be reinstated. Neither the Governor nor the suspended official presented any additional evidence or any amended grounds for suspension or removal.

Counsel for this Committee and the Attorney General of the State of Florida have advised the Committee that an official may not be suspended or removed upon the same Constitutional grounds, jurisdictional facts, and evidence of misconduct previously heard and determined by the Senate.

It is therefore the recommendation of this Select Committee that George A. Kelsey not be removed from the office of Constable, District Three, Seminole County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto George A. Kelsey not be removed from the office of Constable, District Three, Seminole County, Florida, from which he had been suspended and that he be reinstated therein. The vote was: Yeas—47 Nays—None

Mr. President	de la Parte	Knopke	Shevin
Askew	Ducker	Lane	Slade
Bafalis	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Sayler	Young
Deeb	Karl	Scarborough	

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

## ORDER OF SUSPENSION

WHEREAS, W. HUGH DUNCAN has served in the capacity of Justice of the Peace, District 4, Seminole County, Florida, and

WHEREAS, I was officially advised that the Legislative Auditor on January 16, 1967 issued an audit report concerning the operation of the Office of the Justice of the Peace, District 4, Seminole County, specifically indicating that W. HUGH DUNCAN continually exceeded his criminal and territorial jurisdiction as Justice of the Peace and failed to keep complete and adequate records contrary to Sections 37.15 and 142.03, Florida Statutes, and

WHEREAS, information was received by me that as early as 1961 and specifically on September 18, 1964, the said W. HUGH DUNCAN was advised against exceeding his criminal jurisdiction by the State Auditor's Department, and

WHEREAS, information was received by me that W. HUGH DUNCAN: had continually acted in willful disregard of the Assistant State Auditor's recommendation by exceeding his criminal jurisdiction so as to accrue \$7,946.69 in overcharged criminal fees; had misused the Office of the Justice of the Peace by setting the same up as a collection agency, utilizing the criminal process of his court to effectuate the collection of private debts; had misused the Office of the Justice of the Peace by the improper handling of criminal cases before his court and had misused the Office of the Justice of the Peace by the improper charging and collection of fees, and

WHEREAS, evidence of the foregoing was presented to a Senate Select Committee as a result of a Suspension Order entered on November 30, 1967 and such evidence was contained in a transcript of testimony prepared in connection with such suspension hearing, which suspension hearing was a public hearing and the said transcript deemed to be a public document, and

WHEREAS, although such transcript constituted a public document I was prevented from securing a copy, thereby materially affecting the presentation of all such evidence and information to the Senate Select Committee in connection with the Suspension Order entered on February 17, 1968, and

WHEREAS, W. HUGH DUNCAN, acting in his official capacity as Justice of the Peace, District 4, Seminole County, Florida, is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the foregoing information, doubt has been raised as to the integrity and ability of W. HUGH DUNCAN to continue to perform the duties of Justice of the Peace, District 4, Seminole County, Florida, and

WHEREAS, I find that the interest of the citizens of Seminole County would better be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend the said W. HUGH DUNCAN on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. HUGH DUNCAN is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee this 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

Attest:  
TOM ADAMS  
Secretary of State

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr. February 17, 1969  
President  
The Florida Senate

In Re: Suspension of W. Hugh Duncan, Justice of the Peace,  
Fourth District, Seminole County, Florida

Dear Mr. President:

W. Hugh Duncan was originally suspended as Justice of the Peace, Fourth District, Seminole County, Florida, on January 3, 1968. Thereafter, on February 16, 1968, this suspension was considered by the Senate, and the officer was reinstated. He was again suspended by the Governor upon the same grounds

on February 17, 1968. On July 3, 1968, this suspension was again considered by the Senate. Again the Senate refused to remove the official from office. He was suspended for the third time on the same charges on July 8, 1968.

Each of the three suspensions of this official by the Governor is based upon the same Constitutional grounds, the same jurisdictional facts, and the same evidence. In fact, at the hearings before this Committee the Governor offered no evidence other than the transcript of testimony presented on January 20, 1968, before the Senate Select Committee considering the first suspension of W. Hugh Duncan. Of course, the Senate has previously considered this evidence and determined on February 16, 1968, that this official should be reinstated. Neither the Governor nor the suspended official presented any additional evidence or any amended grounds for suspension or removal.

Counsel for this Committee and the Attorney General of the State of Florida have advised the Committee that an official may not be suspended or removed upon the same Constitutional grounds, jurisdictional facts, and evidence of misconduct previously heard and determined by the Senate.

It is therefore the recommendation of this Select Committee that W. Hugh Duncan not be removed from the office of Justice of the Peace, Fourth District, Seminole County, Florida.

Respectfully submitted,  
FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto W. Hugh Duncan not be removed from the office of Justice of the Peace, Fourth District, Seminole County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—47

Mr. President	de la Parte	Knopke	Shevin
Askew	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Sayler	Young
Deeb	Karl	Scarborough	

Nays—1

Bafalis

By Direction of the President, the Secretary of the Senate read the following—

ORDER OF SUSPENSION

WHEREAS, ROBERT A. HALVORSEN is serving in the capacity of Juvenile Judge of Pinellas County, Florida, and

WHEREAS, information has been received and I find that the evidence reflects misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, information has been received and I find that the evidence reflects a misuse of the Office of Juvenile Judge by the said ROBERT A. HALVORSEN, and

WHEREAS, information has been received and the evidence reflects conduct unbecoming a member of the judiciary as further reflected by the said ROBERT A. HALVORSEN'S willful disregard of an Order of the Circuit Court, and

WHEREAS, information has been received and the evidence reflects an abuse of authority by a member of the judiciary as specifically reflected by ROBERT A. HALVORSEN'S forcible entry into the private dwelling of another and the use of force to take a child from her natural mother contrary to the due process of law and all standards of decency and morality and in direct disregard of an Order of the Circuit Court, and

WHEREAS, information has been received and I find that the evidence reflects that as a result of the foregoing incident, the Circuit Court issued an Order enjoining ROBERT A. HALVORSEN from further becoming involved in that matter, and

WHEREAS, the foregoing incident as well as other actions of the said ROBERT A. HALVORSEN renders him unfit to hold the Office of Juvenile Judge of Pinellas County, and

WHEREAS, ROBERT A. HALVORSEN, acting in his official capacity as Juvenile Judge of Pinellas County, Florida, is held to a high standard of legal, moral and ethical conduct in order for him to properly perform the duties and responsibilities of his office, and

WHEREAS, the Canons of Judicial Ethics require, among other things, that a judge's official conduct should be free from impropriety and the appearance of impropriety; that he should avoid infraction of the law; and that his personal behavior not only upon the bench and in the performance of judicial duties but also in his everyday life should be above reproach, and

WHEREAS, the conduct of ROBERT A. HALVORSEN has not only been contrary to the public interest but has cast a reflection upon the operation of the Juvenile Court system in Pinellas County, and

WHEREAS, Pinellas County and the entire State of Florida would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida do hereby suspend the said ROBERT A. HALVORSEN, Juvenile Judge of Pinellas County, Florida, on the grounds of misfeasance, malfeasance, neglect of duty and incompetency in office as reflected by the information presented to me and the evidence I have found to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said ROBERT A. HALVORSEN is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



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 12 day of July A. D. 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of Robert A. Halvorsen, Juvenile Judge, Pinellas County, Florida

Dear Mr. President:

An Executive Order suspending Robert A. Halvorsen from the office of Juvenile Judge of Pinellas County, Florida, was entered by the Governor on July 12, 1968. Thereafter, Halvorsen submitted his resignation from that office on December 18, 1968, and that resignation was accepted by the Governor on January 9, 1969. Mr. Halvorsen was duly notified of the charges against him and the hearings of this Committee. He submitted an affidavit to the Committee but did not appear personally or through counsel. The Governor submitted to the Committee a substantial investigation file prepared by the Florida Bureau of Law Enforcement with regard to the charges made against Mr. Halvorsen.

The Committee has carefully considered the evidence bearing upon this suspension, and it is the recommendation of the Committee that Robert A. Halvorsen be removed from the office of Juvenile Judge, Pinellas County, Florida.

Respectfully submitted,  
FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD

WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto Robert A. Halvorsen be removed from the office of Juvenile Judge, Pinellas County, Florida. The vote was: Yeas—47 Nays—None

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Young
Daniel	Johnson	Sayler	

#### EXPLANATION FOR ABSTENTION FROM PARTICIPATION AND VOTING

I have abstained from the discussion and vote on this matter for the reason that a former law partner was appointed to succeed to the office of Juvenile Court Judge after the suspension of Judge Halvorsen.

HAROLD S. WILSON  
20th District

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

#### ORDER OF SUSPENSION

WHEREAS, ROBERT J. HASLETT has served in the capacity of Clerk of the Criminal Court of Record of Polk County, Florida, and

WHEREAS, I had been officially advised that the Grand Jury in and for Polk County, Florida, on the 3 day of April, 1968 returned an Indictment against the said ROBERT J. HASLETT charging him with three counts of extortion and malpractice, and

WHEREAS, the above Indictment, if true, would clearly reflect misfeasance, malfeasance and incompetency in office, and

WHEREAS, as a result of the foregoing I entered an Order of Suspension on April 10, 1968 on which Order the Senate failed to take any action, and

WHEREAS, subsequent to the said Order of Suspension and specifically on May 3, 1968 the Grand Jury of Polk County, Florida returned an additional indictment against the said ROBERT J. HASLETT, charging him with two counts of embezzlement and one count of perjury, and

WHEREAS, the above Indictments clearly reflect, if true, malfeasance, misfeasance and neglect of duty in office, and

WHEREAS, ROBERT J. HASLETT, acting in his official capacity as Clerk of the Criminal Court of Record of Polk County, Florida, is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictment of the Grand Jury of Polk County, doubt has been raised as to the integrity and ability of ROBERT J. HASLETT to continue to perform the duties of Clerk of the Criminal Court of Record of Polk County, Florida, and

WHEREAS, I find that the interests of the citizens of Polk County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article 4, Section 15 of the Constitution of Florida, do hereby suspend the said ROBERT J. HASLETT on the grounds of misfeasance, malfeasance and incompetency in

office as reflected by the Indictment and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said ROBERT J. HASLETT is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, A. D. 1968.

