

JOURNAL OF THE SENATE

Wednesday, December 3, 1969

The Senate was called to order by the President at 11:00 a.m. A quorum present—46:

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

Excused: Senator Barron for the morning session, Senator Broxson.

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

Good Morning Lord! What a beautiful morning. Thank you.

You have said to us in the Bible: "I will never turn away anyone who comes to me". O God we come! Wake us up, open our eyes, make us joyously alive and winsome in our relationships with each other and faithful in our relationship with you.

It's easy to remember that you are here while our heads are bowed. Help these men and women whose responsibilities are so great to remember that you are with them when the work piles up, when the words flow, when the big decisions come. Fill them with your Holy Spirit that they may be at peace with each other and with all men; find joy in their work; love their brothers, even their enemies, exercise patience, humility and self control, kindness, goodness, faithfulness.

Bless the President of the Senate, the Secretary, and those who assist them. Bless each Senator — stand beside each one of them at their desk and take their hand and lead them in this special session that their work may not be in vain, but may serve a high and noble purpose in the development of our beloved State through your Divine Wisdom.

In the strong name of Jesus Christ, I pray. Amen.

The Journal of December 2 was corrected and approved as follows:

Page 20, counting from the bottom of column 1, line 27, strike "fo" and insert of

Page 21, counting from the bottom of column 1, between lines 19 and 20 insert the following:

John P. Roberts Miami	Member, Air and Water Pol- lution Control Board	Pleasure of the Governor
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A motion by Senator Friday was adopted that the journal of December 1 be corrected and the introduction of SB 11-A and SB 12-A be stricken from the journal as the two bills did not come within the purview of the proclamation of the Governor and were not admitted for introduction by the required constitutional consent of two-thirds of the membership of the Senate.

A quorum call was requested. A quorum of 35 members was present.

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends a Committee Substitute for SB 17-A.

The bill with Committee Substitute attached was placed on the Calendar.

REPORTS OF COMMITTEE ON EXECUTIVE APPOINTMENTS

Senator John E. Mathews
President, The Florida Senate
The Capitol
December 2, 1969

Dear Mr. President:

Your Standing Committee on Judiciary to whom was referred for inquiry and recommendation the following appointments for confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
Raymond B. Marsh Tallahassee	Member, Probation and Parole Commission	October 7, 1975
Cale R. Keller Tallahassee	Member, Probation and Parole Commission	November 1, 1975

—having met, and after full inquiry hereby tender as the recommendation of this Standing Committee that the Senate advise and consent to the aforesaid appointments made by the Governor and the Cabinet.

Respectfully submitted,
MALLORY E. HORNE, Chairman
Judiciary Committee

On motions by Senator Horne, the Report of the Committee was adopted, the rules were waived and the Senate in open session advised and consented to the aforesaid appointments made by the Governor and the Cabinet, as contained and set forth in the foregoing Report. The vote was: Yeas—41 Nays—None

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

Senator John E. Mathews, Jr.
President, The Florida Senate
The Capitol
December 2, 1969

Dear Mr. President:

Your Standing Committee on Commerce and Licensed Businesses to whom was referred for inquiry and recommendation the following appointments for confirmation by the Senate:

NAME	OFFICE	FOR TERM ENDING
Rodger P. Doyle Pensacola	Chairman, Board of Business Regulation	July 1, 1973
Thomas D. Wood Miami	Member, Board of Business Regulation	July 1, 1973
Ruth L. Campbell Homestead	Member, State Board of Cosmetology	June 27, 1973
E. D. Mitchell Graceville	Member, Board of Funeral Directors and Embalmers	July 23, 1973
C. C. Harrison, Jr. Marianna	Member, Florida Land Sales Board	August 23, 1969
C. Creshull Harrison, Jr. Marianna	Member, Florida Land Sales Board	August 23, 1972
J. Holliday Veal Pensacola	Member, Florida Land Sales Board	September 1, 1972

—having met, and after full inquiry, hereby tenders as the recommendation of this Committee that the Senate advise and consent to the aforesaid appointments made by the Governor.

