

SPECIAL SESSION

JOURNAL OF THE SENATE

Monday, December 8, 1969

The Senate was called to order by the President at 11:00 a.m. A quorum present—47:

Mr. President	Deeb	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
Broxson	Horne	Saunders	Wilson
Chiles	Johnson	Sayler	Young
Daniel	Karl	Scarborough	

Excused: Senator de la Parte until 1:00 p.m. Senator Henderson for the afternoon session.

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

Lord, this is the day which you have made. We do rejoice and are glad to be alive in it. It's a beautiful day, Lord. Thank you! Bless these men and women. You know what a great responsibility they have.

Open their eyes and give them a vision of our state as it can be. Open their ears that they may hear your guidance for our state. Open their minds that they may have wisdom beyond their own. Open their hearts and come to them, Lord. Stand with them in their work this day — encourage them, inspire them, help them to accomplish their tasks smoothly and quickly.

And as they work let them love and honor each other and reverence you, O God, and your children. And help us all to remember that you judge us not according to what we do, but according to our motives. May these, your servants, remember, also, that it isn't what they do, but what you, O God, do through them, that counts. May they fulfill their high calling.

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

The Senate pledged allegiance to the flag of the United States of America pursuant to Senate Rule 4.3.

The Journal of December 5, 1969 was corrected and approved.

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass: HB 33-A with 2 amendments, HJR 7-A; House Bills 32-A and 10-A.

The bills were placed on the Calendar.

The Committee on Ways and Means recommends HB 990 (1969 Regular Session) pass, the Governor's objections to the contrary notwithstanding.

The bill was placed on the Calendar.

The Committee on Transportation recommends the following pass: HCR 41-A with 1 amendment.

The Resolution was placed on the Calendar.

REPORT OF SELECT COMMITTEE
ON EXECUTIVE SUSPENSIONS

Honorable John E. Mathews, Jr.
President
The Florida Senate
Tallahassee, Florida

December 8, 1969

Dear Mr. President:

The matter of Constable Dick Mullaly was referred to the Select Committee on Executive Suspensions for the purpose of reporting to the Senate as to the effect of the letter from Governor Claude R. Kirk, Jr. to Constable Dick Mullaly dated October 8, 1969.

Pursuant to instruction of the Committee, a subcommittee consisting of Senators McClain, Haverfield and Williams was appointed. The report of the subcommittee is:

REPORT OF COMMITTEE ON EXECUTIVE SUSPENSIONS

Re: Constable Dick Mullaly
District 2, Duval County, Florida

On July 2, 1969, Mullaly was appointed Constable in District 2, Duval County, during the suspension of Niles A. Keen who remains suspended under criminal indictment.

On October 8, 1969, by letter to Mullaly, Governor Kirk terminated his commission and filed a copy of such letter with the Secretary of State.

The letter of termination does not purport to be a suspension order, nor does it state any specific grounds or facts as a basis for termination.

In view of the fact that Chapter 69-277, Section 2 (1) requires that a suspension order

“. . . shall specify facts sufficient to advise both the officer and the Senate as to the charges made or the basis of the suspension,”

the letter does not conform to the language of the Statute and cannot be treated as a suspension order. Moreover, nothing in the letter can be said to correspond to the language of the Constitution of Florida, Section 7, Article IV, *Suspension*, which requires a statement of grounds for suspension in the suspension order.

Hence, it is concluded that no suspension order has been issued in conformity with the Constitution or Statutes, and therefore the Senate has no jurisdiction to consider the case of Mullaly.

As between Mullaly and any other appointee of the Governor, if there be one, the proper forum in which to determine who properly holds the office is in the courts and is not in the Senate.

It should be noted that the Governor takes the position that an appointee who is to serve in an elective office during a suspension period serves at the pleasure of the Governor.

/s/ JOSEPH A. McCLAIN, JR.

The above report was received by the Committee and adopted as the report of the full Committee.