CLAUDE R. KIRK, JR.  
Governor

Attest:  
TOM ADAMS  
Secretary of State

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr. February 17, 1969  
President  
The Florida Senate

In Re: Suspension of Robert J. Haslett, Clerk of the Criminal Court of Record, Polk County, Florida

Dear Mr. President:

Robert J. Haslett was originally suspended from the office of Clerk of the Criminal Court of Record of Polk County, Florida by an Executive Order of Suspension entered on April 10, 1968. This suspension was based upon indictments returned against Robert J. Haslett on April 3, 1968, and on May 3, 1968, charging him with several counts of extortion, malpractice, embezzlement, and perjury. Thereafter, on July 3, 1968, the Senate considered this suspension and took no action on the matter pending a jury trial on the charges brought against Haslett. The failure of the Senate to take action resulted in the automatic reinstatement of the suspended official. Therefore, on July 8, 1968, the Governor entered an Executive Order again suspending Haslett from office. On January 17, 1969, Haslett was found guilty on two counts of embezzlement and one count of perjury. He has filed a notice of appeal from this conviction.

Under the Florida Constitution of 1885, the Senate was required to take action upon every pending suspension at the next ensuing session of the Senate. If the Senate failed to act upon a pending suspension, the official was automatically reinstated by operation of law. In situations where a suspension was based upon an indictment for the commission of a crime, the Senate was placed in the position of prejudging the guilt or innocence of an official before his case was presented to a jury. This was the problem which faced the Senate when the suspension of Haslett was initially considered on July 3, 1968. In order to allow a jury to determine Haslett's guilt or innocence the Senate took no action at that time. Of course, under the old Constitution Haslett was automatically reinstated by operation of law. This situation cannot arise again under the 1968 Revision of the Florida Constitution. It is now provided that the Senate may at its discretion consider the pending suspension of an official. If the Senate declines to consider the case for any reason, the suspension continues in effect. Of course, the Senate may consider the merits of any suspension, and in so doing, the Senate is not bound by any determination by the Governor, a jury, or a court of law.

Robert J. Haslett was duly notified of the charges against him and of the hearings before this Committee. He did not appear before the Committee personally or through counsel, and the Committee has received no communications from him or on his behalf. The Governor has presented documentary evidence in support of the grounds for removal.

In view of the evidence before this Committee and the recent conviction of the official on three counts involving felonies, it is the recommendation of the Committee that Robert J. Haslett be removed from the office of Clerk of the Criminal Court of Record of Polk County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON

DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto Robert J. Haslett be removed from the office of Clerk of the Criminal Court of Record of Polk County, Florida. The vote was: Yeas—48 Nays—None

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Saylor	Young

On motion by Senator Friday, the Senate recessed at 11:31 a.m.

The Senate was called to order by the President at 11:40 a.m. A quorum present—48:

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Saylor	Young

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

ORDER OF SUSPENSION

WHEREAS, William Randall Slaughter has served in the capacity of State Attorney of the Third Judicial Circuit of Florida, and

WHEREAS, information has been presented me which, if true, constitutes misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, such information presented reflects, among other things: failure by the said William Randall Slaughter to properly and efficiently discharge the duties of his office; an abuse of the Office of State Attorney; alleged perpetration of fraud upon the court and the State; conduct unbecoming a public official, and

WHEREAS, William Randall Slaughter, acting in his official capacity as State Attorney of the Third Judicial Circuit of Florida is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of William Randall Slaughter to continue to perform the duties of State Attorney of the Third Judicial Circuit of Florida, and

WHEREAS, I find that the interest of the citizens of the Third Judicial Circuit would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend William Randall Slaughter on the grounds of misfeasance, malfeasance, neglect of duty and incompetency in office as reflected by the information previously presented to me and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said William Randall Slaughter is hereby pro-

hibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 7 day of January, 1969.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:

TOM ADAMS  
Secretary of State

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of William Randall Slaughter, State Attorney, Third Judicial Circuit of Florida

Dear Mr. President:

William Randall Slaughter was suspended from the Office of State Attorney, Third Judicial Circuit of Florida, by Executive Order of the Governor entered on January 7, 1969. Slaughter had been serving as State Attorney for that circuit since 1952. In May of 1968, he won a contested primary election for the Democratic nomination to that office. He was re-elected without opposition in the general election in November of 1968. On July 11, 1968, Mr. Slaughter conferred with the Governor in Tallahassee concerning charges which had been made against him. On July 15, 1968, Slaughter resigned from the office for the remainder of that term. He allegedly resigned due to his health and the necessity for major surgery. Subsequently, he entered a hospital and a major operation was performed. He was commissioned to his new term of office on January 7, 1969, and suspended by the Governor on that same day.

The Order suspending Slaughter alleged the Constitutional grounds of "misfeasance, malfeasance, neglect of duty and incompetency in office". The only jurisdictional facts alleged in support of these grounds for suspension were as follows: "failure by the said William Randall Slaughter to properly and efficiently discharge the duties of his office; an abuse of the office of State Attorney; alleged perpetration of fraud upon the Court and the State; conduct unbecoming a public official. . .". In a series of letters to the Governor and to this Committee, counsel for Slaughter requested a more specific description of the charges which would be presented by the Governor. The Governor refused this request, claiming that Slaughter was aware of the charges from his conference with the Governor on July 11, 1968. At the pre-hearing conference of this Committee on February 7, 1969, counsel for the Governor orally advised Slaughter's attorney of more than twenty witnesses who would be called to testify in support of the Governor's charges. Hearing on the charges against Slaughter began on February 12, 1969. Counsel for the Governor produced some seventeen witnesses at that hearing.

The Executive Order of Suspension entered by the Governor in this case is inadequate and insufficient to vest jurisdiction in the Governor to suspend or in the Senate to remove this official. Requirements for the form and substance of Executive Orders have been stated by the Florida Supreme Court as follows:

"Section 15 of Article 4 of the Constitution does not, neither do the statutes, indicate what form an executive order of suspension should take, but we are of the view that if the order names one or more of the grounds embraced in the Constitution and clothes or supports it with alleged facts sufficient to constitute the grounds or cause of suspension, it is sufficient. A mere arbitrary or blank order of suspension without supporting allegations of fact, even though it named one or more of the constitutional grounds of suspension, would not meet the requirements of the Constitution. When we said in *State v. Joughin*, supra, that the courts were authorized to inquire into the jurisdictional facts on which the Governor's order of suspension was predicated, we meant to imply that the sufficiency of an

executive order of suspension was ultimately a judicial question, because it affected the rights of individuals."

The suspension order in question clearly violates the jurisdictional requirements set by the Supreme Court. The only jurisdictional facts alleged in the order are as follows: "failure\*\*\*to properly and officially discharge the duties of his office; abuse of the office of State Attorney; alleged perpetration of fraud upon the court and the State; conduct unbecoming a public official. . .". These allegations add virtually nothing to the bare constitutional grounds for suspension. The suspended official could not determine from the Executive Order what charges actually were being made against him. It would be virtually impossible for him to prepare a defense against such vague and general allegations. Of course, this deficiency in the Executive Order was further compounded by the Governor's refusal to furnish any better description of the charges against Slaughter.

The importance of this legal deficiency in the Executive Order was clearly demonstrated in the evidence of alleged misconduct presented by the Governor. This evidence included charges that Slaughter had improperly handled a divorce case in his private practice in 1952; he allegedly left the scene of a minor parking lot collision in May of 1967; he allegedly made "improper advances" to a divorce client in January of 1962; he patted a female prosecution witness on the leg in his car in January of 1961; he allegedly made an indecent proposal to a divorce client in December of 1964. There was also evidence that he enjoyed an unusually close relationship with his secretary from January 1968 until July 1968. There was also some questionable evidence indicating that he had been seen some ten or twelve times from January 1968 until July 1968 during the evening in a private restaurant, and it appeared that he had been drinking. There was other evidence attempting to show that Slaughter had failed to prosecute certain criminal cases, and he was substantially behind in his criminal docket. The Governor also presented evidence raising questions concerning Slaughter's handling of certain divorce and non-support cases. All of these multifarious charges extending over a 17-year period were allegedly encompassed within the general allegations of this Executive Order. The evidence did not show any failure on the part of Slaughter to properly and efficiently perform the duties of State Attorney. In fact, it appears from the evidence that he is an able prosecuting attorney. The evidence did raise substantial questions concerning his personal moral behavior. Even if the level of his personal morality were grounds for suspension from this office, the legal insufficiency of the Executive Order of Suspension will not support his suspension or removal.