Respectfully submitted,
WILLIAM DEAN BARROW, Chairman
 Committee on Commerce and Licensed Businesses
C. W. BEAUFORT
WARREN S. HENDERSON
MALLORY E. HORNE
FREDERICK B. KARL
RALPH POSTON
BOB SAUNDERS
DAN SCARBOROUGH
JERRY THOMAS
CHARLES H. WEBER

Senator Barrow moved the adoption of the Report. Pending consideration thereof, on motion by Senator Barrow further consideration was temporarily deferred.

Senator Thomas moved that SB 12-A be admitted for introduction and consideration. The motion failed to receive the required Constitutional two-thirds vote. The vote was:

Yeas—29

Mr. President	de la Parte	Knopke	Stone
Bafalis	Friday	McClain	Thomas
Beaufort	Gong	Myers	Trask
Bell	Gunter	Ott	Weber
Bishop	Haverfield	Plante	Wilson
Boyd	Henderson	Poston	
Chiles	Hollahan	Saunders	
Daniel	Karl	Scarborough	

Nays—9

Askew	Fincher	Sayler
Deeb	Johnson	Stolzenburg
Ducker	Reuter	Young

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate SB 23-A was admitted for introduction and consideration on motion by Senator Wilson. The vote was: Yeas—44 Nays—None

Mr. President	Bishop	Ducker	Hollahan
Askew	Boyd	Fincher	Horne
Bafalis	Chiles	Friday	Johnson
Barrow	Daniel	Gong	Karl
Beaufort	Deeb	Gunter	Knopke
Bell	de la Parte	Henderson	Lane

McClain	Reuter	Slade	Weber
Myers	Saunders	Stolzenburg	Weissenborn
Ott	Sayler	Stone	Williams
Plante	Scarborough	Thomas	Wilson
Poston	Shevin	Trask	Young

By Senator Wilson—

SB 23-A—A bill to be entitled An act relating to courts of record; providing for prosecuting officers in courts of record having criminal jurisdiction where not otherwise provided by law; providing that the clerk of the circuit court shall be the ex officio clerk of courts of record where not otherwise provided by law; providing that the sheriff shall be the executive officer of courts of record established by law; providing a saving clause; providing an effective date.

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

By the required Constitutional two-thirds vote of the Senate SB 24-A was admitted for introduction and consideration on motion by Senator Scarborough. The vote was:

Yeas—34

Mr. President	Ducker	Karl	Shevin
Askew	Fincher	McClain	Slade
Bafalis	Friday	Myers	Stolzenburg
Barrow	Gong	Plante	Stone
Beaufort	Gunter	Poston	Trask
Bell	Haverfield	Reuter	Weber
Bishop	Henderson	Saunders	Williams
Chiles	Hollahan	Sayler	
Daniel	Horne	Scarborough	

Nays—4

Deeb	Johnson	Pope	Young
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By Senators Mathews and Scarborough—

SB 24-A—A bill to be entitled An act relating to bonds or other obligations; allowing bonds issued by counties, municipalities or other political subdivisions or public agencies to bear interest at a rate deemed advisable by the governing bodies thereof; providing a maximum rate of seven percent (7%); repealing conflicting laws or parts of laws; providing an effective date.

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

By Senators Poston and Hollahan—

SB 25-A—A bill to be entitled An act relating to taxation; levying an additional one cent (1c) per gallon tax on gasoline and other like products of petroleum or other fuel used to propel motor vehicles; amending section 208.04(1) and (4), Florida Statutes; amending section 208.08, Florida Statutes, by adding subsection (4); amending chapter 208, Florida Statutes, by adding section 208.121; distributing the proceeds thereof to the respective counties having approved county engineers wherein said tax was collected and otherwise to the state roads trust fund; providing an effective date.

Was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By the required Constitutional two-thirds vote of the Senate SB 26-A was admitted for introduction and consideration on motion by Senator Henderson. The vote was: Yeas—41 Nays—None

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

By Senator Henderson—

SB 26-A—A bill to be entitled An act relating to the homestead tax exemption; repealing Section 7 of Article X of the Constitution of 1885 as statutory law pursuant to Section 10 of Article XII of the Constitution as amended in 1968; providing an effective date.