This suspension is also defective because it alleges only misconduct in a prior term of office. No evidence was presented to the Committee showing any acts of misconduct in his present term of office or any continuing misconduct which extended into the present term of office. The Florida Supreme Court has explicitly held that an official may not be suspended or removed from his office on the basis of his conduct in a prior term of office. Therefore, the suspension of this official was also improper under this rule of law.

The present conflict with this legal principle could have been avoided if Slaughter had been suspended by the Governor as soon as the investigation was completed and the Governor was fully aware of the charges and evidence in this case. It appears that this investigation was complete by July 11, 1968 when the Governor called Slaughter to Tallahassee to offer his defenses to these charges. At that time the Governor should have been aware of any misconduct by Slaughter in that term of office. Nevertheless, the Governor did not suspend Slaughter at that time or at any time during that term of office. In fact, the Governor allowed Slaughter to resign for the remainder of that term, when it should have been apparent that he intended to resume the office at the beginning of his new term. By delaying the suspension order until after the beginning of Slaughter's next term of office, the Governor legally foreclosed suspension for acts in the prior term.

By its recommendation in this case, the Committee certainly does not indicate any approval of Mr. Slaughter's moral behavior. A person occupying the office of State Attorney should present a moral example for the community. However, until it can be established that he has been guilty of misconduct in office during his present term, he cannot legally be suspended or removed for offenses in his previous term.

In view of the fatal legal deficiencies in this Executive Order of Suspension and the failure of the evidence to demonstrate any

misconduct in the current term of this official, it is the recommendation of the Committee that William Randall Slaughter not be removed from the office of State Attorney, Third Judicial Circuit of Florida.

Respectfully submitted,

s/FREDERICK B. KARL, Chairman  
s/ROBERT M. HAVERFIELD  
s/WARREN S. HENDERSON  
s/DAVID C. LANE  
s/JOSEPH A. McCLAIN  
JERRY THOMAS  
s/J. H. WILLIAMS

**EXPLANATION IN RE ABSTENTION FROM PARTICIPATION AND VOTING**

Senator Jerry Thomas was recognized for the following explanation of circumstances which had caused him to disqualify himself and refrain from participation in the Report of the Select Committee and the proceedings before the Senate in the matter of the suspension and removal from office of William Randall Slaughter:

"Mr. President, in November of 1966, or approximately that date, I acquired a majority of interest in the Commerical Bank of Live Oak, which is now known as the First Commercial Bank of Live Oak, of which I serve as Chairman of the Board. During the testimony some checks were presented, first as Commercial Bank\*and then as First Commercial Bank, which drew my attention to the possibility that Mr. Slaughter did business with the Bank. I checked with the President of the Bank and in 1967 the Bank paid Mr. Slaughter approximately \$600 for legal work. In the year 1968 they did not pay Mr. Slaughter any legal fees but as an overabundance of caution, Mr. President and Senators, and recognizing that the usual procedure is to present a possible conflict to the Committee appropriately assigned to do that and there was not time, I thought it best not to vote in this issue."

On motion by Senator Friday, it was agreed by two-thirds vote that upon conclusion of the final roll call on the suspension of William Randall Slaughter the Senate stand in recess for the period of one hour.

On motion by Senator Friday, the rules were waived and the Senate recessed at 12:59 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—48:

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Sayler	Young

The Senate resumed consideration of the Report of the Select Committee in the matter of the Executive Order of Suspension entered in the case of William Randall Slaughter.

Senator Karl moved the adoption of the Report and that pursuant thereto William Randall Slaughter not be removed from the office of State Attorney, Third Judicial Circuit of Florida, from which he had been suspended and that he be reinstated therein.

Senator Wilson moved as a substitute motion that the Order of Suspension not be upheld and that William Randall Slaughter not be removed but be reinstated in office upon the grounds that the factual evidence produced before the Committee did not sustain the allegations made in the Order of Suspension. The vote was:

Yeas—6

Ducker	Stolzenburg	Wilson	Young
Plante	Weissenborn		

Nays—41

Mr. President	Daniel	Johnson	Sayler
Askew	Deeb	Karl	Scarborough
Bafalis	de la Parte	Knopke	Shevin
Barron	Fincher	Lane	Slade
Barrow	Friday	McClain	Stone
Beaufort	Gong	Myers	Trask
Bell	Gunter	Ott	Weber
Bishop	Haverfield	Pope	Williams
Boyd	Henderson	Poston	
Broxson	Hollahan	Reuter	
Chiles	Horne	Saunders	

The question recurred on the motion by Senator Karl, and Senator Sayler moved as a substitute motion that the Senate consent to the suspension and removal of William Randall Slaughter from office. The vote was:

Yeas—3

Deeb	Reuter	Sayler
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Nays—44

Mr. President	Daniel	Johnson	Scarborough
Askew	de la Parte	Karl	Shevin
Bafalis	Ducker	Knopke	Slade
Barron	Fincher	Lane	Stolzenburg
Barrow	Friday	McClain	Stone
Beaufort	Gong	Myers	Trask
Bell	Gunter	Ott	Weber
Bishop	Haverfield	Plante	Weissenborn
Boyd	Henderson	Pope	Williams
Broxson	Hollahan	Poston	Wilson
Chiles	Horne	Saunders	Young

The following amendment offered by Senator Wilson to the Report of the Select Committee failed:

Delete from the Committee Report any reference to offenses committed in the prior term. The vote was:

Yeas—11

Bafalis	Deeb	Sayler	Wilson
Barrow	Ducker	Stolzenburg	Young
Bishop	Johnson	Weissenborn	

Nays—36

Mr. President	de la Parte	Karl	Reuter
Askew	Fincher	Knopke	Saunders
Barron	Friday	Lane	Scarborough
Beaufort	Gong	McClain	Shevin
Bell	Gunter	Myers	Slade
Boyd	Haverfield	Ott	Stone
Broxson	Henderson	Plante	Trask
Chiles	Hollahan	Pope	Weber
Daniel	Horne	Poston	Williams

The question recurred on the motion by Senator Karl that the Report of the Select Committee be adopted and pursuant thereto William Randall Slaughter not be removed from the office of State Attorney, Third Judicial Circuit of Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—40

Mr. President	Daniel	Horne	Poston
Askew	de la Parte	Johnson	Saunders
Barron	Ducker	Karl	Scarborough
Barrow	Fincher	Knopke	Slade
Beaufort	Friday	Lane	Stolzenburg
Bell	Gong	McClain	Stone
Bishop	Gunter	Myers	Trask
Boyd	Haverfield	Ott	Weber
Broxson	Henderson	Plante	Weissenborn
Chiles	Hollahan	Pope	Williams

Nays—7

Bafalis	Reuter	Shevin	Young
Deeb	Sayler	Wilson	

Senator Karl recommended on behalf of the Select Committee that a statute be enacted prohibiting State Attorneys from practicing law privately.

On motion by Senator Friday, the rules were waived and time of adjournment of the afternoon session was extended until final action on the remaining Executive Orders of Suspension.

On motion by Senator Friday, the Senate recessed at 3:17 p.m.

The Senate was called to order by the President at 3:44 p.m. A quorum present—48

Mr. President	Deeb	Karl	Scarborough
Askew	de la Parte	Knopke	Shevin
Bafalis	Ducker	Lane	Slade
Barron	Fincher	McClain	Stolzenburg
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bell	Gunter	Plante	Trask
Bishop	Haverfield	Pope	Weber
Boyd	Henderson	Poston	Weissenborn
Broxson	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Johnson	Sayler	Young

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

#### ORDER OF SUSPENSION

WHEREAS, W. N. WOOD has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 5, 1965 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said W. N. WOOD while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys, the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads for the exclusive benefit of private property owners; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and limerock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said W. N. WOOD with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968 I requested the said W. N. WOOD and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said W. N. WOOD and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their position as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, W. N. Wood, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of W. N. WOOD to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend W. N. WOOD on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. N. WOOD is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed this April 1, 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

#### ORDER OF SUSPENSION

WHEREAS, W. N. WOOD, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said W. N. WOOD and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said W. N. WOOD and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said W. N. WOOD. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence not otherwise considered by the Senate which further corroborates the findings by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said W. N. WOOD while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said W. N. WOOD, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, W. N. WOOD, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of W. N. WOOD to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend W. N. WOOD on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. N. WOOD is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

**ORDER OF SUSPENSION**

WHEREAS, R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor are serving in the capacity as members of

the Board of County Commissioners of Taylor County, Florida, and

WHEREAS, information has been received and I find that the evidence reflects acts of malfeasance, misfeasance, neglect of duty and incompetency in office by the foregoing members of said Board, all such acts having occurred on and subsequent to January 7, 1969, and

WHEREAS, from the information presented me, I find that the evidence reflects that while acting in their official capacity, the said Members of the Board of County Commissioners of Taylor County, Florida, among other things, violated the provisions of the Florida Statutes and the Florida Constitution, including but not limited to violation of the competitive bidding laws and undertook official action resulting in the improper expenditure of county funds and further reflecting an abuse and misuse of the Office of County Commissioner, and

WHEREAS, R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor, acting in their official capacities as members of the Board of County Commissioners of Taylor County, are held to a high standard of legal, moral and ethical conduct in order for them to properly perform the responsibilities of their office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor to continue to perform the duties of members of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor on the grounds of misfeasance, malfeasance, incompetency in office and neglect of duty and because of such, it would be improper for them to continue to perform the responsibilities of their office. Therefore, the said R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor are hereby prohibited from performing the duties or exercising the authorities of their office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed this January 21, 1969.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

**AMENDED ORDER OF SUSPENSION**

WHEREAS, on April 1, 1968 I issued Executive Orders suspending W. N. Wood, E. J. Tedder, W. H. King, R. L. Edwards and J. A. Livingston from the Office of County Commissioner of Taylor County based upon a Presentment returned by the Grand Jury of the Third Judicial Circuit in and for Taylor County in June of 1967 charging the said named commissioners with malfeasance, misfeasance and neglect of duty in office, a copy of which suspension orders and Grand Jury Presentment are attached hereto and made a part hereof as Exhibits "A" and "B", and

WHEREAS, all of the foregoing information and evidence was presented to the Florida Senate prior to its adjournment on July 3, 1968, and

WHEREAS, because of the existence of information and evidence not otherwise considered by the Senate Select Committee, including but not limited to such matters as possible tampering with the Grand Jury, the Florida Senate failed to take any action in order to permit a more full and complete reexamination of the entire evidence by a Select Committee at a time subsequent to adjournment, and

WHEREAS, by reason of the Senate's failure to adjudicate the merits of such information and evidence and the necessity that the charges against the named public officials be fully considered by the Florida Senate, Executive Orders of Suspen-

sion were issued on July 8, 1969 reciting the matters contained in the Grand Jury Presentment and referring to newly discovered evidence not otherwise considered by the Senate, said Orders being attached hereto as Exhibit "C" and made a part hereof, and

WHEREAS, on November 14, 1968 Quo Warranto proceedings were instituted by the said named suspended officials wherein the validity of the Suspension Orders of July 8, 1968 were challenged and in which cause of action the Circuit Court of the Third Judicial Circuit in and for Taylor County, Florida declared on January 7, 1969 that the said orders were null, void and of no effect, and

WHEREAS, the litigation in the said cause of action is still pending by reason of the fact that on January 10, 1969 an appeal was taken to review the correctness of the Order of the Circuit Court, which appeal is still pending and there being no final adjudication having as yet been made on the validity of the Suspension Orders of July 8, 1968, and

WHEREAS, because of the failure of the Senate to take any action with respect to the said Orders of Suspension dated April 1, 1968, and its expressed intention thereby to permit a reconsideration and reexamination of all the evidence and information, and because of the subsequent Suspension Orders dated July 8, 1968 being the subject matter of litigation, it would be consistent with the apparent intention of the then Florida Senate and in the best interest of all parties concerned that all the matters set forth and contained in the Orders of Suspension of April 1, 1968, and July 8, 1968 as well as the matters set forth in the Order of Suspension of January 21, 1969, be fully considered by the Florida Senate convening in Special Session on February 17, 1969 inasmuch as all such matters relate to the conduct of the public officials named in said Orders which matters I find reflect malfeasance, misfeasance, neglect of duty and incompetency in office as prescribed by the Florida Constitution, and

WHEREAS, it is the purpose of this Amended Order of Suspension to consolidate all such Suspension Orders heretofore issued and remove any impediment to the full and complete consideration by the Florida Senate of all evidence and information set forth in the said Orders so that the issues involved therein can receive a final adjudication.

NOW, THEREFORE, I, Claude R. Kirk, Jr., by virtue of the authority vested in me by the Constitution and Statutes of Florida do hereby nunc pro tunc amend the Executive Order of Suspension issued on January 21, 1969 suspending R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor from the Office of County Commissioner of Taylor County on the grounds of malfeasance, misfeasance, neglect of duty and incompetency in office as reflected by the matters set forth in the Suspension Orders of April 1, 1968, July 8, 1968 and January 21, 1969 and do hereby additionally incorporate, specifically, and by reference herein into the Order of January 21, 1969 all such matters and named officials as set forth in the Orders dated April 1, 1968 and July 8, 1968.



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 28 day of January, A. D. 1969.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

#### ORDER OF SUSPENSION

WHEREAS, R. L. EDWARDS has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 3, 1967 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, such investigation has been completed and information has been presented me which corroborates several of the findings made by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said R. L. EDWARDS while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys, the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads for the exclusive benefit of private property owners; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and lime-rock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said R. L. EDWARDS with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968 I requested the said R. L. EDWARDS and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said R. L. EDWARDS and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their position as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, R. L. EDWARDS, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. EDWARDS to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of the State of Florida, do hereby suspend R. L. EDWARDS on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said R. L. EDWARDS is hereby prohibited from

performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 1 day of April, A. D. 1968.

CLAUDE R. KIRK, JR.  
Governor

TOM ADAMS  
Secretary of State

EXHIBIT "A"

NOTE: Orders of Suspension for W. H. King, W. N. Wood, E. J. Tedder and J. A. Livingston are substantially similar to this Order.

IN THE CIRCUIT COURT OF THE THIRD  
JUDICIAL CIRCUIT, IN AND FOR TAYLOR  
COUNTY, FLORIDA, SPRING TERM, IN THE  
YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SIXTY SEVEN.

PRESENTMENT

IN THE NAME OF AND BY THE AUTHORITY OF THE  
STATE OF FLORIDA:

The Grand Jurors of the State of Florida empaneled and sworn to inquire and true presentment make in and for the body of the County of Taylor, upon their oaths, do present:

WHEREAS, the Grand Jury has spent a number of hours hearing sworn testimony and have made a careful investigation as to the operation of the Taylor County equipment and use of the county labor and personnel, and

ALTHOUGH the Jury has not heard sufficient evidence to bring in an indictment charging anyone with a crime under the laws of the State of Florida at this time, the Grand Jury does find that E. J. TEDDER, WILLIAM H. KING, W. N. (BILL) WOOD, R. L. EDWARDS, and JOHNNIE LIVINGSTON, as County Commissioners of Taylor County, Florida have been guilty of malfeasance, misfeasance and neglect of duty in office in that they:

1. Spent large sums of county monies, used county equipment and furnished county labor to construct roads and streets into the lands and marshes in said county near Spring Warrior for the benefit of and to enrich one of their own members, namely, William H. King.

2. Spent large sums of county monies and used county equipment and furnished county labor to dig a canal or ditch at Dekle Beach in order to furnish dirt to raise or make valuable lots out of marsh lands owned by private owners for the purpose of enriching such private owners and not for county purpose.

3. Spent large sums of county monies, used county equipment and furnished county labor to haul dirt and limerock for the exclusive use of one Glenn McCall on private property owned or controlled by the said Glenn McCall near Steinhatchee, Florida.

4. Spent large sums of county monies, used county equipment and furnished county labor to haul dirt and limerock for the exclusive use of one Barney O'Quinn, Sr. on private property owned or controlled by the said Barney O'Quinn, Sr. near Steinhatchee, Florida.

5. Spent large sums of county monies, used county equipment and furnished county labor to haul dirt and limerock for the exclusive use of one Broward Coeey on private property owned or controlled by the said Broward Coeey near Steinhatchee, Florida.

6. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt and

limerock for the exclusive use of Ben Lindsey on private property owned or controlled by the said Ben Lindsey at Cedar Island, Taylor County, Florida.

7. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt and limerock for the exclusive use of one of their own members, W. N. (Bill) Wood on private property owned or controlled by the said W. N. (Bill) Wood at Bird Island, Taylor County, Florida.

8. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt for the exclusive use of one F. Douglas Powers on private property owned or controlled by the said F. Douglas Powers in Pine Ridge, Perry, Taylor County, Florida.

9. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt and limerock for the exclusive use of one Lee Tidewater Cypress Division of Turner Corporation, a New York corporation, on private property owned or controlled by the said Lee Tidewater Cypress Division of Turner Corporation, a New York corporation, in Perry, Taylor County, Florida.

10. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt and limerock for the exclusive use of one Aubrey Ward on private property owned or controlled by the said Aubrey Ward in Perry, Taylor County, Florida.

11. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt for the exclusive use of one Martin Kelly on private property owned or controlled by the said Martin Kelly in Taylor County, Florida.

12. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt for the exclusive use of one C. Ralph Carlton on private property owned or controlled by the said C. Ralph Carlton near Dekle Beach, Taylor County, Florida.

13. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt for the exclusive use of one Lenny Cruce on private property owned or controlled by the said Lenny Cruce in Perry, Taylor County, Florida.

14. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt and limerock for the exclusive use of one Ben Lindsey on private property owned or controlled by the said Ben Lindsey at River Road Subdivision in Taylor County, Florida.

15. Spent large sums of county monies, used county equipment and furnished county labor to haul and furnish dirt for the exclusive use of one Byron Butler on private property owned or controlled by the said Byron Butler at Dekle Beach, Taylor County, Florida.

16. Spent large sums of county monies and used county equipment and furnished county labor to build roads and streets on private property in private subdivisions for the benefit and enrichment of private individuals.

WHEREFORE, it is recommended to the Governor of the State of Florida that the said E. J. TEDDER, WILLIAM H. KING, W. N. (BILL) WOOD, R. L. EDWARDS, and JOHNNIE LIVINGSTON, County Commissioners of Taylor County, Florida, be suspended from office.

It is requested that this Presentment be made public and that a copy of this Presentment be furnished by the Clerk of this Court to the Governor of the State of Florida.

Respectfully submitted,

JAMES W. HERRINGTON  
Foreman

Attest:

JANIE HAMILTON  
Clerk

STATE OF FLORIDA

TAYLOR COUNTY

I, Charles Ralph Carlton, Clerk of the Circuit Court in and for Taylor County, Florida, do hereby certify that the foregoing is a true and correct copy of the Presentment as the same appears of record in this office, same having been filed 14th day of June, 1967 and recorded in Circuit Court Min. Book 19, Pages 512-515.