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

By the required Constitutional two-thirds vote of the Senate **SB 27-A** was admitted for introduction and consideration on motion by Senator Boyd. The vote was:

Yeas—43

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

Nays—1

Pope

By Senators Boyd, Saunders, Askew, Mathews, Broxson, Friday, Shevin, Chiles, Johnson, Ott, Haverfield and Williams—

SB 27-A—A bill to be entitled An act authorizing expenditures for fixed capital outlay projects at junior colleges, area vocational-technical centers, and institutions under the board of regents; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Ways and Means.

On motion by Senator Wilson, by two-thirds vote, **SB 23-A** was withdrawn from the Committee on Judiciary and taken up.

SB 23-A—A bill to be entitled An act relating to courts of record; providing for prosecuting officers in courts of record having criminal jurisdiction where not otherwise provided by law; providing that the clerk of the circuit court shall be the ex officio clerk of courts of record where not otherwise provided by law; providing that the sheriff shall be the executive officer of courts of record established by law; providing a saving clause; providing an effective date.

On motions by Senator Wilson, the rules were waived and **SB 23-A** was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—43 Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. December 3, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote of all members and has passed as amended—

By Representative Reed and others—

HB 230—A bill to be entitled An act relating to candidates for public office; amending section 99.012, Florida Statutes, to provide that an individual who holds elective public office may not qualify as a candidate for another public office; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

Senator Young moved that **HB 230**, contained in the above message, be admitted for introduction and consideration. The motion failed to receive the required Constitutional two-thirds vote. The vote was:

Yeas—30

Mr. President	Ducker	Knopke	Slade
Askew	Fincher	Myers	Stolzenburg
Bafalis	Friday	Ott	Stone
Beaufort	Gunter	Plante	Thomas
Bell	Haverfield	Poston	Weissenborn
Chiles	Hollahan	Reuter	Young
Deeb	Horne	Sayler	
de la Parte	Karl	Shevin	

Nays—15

Barrow	Henderson	Pope	Weber
Bishop	Johnson	Saunders	Williams
Boyd	Lane	Scarborough	Wilson
Daniel	McClain	Trask	

On motion by Senator Thomas, the Senate reconsidered the vote by which **SB 12-A** failed to be introduced by the consent of two-thirds of the membership of the Senate.

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

INTRODUCTION

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

Yeas—38

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

Nays—8

Askew	Ducker	Johnson	Shevin
Deeb	Fincher	Sayler	Young

By Senator Thomas—

SB 12-A—A bill to be entitled An act relating to the department of transportation; creating seven (7) road districts and a seven (7) member state road board to be appointed by the governor to act as head of the department; providing for the current secretary to become the executive director of the department; providing an effective date.

Was read the first time by title and referred to the Committees on Transportation and Ways and Means.

On motion by Senator Friday, it was agreed that when the Senate recesses it recess to reconvene at 5:00 p.m. this day.

By the direction of the President, the Secretary read the following communications from the Secretary of State:

Honorable Edwin G. Fraser
Secretary of the Senate
The Capitol
Tallahassee, Florida

December 2, 1969

You are advised to immediately cease and desist any activities as Constable and to forthwith return your Commission to this office. Your cooperation is appreciated.

Dear Sir:

Attached hereto is a certificate listing a commission prepared today which is subject to Senate confirmation.

Sincerely,
TOM ADAMS
Secretary of State

Sincerely,
Governor

CRK/mrd

cc: Honorable Tom Adams

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

I, Tom Adams, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of a letter dated October 8, 1969 to Constable Dick Mullaly, Jacksonville, Florida, as shown by the records of this office.

NAME	OFFICE	FOR TERM ENDING
Hoyt E. Broward Jacksonville	Member, Board of Trustees, Florida Junior College at Jacksonville	May 31, 1973

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the third day of December A. D. 1969



TOM ADAMS
Secretary of State



GIVEN under my hand and Great Seal of the State of Florida at Tallahassee, the Capital, this second day of December, A. D., 1969.