Witness my hand and official seal this 20th day of June A. D. 1968.

Charles Ralph Carlton, Clerk of the Circuit Court, Taylor County, Florida

By Annie Mae Murphy Deputy Clerk.

EXHIBIT "B"

JOHNNY LIVINGSTON, Petitioner, CIRCUIT, IN AND FOR TAYLOR COUNTY, FLORIDA. IN CHANCERY. (sic)

VS CIVIL ACTION NO.

PRESENTMENT OF TAYLOR COUNTY GRAND JURY RECOMMENDING SUSPENSION OF THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA.

COMPLAINT

JOHNNY LIVINGSTON, individually and as County Commissioner for Taylor County, Florida, moves the court to Quash a presentment by the Grand Jury of Taylor County dated June 14th, 1967, and alleges:

- 1. The Petitioner is a duly elected and qualified County Commissioner of Taylor County, Florida, and was such at all times referred to herein.
2. The Grand Jury of Taylor County, Florida on the 14th day of June, 1967, returned a presentment, a copy of which is attached hereto, as part hereof.
3. The Petitioner moves the court to Quash the said presentment and order it expunged from the record on the grounds that it is improper, a scurrilous condemnation without accompanying indictment, that it defames an official merely for the sake of defamation, a malicious exploitation of authority, and that the Grand Jury exceeded its jurisdiction in making said presentment.

WHEREFORE, the Petition prays for an order of this court quashing said presentment and ordering the Clerk of the Circuit Court of Taylor County, Florida, to expunge said presentment from the record.

DON DANSBY Attorney for Petitioner P. O. Box 190 Perry, Florida 32347

I HEREBY CERTIFY that notice of the above Petition and application for order given to Honorable William D. Hopkins, States Attorney, by long distance telephone at approximately 3:00 o'clock p.m., Friday, June 16, 1967, together with a citation of authorities.

DON DANSBY Attorney for Petitioner P. O. Box 190 Perry, Florida 32347

STATE OF FLORIDA ) COUNTY OF TAYLOR)

BEFORE ME, the undersigned authority, this day personally appeared DON DANSBY, Attorney for Petitioner, who, being by

me first duly sworn, on oath, deposes and says: The allegations of fact in the foregoing Petition is true.

WITNESS my hand and official seal in the county and state last aforesaid, on this day of June, 1967.

NOTARY PUBLIC My commission expires:

JOHNNY LIVINGSTON, Petitioner, IN THE CIRCUIT COURT, THIRD JUDICIAL CIRCUIT, IN AND FOR TAYLOR COUNTY, FLORIDA.

VS

PRESENTMENT OF TAYLOR COUNTY GRAND JURY RECOMMENDING SUSPENSION OF THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA.

ORDER

This cause coming on to be heard on the Complaint of Johnny Livingston praying for an Order of this Court Quashing the Presentment filed herein by the Grand Jury of Taylor County, Florida on June 14, 1967 and argument having been presented on behalf of the Petitioner and the Defendant, and the Court being now advised of its opinion in the premises, it is thereupon

ORDERED and ADJUDGED that said Complaint to Quash and expunge said Presentment be and the same is hereby denied.

DONE AND ORDERED this 19th day of June, A. D., 1967.

SAMUEL S. SMITH CIRCUIT JUDGE

STATE OF FLORIDA TAYLOR COUNTY

I, Charles Ralph Carlton, Clerk of the Circuit Court in and for Taylor County, Florida, do hereby certify that the foregoing is a true and correct copy of the Complaint & Order as the same appears of record in this office, same having been filed 20th day of June, 1967 and recorded in Circuit Court Min. Book 19, Pages 517-519.

Witness my hand and official seal this 20th day of June A. D. 1968.

Charles Ralph Carlton, Clerk of the Circuit Court, Taylor County, Florida By Annie Mae Murphy Deputy Clerk.

EXHIBIT "B"

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT JANUARY TERM 1968

In re Interim Report of the Brevard County, Florida, Grand Jury, dated September 14, 1967. CASE NO. 1730

July 5, 1968.

ORDERED that appellant's petition for rehearing, filed June 25, 1968, is hereby denied; further,

ORDERED that appellant's suggestion of great public interest, filed June 25, 1968, is hereby denied.

A TRUE COPY B. KEMP HASKELL, CLERK

Stephanie M. Petrulak By: Chief Deputy Clerk cc: Dominick J. Salfi, Esq. James M. Russ, Esq. Charles W. Musgrove, Esq.

ORDER OF SUSPENSION

WHEREAS, R. L. EDWARDS, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted (*sic*) for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said R. L. EDWARDS and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said R. L. EDWARDS and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said R. L. EDWARDS. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence no (*sic*) otherwise considered by the Senate which further corroborates the findings by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said R. L. EDWARDS while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said R. L. EDWARDS, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, R. L. EDWARDS, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. EDWARDS to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend R. L. EDWARDS on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to

me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said R. L. EDWARDS is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

Attest:  
TOM ADAMS  
Secretary of State

#### EXHIBIT "C"

NOTE: Orders of Suspension for W. H. King, W. N. Wood, E. J. Tedder and J. A. Livingston are substantially similar to this Order.

#### ORDER OF SUSPENSION

WHEREAS, R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor are serving in the capacity as members of the Board of County Commissioners of Taylor County, Florida, and

WHEREAS, information has been received and I find that the evidence reflects acts of malfeasance, misfeasance, neglect of duty and incompetency in office by the foregoing members of said Board, all such acts having occurred on and subsequent to January 7, 1969, and

WHEREAS, from the information presented me, I find that the evidence reflects that while acting in their official capacity, the said Members of the Board of County Commissioners of Taylor County, Florida, among other things, violated the provisions of the Florida Statutes and the Florida Constitution, including but not limited to violation of the competitive bidding laws and undertook official action resulting in the improper expenditure of county funds and further reflecting an abuse and misuse of the Office of County Commissioner, and

WHEREAS, R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor, acting in their official capacity as members of the Board of County Commissioners of Taylor County, are held to a high standard of legal, moral and ethical conduct in order for them to properly perform the responsibilities of their office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor to continue to perform the duties of members of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor on the grounds of misfeasance, malfeasance, incompetency in office and neglect of duty and because of such, it would be improper for them to continue to perform the responsibilities of their office. Therefore, the said R. L. Edwards, W. H. King, W. N. Wood, W. Bert Fife and Bob Millinor are hereby prohibited from performing the duties or exercising the authorities of their office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed this January 21, 1969.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:

TOM ADAMS  
Secretary of State

EXHIBIT "D"

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of W. N. Wood, Member of Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

W. N. Wood was originally suspended as County Commissioner for Taylor County by an Executive Order entered on April 1, 1968. All of the other members of the Board of County Commissioners of Taylor County were suspended at that same time and upon the same grounds. Evidence on these suspensions was heard by a Select Committee of The Senate which recommended to the Senate that Mr. Wood and the other suspended County Commissioners be reinstated. On July 3, 1968, the Senate adjourned without taking action on the suspension of Wood and his fellow Commissioners, and they were automatically reinstated by operation of law. On July 8, 1968, Wood and the other Commissioners of Taylor County were again suspended by the Governor upon the same Constitutional grounds and jurisdictional facts. Mr. Wood and two other members of the Board ran for re-election in 1968. Wood was re-elected, but Commissioners J. A. Livingston and E. J. Tedder were defeated. They were replaced on the Board by W. Bert Fife and Bob Milliner, who took office on January 7, 1969. On January 21, 1969, Mr. Wood and the other members of the Board, including the two newly elected members, were again suspended by Executive Order of the Governor. This suspension order was predicated primarily upon an alleged violation of the Florida bid statute, which violation had occurred since the organization of the new Board. On January 28, 1969, the Governor entered another Executive Order amending the Order of January 21, by incorporating therein all of the grounds and jurisdictional facts alleged in the prior suspension orders of April 1, 1968, July 8, 1968, and January 21, 1969. In addition, this Order of January 28, 1969 for the first time alleged the jurisdictional fact of "possible tampering with the grand jury . . .".

Except for the Executive Order of January 21, 1969, all of the grounds for suspension alleged against Mr. Wood relate to alleged misconduct in office which occurred in his prior term of office and before the Senate considered his original suspension on July 3, 1968. As the Committee has previously noted, the following principles are established law in this State:

- (1) An official may not be suspended or removed from office upon the same grounds and the same charges which have previously been heard and determined by the Senate;
- (2) An official may not be suspended from office for misconduct in a prior term of office.

Counsel for the Governor presented evidence before this Committee that was not previously heard by the Senate. Much of this additional evidence was in support of prior charges, but there was some evidence on entirely new charges. One of these charges was that of tampering with the grand jury in March of 1967, a claim which was not raised by the Governor until the last Executive Order on January 28, 1969. All of this additional evidence, both as to old and new charges, was known to counsel for the Governor at the time of the previous Senate hearings on these suspensions, and all of that evidence should have been presented to the Senate at that time. Failure to present evidence known to the Governor or his counsel at the original hearings on these suspensions bars this evidence and these charges from consideration of the Senate at this time. Similarly, the Senate should not consider charges or evidence against a suspended official which are not reasonably included within the Constitutional grounds or jurisdictional facts alleged in the Executive Order of Suspension.

The foregoing legal conclusions of the Committee completely determined most of the charges against Mr. Wood and the other

members of the original Board of County Commissioners of Taylor County. However, the Committee received all evidence offered by the Governor of the County Commissioners concerning these suspensions. The reasons for receiving all of this evidence were twofold. First, it is only the function of this Committee to advise and recommend to the Senate. Until all of the evidence was heard by the Committee it could not be determined if the evidence was the same as that previously presented to the Senate or if the Governor knew or reasonably should have known of any additional evidence presented at this time. Second, because of the public interest generated by the situation in Taylor County, it appeared that only a complete public hearing could settle this matter once and for all. In the performance of this duty the Committee heard some forty-one witnesses and received sixty-five exhibits in hearings which consumed a total of more than twenty-two hours. In addition, the Committee received legal briefs from counsel for the Governor and counsel for the suspended officials. Of course, the Committee consulted with its own counsel and obtained the opinion of the Attorney General on several pertinent legal questions. From this background of information the Committee has prepared its recommendation to the Senate.

The evidence showed that for many years the Board of County Commissioners of Taylor County had followed the practice of allowing the use of county equipment, labor and materials for the improvement and benefit of private property. Mr. Wood and the other members of the Board of Commissioners originally suspended by the Governor had routinely followed this practice. The most common example of this was the hauling of fill dirt in county trucks to private property. When the Commission received a letter from the Attorney General condemning this practice, the procedure was corrected to the extent that the county trucks then dumped the fill dirt on the county right-of-way adjacent to the private property. Usually it was removed by the owner to his property as quickly as it was dumped on the right-of-way. County owned draglines operated by county employees were also used to dig ditches and canals which were primarily for the use and benefit of private property owners. Unpaved county roads were constructed for land developers merely upon the donation to the county of the rights-of-way by the developer. County equipment was also used on occasion to load private trucks for private purposes.

At the hearings before this Committee, the evidence of the practices described above was much more extensive and convincing than the evidence of the same charges presented before the previous Select Committee of the Senate. In addition, this Committee heard very compelling evidence of political and economic pressure exerted by Mr. Wood and the other members of the original Board of County Commissioners against two members of the grand jury who were investigating these practices of the County Commission. These charges and this evidence were not presented at all before the Select Committee which originally considered these suspensions. Counsel for the Governor explained the failure to present this evidence before by claiming that he was not personally aware of the evidence at the time the original Executive Order was prepared and the evidence presented to the Senate. However, in the hearing of this Committee considering the suspension of William Randall Slaughter, this same counsel for the Governor furnished the Committee copies of an Executive Order entered in March of 1967 relieving Slaughter from the duty of conducting the grand jury investigation into the Taylor County situation. In that Executive Order it was noted that one of the subjects of investigation by the grand jury would be possible grand jury tampering. This Executive Order was prepared in March of 1967 by the same counsel for the Governor who denied any knowledge of possible grand jury tampering prior to the previous consideration of these suspensions by the Senate. Therefore, the conclusion is inescapable that all of this additional information was known to counsel for the Governor and should have been presented to the Senate in its original consideration of these suspensions.

If this evidence of unlawful attempts to influence the grand jury and the additional and more compelling evidence of use of county materials, labor and equipment for purely private purposes had been properly presented to the Select Committee that initially considered these suspensions, the Senate might very well have removed these officials from office. If the Governor had not foreclosed effective action by the Senate by failing to bring these charges and this evidence through proper Executive Orders and during the appropriate terms of the officials involved, this Committee would recommend that Mr. Wood and the other members of this original Board of Commissioners should be removed from office. However, these

charges have already been heard and determined by the Senate on the basis of the evidence before it at that time, and W. N. Wood and his fellow Commissioners cannot be removed now upon these same charges.

The suspension order of January 21, 1969, presents an appropriate subject for Senate consideration. This Order of Suspension is based upon an alleged violation of the competitive bidding law of Florida. All of the evidence concerning this charge has been carefully weighed and considered by the Committee. From this evidence it appears that there is some legal doubt concerning the application of the competitive bidding statute to this public contract. Moreover, the Commissioners acted strictly upon the advice of their attorney and their architect in contracting in this fashion. There certainly does not appear to be any fraud or even any ulterior motive in the transaction. The County has suffered no loss as a result of this contract. In fact, it is the conclusion of the Committee that the procedure followed by the Commission was economically advantageous to the County. In making this public contract these local officials exercised their best judgment based upon the advice of their attorney and the recommendations of their architect. Their sole concern in this matter appears to be to serve the best interest of their County. Under these circumstances the Committee finds that the evidence does not sustain the Executive Order of January 21, 1969, suspending W. N. Wood and the other members of the Board of County Commissioners of Taylor County, Florida.

However, the Committee cannot condone the other practices which have been followed by the original Board of County Commissioners in Taylor County. It is apparent from the evidence that these commissioners were aware of the legal impropriety of their actions. There is strong evidence that political and economic reprisals were used by the commissioners in Taylor County to restrain any dissent against their customs and procedures. Any attempts to improperly influence a grand jury deserve the strongest condemnation. The Committee urges that each successive grand jury in Taylor County carefully examine the continuing practices of the Board of County Commissioners. If there is any repetition of the acts described before this Committee, the grand jury should not hesitate to indict and the Governor should not hesitate to suspend. Given a lawful and proper opportunity to do so, this Senate should not hesitate to remove these officials upon any showing that this unfortunate condition in Taylor County has not been corrected.

Upon the basis of the applicable law and the voluminous evidence which has been presented, it is the reluctant recommendation of the Committee that W. N. Wood not be removed from office.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto W. N. Wood not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—35

Mr. President	Chiles	Karl	Saunders
Askew	Daniel	Knopke	Scarborough
Barron	de la Parte	Lane	Stone
Barrow	Fincher	McClain	Thomas
Beaufort	Friday	Myers	Trask
Bell	Gong	Ott	Weber
Bishop	Haverfield	Plante	Weissenborn
Boyd	Henderson	Pope	Williams
Broxson	Hollahan	Poston	

Nays—11

Bafalis	Johnson	Shevin	Wilson
Deeb	Reuter	Slade	Young
Ducker	Sayler	Stolzenburg	

#### EXPLANATION IN RE ABSTENTION FROM VOTING

Because of an interim involvement with some part of this litigation, my law firm was involved, for this reason I am recusing myself from a vote on this matter.

MALLORY E. HORNE  
5th District

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

#### ORDER OF SUSPENSION

WHEREAS, W. H. KING, has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 3, 1967 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, such investigation has been completed and information has been presented me which corroborates several of the findings made by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said W. H. KING while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys, the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads to benefit his own private property and the construction of roads to exclusively benefit others; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and limerock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said W. H. KING with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said W. H. KING and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said W. H. KING and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, W. H. KING, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of W. H. KING to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend W. H. KING on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. H. KING, is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 1 day of April, 1968.

CLAUDE R. KIRK, JR.  
Governor

TOM ADAMS  
Secretary of State

#### ORDER OF SUSPENSION

WHEREAS, W. H. KING, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said W. H. KING and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said W. H. KING and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or

justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said W. H. KING. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence not otherwise considered by the Senate which further corroborates the findings by the Grand Jury.

WHEREAS, from the information presented me, I find that the evidence reflects that the said W. H. KING while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said W. H. KING, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, W. H. KING, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of W. H. KING to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend W. H. KING on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. H. KING is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

Attest:  
TOM ADAMS  
Secretary of State

[For the reading of the Executive Order of Suspension and Amended Order issued under dates of January 21 and 28, 1969, respectively, see pages 15-20, *supra*.]

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of W. H. King, Member of Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

W. H. King was also a member of the Board of County Commissioners for Taylor County originally suspended by the

Governor on April 1, 1968. Except for the fact that his term of office did not expire on January 7, 1969, and he did not stand for re-election during 1968, the facts applicable to Mr. King are the same as those discussed with regard to W. N. Wood.

Upon the basis of the conclusions of fact and law presented by the Committee in its report on the suspension of W. N. Wood, the Committee also reluctantly recommends that W. H. King not be removed from the office of member of the Board of County Commissioners, Taylor County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
 ROBERT M. HAVERFIELD  
 WARREN S. HENDERSON  
 DAVID C. LANE  
 JOSEPH A. McCLAIN  
 JERRY THOMAS  
 J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto W. H. King not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—29

Mr. President	Daniel	Karl	Scarborough
Askew	de la Parte	Knopke	Stone
Barron	Fincher	McClain	Thomas
Barrow	Friday	Ott	Trask
Beaufort	Gong	Plante	Williams
Bishop	Haverfield	Pope	
Boyd	Henderson	Poston	
Chiles	Hollahan	Saunders	

Nays—16

Bafalis	Ducker	Sayler	Weber
Bell	Johnson	Shevin	Weissenborn
Broxson	Myers	Slade	Wilson
Deeb	Reuter	Stolzenburg	Young

EXPLANATION IN RE ABSTENTION FROM VOTING

Because of an interim involvement with some part of this litigation, my law firm was involved, for this reason I am recusing myself from a vote on this matter.

MALLORY E. HORNE  
 5th District

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

ORDER OF SUSPENSION

WHEREAS, R. L. EDWARDS has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 3, 1967 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, such investigation has been completed and information has been presented me which corroborates several of the findings made by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said R. L. EDWARDS while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys, the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads for the exclusive benefit of private property owners; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and limerock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said R. L. EDWARDS with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968 I requested the said R. L. EDWARDS and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said R. L. EDWARDS and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their position as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, R. L. EDWARDS, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. EDWARDS to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of the State of Florida, do hereby suspend R. L. EDWARDS on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said R. L. EDWARDS is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 1 day of April, A. D. 1968.