TOM ADAMS
Secretary of State

Which was referred to the Select Committee on Executive Suspensions.

Which was referred to the Committee on Education.

Senator Shevin moved that the Senate reconsider the vote by which the motion by Senator Thomas was adopted on December 2 that a committee be requested to confer with officials of the Orlando Sentinel regarding a statement in an editorial on November 30, 1969 that "The Mafia practically owns Dade County already".

Pending consideration thereof, on motion by Senator Boyd, the Senate recessed at 1:01 p.m. to reconvene at 5:00 p.m.

Honorable Edwin G. Fraser
Secretary of the Florida Senate
The Capitol
Tallahassee, Florida

December 3, 1969

AFTERNOON SESSION

Dear Senator Fraser:

Enclosed is a certified copy of a letter to Constable Dick Mullaly from the Governor, which is dated October 8, 1969.

We are forwarding this to you thinking that the Senate might desire to handle it as a suspension.

With kind regards, I remain

Sincerely,
TOM ADAMS
Secretary of State

The Senate was called to order by the President at 5:00 p.m. A quorum present—47:

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

STATE OF FLORIDA
OFFICE OF GOVERNOR CLAUDE R. KIRK, JR.

RECONSIDERATION

Constable Dick Mullaly
District 2, Duval County
10626 U. S. No. 1, North
Jacksonville, Florida 22219

October 8, 1969

The question recurred on the motion by Senator Shevin that the Senate reconsider the vote by which the motion by Senator Thomas was adopted on December 2 that a committee be requested to confer with officials of the Orlando Sentinel regarding a statement in an editorial on November 30, 1969 that "The Mafia practically owns Dade County already". The Senate refused to reconsider.

Dear Mr. Mullaly:

This is to advise you that your temporary appointment as Constable for District 2, Duval County is hereby terminated, and the Commission issued to you is revoked.

SECOND READING

SB 17-A was taken up, together with:

By the Committee on Ways and Means—

This action is based upon a detailed investigation of allegations regarding your conduct as Constable. The allegations were fully discussed with you on September 17, 1969. They include such matters as violation of boundary lines; your conduct in conducting arrests; your activities at the Desert Inn and other incidents of which you are personally aware.

CS for SB 17-A—A bill to be entitled An act relating to aid to families with dependent children; making a supplemental appropriation for the fiscal year 1969-70; providing an effective date.

—which was read the first time by title and SB 17-A was laid on the table.

On motions by Senator Weissenborn, the rules were waived and CS for SB 17-A was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—42 Nays—None

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

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. December 3, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Andrews—

HB 1738—A bill to be entitled An act relating to primary elections, amending sections 100.061 and 100.091 (1), Florida Statutes, changing the dates of the first and second primaries; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 1738, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

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

Honorable Edwin G. Fraser
Secretary of the Senate
The Capitol
Tallahassee, Florida

December 3, 1969

Dear Senator Fraser:

Attached hereto is a certificate listing the commissions prepared which are subject to Senate confirmation.

Sincerely,
TOM ADAMS
Secretary of State

Pursuant to the Provisions of Section 112.071(1), (b), Florida Statutes, we do hereby certify that Commissions which are subject to Confirmation by the Senate have been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Charles W. Birdsong, Sr. Tampa	Member, Tampa Port Authority	November 16, 1973
Clare C. Leiby Ocala	Member, Career Service Commis- sion of Florida	December 1, 1973



GIVEN under my hand and Great Seal of the State of Florida at Tallahassee, the Capital, this third day of December, A. D., 1969.

Sincerely,
TOM ADAMS
Secretary of State

The appointment of Charles W. Birdsong, Sr., was referred to the Committee on Natural Resources and Conservation.

The appointment of Clare C. Leiby was referred to the Select Committee on Executive Suspensions.

On motion by Senator Friday, the Senate adjourned at 6:10 p.m. to reconvene at 11:00 a.m., December 4, 1969.