CLAUDE R. KIRK, JR.  
 Governor

ATTEST:  
TOM ADAMS  
Secretary of State

#### ORDER OF SUSPENSION

WHEREAS, R. L. EDWARDS, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted (*sic*) for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said R. L. EDWARDS and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said R. L. EDWARDS and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said R. L. EDWARDS. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence no (*sic*) otherwise considered by the Senate which further corroborates the findings by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said R. L. EDWARDS while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said R. L. EDWARDS, and

WHEREAS, all of the foregoing matters reflect malfeasance, misfeasance, neglect of duty and incompetency in office, and

WHEREAS, R. L. EDWARDS, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of R. L. EDWARDS to continue to perform the duties

as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend R. L. EDWARDS on the grounds of malfeasance, misfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said R. L. EDWARDS is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

Attest:  
TOM ADAMS  
Secretary of State

[For the reading of the Executive Order of Suspension and Amended Order issued under dates of January 21 and 28, 1969, respectively, see pages 15-20, *supra*.]

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of R. L. Edwards, Member of Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

R. L. Edwards was another member of the original Board of County Commissioners for Taylor County suspended by an Executive Order entered on April 1, 1968. Mr. Edwards' term of office did not expire on January 7, 1969, so he was not required to run for office during 1968. Except for that circumstance, the facts previously stated with regard to W. N. Wood apply equally to R. L. Edwards. However, there is an additional element present in the charges against Mr. Edwards. In the hearings on this suspension, the Governor produced evidence showing that Mr. Edwards was employed by a corporation that conducts land fill operations for Taylor County. This service is performed under a contract with the county. As County Commissioner, Mr. Edwards moved the adoption of that contract. Approximately two weeks later he accepted a job with the corporation. Therefore, the Governor has charged that Edwards is illegally benefiting from a public contract for which he voted as a County Commissioner. None of the executive orders suspending Edwards gave any indication that this charge would be made against him. The Governor was aware or reasonably should have been aware of this charge and the supporting evidence when this suspension was originally presented to the Senate. Under these circumstances the charge cannot legally be maintained against Edwards in these proceedings before the Senate.

Upon the basis of the conclusions of law and evidence discussed in the report concerning W. N. Wood, and with the same degree of reluctance, this Committee recommends that R. L. Edwards not be removed from office.

Respectfully submitted,  
FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto R. L. Edwards not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—28

Mr. President	Chiles	Henderson	Poston
Askew	Daniel	Karl	Saunders
Barron	de la Parte	Knopke	Scarborough
Beaufort	Fincher	McClain	Stone
Bell	Friday	Ott	Thomas
Bishop	Gong	Plante	Trask
Boyd	Haverfield	Pope	Williams

Nays—17

Bafalis	Hollahan	Shevin	Wilson
Barrow	Johnson	Slade	Young
Broxson	Myers	Stolzenburg	
Deeb	Reuter	Weber	
Ducker	Saylor	Weissenborn	

**EXPLANATION IN RE ABSTENTION FROM VOTING**

Because of an interim involvement with some part of this litigation, my law firm was involved, for this reason I am recusing myself from a vote on this matter.

MALLORY E. HORNE  
5th District

Senator Daniel moved that the Senate do now adjourn to reconvene at 10:00 a.m., February 18, 1969. Which was not agreed to.

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

**ORDER OF SUSPENSION**

WHEREAS, E. J. TEDDER has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 5, 1965 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, such investigation has been completed and information has been presented me which corroborates several of the findings made by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said E. J. TEDDER while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads for the exclusive benefit of private property owners; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and limerock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said E. J. TEDDER with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968 I requested the said E. J. TEDDER and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said E. J. TEDDER and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their position as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, E. J. TEDDER, acting in his official capacity as a member of the Board of County of Taylor County (*sic*) is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of E. J. TEDDER to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

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 15 of the Constitution of Florida, do hereby suspend E. J. TEDDER on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said E. J. TEDDER is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 1 day of April, A. D. 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

**ORDER OF SUSPENSION**

WHEREAS, E. J. TEDDER, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Firday, (*sic*) March 29, 1968 and again on April 1, 1968, I requested the said E. J. TEDDER and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said E. J. TEDDER and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said E. J. TEDDER. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence not otherwise considered by the Senate which further corroborates the findings by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said E. J. TEDDER while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said E. J. TEDDER, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, E. J. TEDDER, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of E. J. TEDDER to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend E. J. TEDDER on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said E. J. TEDDER is hereby prohib-

ited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

[For the reading of the Amended Executive Order of Suspension issued under date of January 28, 1969, see pages 15-20, *supra*.]

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of E. J. Tedder, Member of Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

E. J. Tedder was a member of the original Board of County Commissioners for Taylor County suspended by the Governor on April 1, 1968. He was defeated for re-election in 1968, and his term of office expired on January 7, 1969. Therefore, he was not initially named in the suspension order of January 21, 1969. However, the amended order of January 28, 1969 purported to merge all four suspension orders and all seven suspended officials.

The conclusions of fact and law stated in the report concerning W. N. Wood are equally applicable to E. J. Tedder. Therefore, the Committee reluctantly recommends that E. J. Tedder not be removed from the office of Member of the Board of County Commissioners of Taylor County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto E. J. Tedder not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—32

Mr. President	Broxson	Henderson	Poston
Askew	Chiles	Hollahan	Saunders
Barron	Daniel	Karl	Scarborough
Barrow	de la Parte	Knopke	Stone
Beaufort	Fincher	McClain	Thomas
Bell	Friday	Ott	Trask
Bishop	Gong	Plante	Weber
Boyd	Haverfield	Pope	Williams

Nays—13

Bafalis	Myers	Slade	Young
Deeb	Reuter	Stolzenburg	
Ducker	Sayler	Weissenborn	
Johnson	Shevin	Wilson	

## EXPLANATION IN RE ABSTENTION FROM VOTING

Because of an interim involvement with some part of this litigation, my law firm was involved, for this reason I am recusing myself from a vote on this matter.

MALLORY E. HORNE  
5th District

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

## ORDER OF SUSPENSION

WHEREAS, J. A. LIVINGSTON has served his present term in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, from January 5, 1965 to the date of this Order, and

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the use of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, such investigation has been completed and information has been presented me which corroborates several of the findings made by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said J. A. LIVINGSTON while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office by improperly and unlawfully approving, participating in or otherwise causing the expenditure of large sums of county moneys, the utilization of county equipment and county labor to benefit private property owners and for purely private purposes such as the construction of roads for the exclusive benefit of private property owners; the improvement or filling in of private property to establish valuable lots for private owners; and the hauling of dirt and limerock for the exclusive benefit of private property owners; and

WHEREAS, I find that the evidence reflects an abuse and misuse of the powers of his office by the said J. A. LIVINGSTON with respect to the foregoing and in particular with regard to a purported dedication of the said private roads as county public roads for the sole and exclusive purpose of circumventing the law in an effort to justify the expenditure of large sums of county moneys and the use of county equipment and county labor in an effort to establish a county purpose, and

WHEREAS, the information received by me reflects that the approximate cost of materials furnished to private property owners and the approximate cost of county labor and equipment is estimated to be in excess of \$150,000, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968 I requested the said J. A. LIVINGSTON and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, the results of my investigation and all of the matters hereinabove set forth, and

WHEREAS, the said J. A. LIVINGSTON and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without notification or justification thereby demonstrating their lack of interest and concern, their disregard for their position as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, J. A. LIVINGSTON, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of J. A. LIVINGSTON to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interests of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend J. A. LIVINGSTON on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information presented to me and the evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said J. A. LIVINGSTON is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed this April 1, 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

## ORDER OF SUSPENSION

WHEREAS, J. A. LIVINGSTON, has served in the capacity of Member of the Board of County Commissioners of Taylor County, State of Florida, and,

WHEREAS, the Grand Jury of the Third Judicial Circuit in and for Taylor County, Florida in June, 1967 returned a Presentment against the Board of County Commissioners of Taylor County finding each of the County Commissioners guilty of malfeasance, misfeasance and neglect of duty in office and recommending that the Governor suspend them from office, and

WHEREAS, the said recommendation by the Grand Jury was predicated upon evidence reflecting the misuse of county equipment, county labor and personnel for strictly private purposes, and

WHEREAS, subsequent to the issuance of this Presentment, a detailed investigation was conducted to ascertain the extent to which county equipment, labor and personnel were diverted for private purposes and in particular to verify those matters found by the Grand Jury in its Presentment, and

WHEREAS, after such investigation was completed information was presented me which corroborated several of the findings made by the Grand Jury, and

WHEREAS, although efforts were made to have the Grand Jury Presentment set aside, such efforts were unsuccessful and no appeal of the Presentment was ever taken, thereby confirming the findings made by the Grand Jury, and

WHEREAS, on Friday, March 29, 1968 and again on April 1, 1968, I requested the said J. A. LIVINGSTON and the other members of the Board of County Commissioners to meet with me in Tallahassee to discuss in detail the Grand Jury Presentment, and

WHEREAS, the said J. A. LIVINGSTON and the other members of the Board of County Commissioners of Taylor County, Florida failed to appear at the designated time without

notification or justification thereby demonstrating their lack of interest and concern, their disregard for their positions as public officials, their defiance to the request of the Chief Executive and in effect, their admission of guilt as to those matters hereinabove set forth, and

WHEREAS, all of the foregoing information and evidence was presented to a Senate Select Committee with the recommendation that the Senate remove the said J. A. LIVINGSTON. However, the Senate in considering this recommendation took no action, and

WHEREAS, in addition to the foregoing there now also appears to be newly discovered evidence not otherwise considered by the Senate which further corroborates the findings by the Grand Jury, and

WHEREAS, from the information presented me, I find that the evidence reflects that the said J. A. LIVINGSTON while acting in his official capacity as a member of the Board of County Commissioners of Taylor County improperly discharged the duties of his office, and

WHEREAS, I find that the evidence reflects and (*sic*) abuse and misuse of the powers of his office by the said J. A. LIVINGSTON, and

WHEREAS, all of the foregoing matters reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, J. A. LIVINGSTON, acting in his official capacity as a member of the Board of County Commissioners of Taylor County is held to a high standard of legal and moral conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, doubt has been raised as to the integrity and ability of J. A. LIVINGSTON to continue to perform the duties as a member of the Board of County Commissioners of Taylor County, and

WHEREAS, I find that the interest of the citizens of Taylor County would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Article IV, Section 15 of the Constitution of Florida, do hereby suspend J. A. LIVINGSTON on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the information previously presented to me and the newly discovered evidence I have found to exist to support the foregoing, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said J. A. LIVINGSTON is hereby prohibited from performing the duties or exercising the authorities of said office during the period of suspension.



IN TESTIMONY 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 8 day of July, 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:

TOM ADAMS  
Secretary of State

[For the reading of the Amended Executive Order of Suspension issued under date of January 28, 1969, see pages 15-20, *supra*.]

Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of J. A. Livingston, Member of Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

J. A. Livingston was a member of the original Board of County Commissioners for Taylor County suspended by the Governor on April 1, 1968. He was defeated for re-election in 1968 and his term of office expired on January 7, 1969. Therefore, he was not initially named in the suspension order of January 21, 1969. However, the amended order of January 28, 1969 purported to merge all four suspension orders and all seven suspended officials.

The conclusions of fact and law stated in the report concerning W. N. Wood are equally applicable to J. A. Livingston. Therefore, the Committee reluctantly recommends that J. A. Livingston not be removed from the office of Member of the Board of County Commissioners of Taylor County, Florida.

Respectfully submitted,  
FREDERICK B. KARL, Chairman  
ROBERT M. HAVERFIELD  
WARREN S. HENDERSON  
DAVID C. LANE  
JOSEPH A. McCLAIN  
JERRY THOMAS  
J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto J. A. Livingston not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—32

Mr. President	Broxson	Henderson	Poston
Askew	Chiles	Hollahan	Saunders
Barron	Daniel	Karl	Scarborough
Barrow	de la Parte	Knopke	Stone
Beaufort	Fincher	McClain	Thomas
Bell	Friday	Ott	Trask
Bishop	Gong	Plante	Weber
Boyd	Haverfield	Pope	Williams

Nays—13

Bafalis	Myers	Slade	Young
Deeb	Reuter	Stolzenburg	
Ducker	Saylor	Weissenborn	
Johnson	Shevin	Wilson	

#### EXPLANATION IN RE ABSTENTION FROM VOTING

Because of an interim involvement with some part of this litigation, my law firm was involved, for this reason I am recusing myself from a vote on this matter.

MALLORY E. HORNE  
5th District

The Executive Order of Suspension and Amended Order, directed to W. BERT FIFE and others under dates of January 21 and 28, 1969, respectively, having been read previously, [see pages 15-20, *supra*.] Senator Karl, Chairman of the Select Committee read the following Report:

Hon. John E. Mathews, Jr.  
President  
The Florida Senate

February 17, 1969

In Re: Suspension of W. Bert Fife, Member of the Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

W. Bert Fife was elected to the Board of County Commissioners for Taylor County, Florida, in 1968 and was commissioned to that office on January 7, 1969. He was suspended by the Executive Order of the Governor entered on January 21, 1969 and amended on January 28, 1969. The only charges made against Mr. Fife relate to violation of the competitive bidding statute of Florida. For the reasons stated in the report concerning W. N. Wood, the Committee has concluded that there are no grounds established to justify suspension or removal of Mr. Fife from office. Therefore, it is the recommendation of this Committee, without reluctance, that W. Bert Fife

not be removed from the office of Member of the Board of County Commissioners of Taylor County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
 ROBERT M. HAVERFIELD  
 WARREN S. HENDERSON  
 DAVID C. LANE  
 JOSEPH A. McCLAIN  
 JERRY THOMAS  
 J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto W. Bert Fife not be removed from the office of Member of the Board of County Commissioners, Taylor County, Florida, from which he had been suspended and that he be reinstated therein. The vote was: Yeas—46 Nays—None

Mr. President	Deeb	Knopke	Slade
Askew	de la Parte	McClain	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Fincher	Ott	Thomas
Barrow	Friday	Plante	Trask
Beaufort	Gong	Pope	Weber
Bell	Haverfield	Poston	Weissenborn
Bishop	Henderson	Reuter	Williams
Boyd	Hollahan	Saunders	Wilson
Broxson	Horne	Sayler	Young
Chiles	Johnson	Scarborough	
Daniel	Karl	Shevin	

The Executive Order of Suspension and Amended Order, directed to Bob Millinor and others under dates of January 21 and 28, 1969, respectively, having been read previously, [see pages 15-20, *supra*.] Senator Karl, Chairman of the Select Committee, read the following Report:

Hon. John E. Mathews, Jr.  
 President  
 The Florida Senate

February 17, 1969

In Re: Suspension of Bob Millinor, Member of the Board of County Commissioners, Taylor County, Florida

Dear Mr. President:

Bob Millinor was elected to the Board of County Commissioners for Taylor County, Florida, in 1968 and was commissioned to that office on January 7, 1969. He was suspended by the Executive Order of the Governor entered on January 21, 1969 and amended on January 28, 1969. The only charges made against Mr. Millinor relate to violation of the competitive bidding statute of Florida. For the reasons stated in the report concerning W. N. Wood, the Committee has concluded that there are no grounds established to justify suspension or removal of Mr. Millinor from office. Therefore, it is the recommendation of this Committee, without reluctance, that Bob Millinor not be removed from the office of Member of the Board of County Commissioners of Taylor County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman  
 ROBERT M. HAVERFIELD  
 WARREN S. HENDERSON  
 DAVID C. LANE  
 JOSEPH A. McCLAIN  
 JERRY THOMAS  
 J. H. WILLIAMS

Senator Karl moved the adoption of the Report and that pursuant thereto Bob Millinor not be removed from the office of Member of the Board of County Commissioners, Taylor

County, Florida, from which he had been suspended and that he be reinstated therein. The vote was: Yeas—46 Nays—None

Mr. President	Deeb	Knopke	Slade
Askew	de la Parte	McClain	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Fincher	Ott	Thomas
Barrow	Friday	Plante	Trask
Beaufort	Gong	Pope	Weber
Bell	Haverfield	Poston	Weissenborn
Bishop	Henderson	Reuter	Williams
Boyd	Hollahan	Saunders	Wilson
Broxson	Horne	Sayler	Young
Chiles	Johnson	Scarborough	
Daniel	Karl	Shevin	

EXPLANATION OF VOTE

Mr. President:

I submit these thoughts re my vote on the suspensions of the Taylor County Commissioners because of the difficulties which this matter raises in my heart.

Though there appears from the evidence recited by the Select Committee, an inescapable thread that certain of the Commissioners engaged in official conduct prior to 1969 which was and still is reprehensible, there is an equally inescapable conclusion that the law of Florida, as laid down by our courts, bars further removal for those acts.

It would be a paramount conflict, in my view, for this Senate of Florida to choose to disregard the stated law of the land because it disagreed with that law. We have seen too much of this 'convenience' on the campus of colleges across the land, and the result is anarchy. For the *Senate of Florida* to indulge this same disregard of established law would be to resort to the 'rule of man' as opposed to 'rule of law'.

ELMER O. FRIDAY, JR.  
 34th District

The following remarks by Senator Karl were ordered spread upon the Journal:

Mr. President and members of the Senate, I cannot leave the Well without saying that the Members of the Committee deserve your commendation. Whether you agree with their recommendation or not, I think you must concur that the Committee was diligent, that it did attend to the details, that it did make every effort to give a full, fair and complete hearing to all of the people involved, that the members gave freely of their time, talents and advice, and I would like to commend each member of the Committee for that. I would also like to commend publicly Mr. Larry Sands, who really disrupted his whole law practice, cancelled trials, did everything that was necessary to give full time and attention to his duties as counsel for this Committee and I believe if you have read his briefs or participated in any of the Committee meetings at which he was present and commented you must agree that he did his job extremely well and demonstrated his outstanding ability in this field and I commend him for that. Mr. President, to you and the members of the Senate, who have been so patient with us and our attempts to present our reports, we are grateful.

On motion by Senator Pope, the Senate accorded Senator Karl, Chairman, and the members of the Select Committee, a standing ovation in thanks and appreciation for their exemplary accomplishment.

On motion by Senator Friday, at the hour of 7:56 p.m., the President sounded the gavel and declared the Senate in 1969 Special Session adjourned sine die.