Respectfully submitted,
FRÉDERICK B. KARL, Chairman
ROBERT M. HAVERFIELD
WARREN S. HENDERSON
JOSEPH A. McCLAIN, JR.
KENNETH PLANTE
JERRY THOMAS
J. H. WILLIAMS

On motion by Senator Karl, the foregoing Report was adopted. By direction of the President, the Report was ordered spread upon the Senate Journal as a precedent to be followed in future like instances.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 26-A with 2 House amendments

—reports that the House amendments have been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was ordered enrolled.

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate SB 32-A was admitted for introduction and consideration on motion by Senator Stone. The vote was:

Yeas—37

Mr. President	Ducker	Lane	Stone
Bafalis	Friday	McClain	Thomas
Barron	Gong	Myers	Trask
Barrow	Haverfield	Ott	Weissenborn
Beaufort	Henderson	Plante	Williams
Bell	Hollahan	Sayler	Wilson
Bishop	Horne	Scarborough	Young
Broxson	Johnson	Shevin	
Daniel	Karl	Slade	
Deeb	Knopke	Stolzenburg	

Nays—1

Reuter

By Senators Stone, Sayler, Barrow, Bishop, Hollahan, Weissenborn, Ducker, Bell, Broxson and Shevin—

SB 32-A—A bill to be entitled An act relating to the stop and frisk law; amending chapter 69-73, Laws of Florida, to provide that any law enforcement officer may stop and frisk any person suspected of possessing certain drugs or stimulants in violation of chapter 398 or 404, Florida Statutes; 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 SM 33-A was admitted for introduction and consideration on motion by Senator Hollahan. The vote was: Yeas—46 Nays—None

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

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

SM 33-A—A Memorial to the Congress of the United States urging acceleration of the finalization of the application for American citizenship of Carlos Alvarez.

WHEREAS, Carlos Alvarez was born April 1, 1950, in Havana, Cuba, the son of Licinio and Isolina Alvarez. He has a sister, Ana, and two brothers, Arthur and Caesar, and

WHEREAS, Carlos Alvarez became a resident of the United States in 1960 at Miami, Florida, and after attending North Miami High School for four years, became a student at the University of Florida at Gainesville, which school is also attended by his two brothers, one being a senior in pre-law, the other in graduate school, and

WHEREAS, Carlos Alvarez not only has ever maintained an excellent academic record, a B plus average, and is presently a major in pre-law, he also enjoys an enviable renown in the area of athletics, being the youngest player ever named to the American Football Coaches Association All American Team, having to his credit the breaking of eight Southeastern Conference pass receiving records; of the larger All American designations, he has made four of six, and has made more All American teams than any sophomore since Doak Walker, SMU, in 1947, and

WHEREAS, Licinio Alvarez, the father of Carlos Alvarez, was engaged in the practice of law in Cuba and now has an established business in Miami, Florida, and

WHEREAS, it is the long range goal and aspiration of Carlos Alvarez to establish a law firm in Miami, Florida, to which end he is bending his academic efforts, and in furtherance of which he has a great need to obtain the status of American citizenship which he does not possess at the present time, and

WHEREAS, there are so exemplified in the work, activities, pursuits, and accomplishments of Carlos Alvarez those rare qualities of honesty, integrity, earnest effort, and exceptional sportsmanship, that his naturalization and inclusion as one of our people would prove a valuable asset to the citizenry of this country, NOW, THEREFORE,

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

THAT the Congress of the United States is urged to lend its efforts to any end which may accelerate the finalization of the application of Carlos Alvarez for American citizenship.

BE IT FURTHER RESOLVED that copies of this Memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Was read the first time in full. On motion by Senator Hollahan, the rules were waived and SM 33-A was placed on the Calendar.

On motion by Senator Hollahan, the rules were waived and SM 33-A was read the second time by title, adopted and certified to the House. The vote was: Yeas—46 Nays—None

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

MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator Askew, by two-thirds vote, SB 30-A was withdrawn from the Committee on Judiciary and placed on the Calendar.

Unanimous consent was granted Senator Weissenborn to change his vote from nay to yea on the passage of HB 20-A on December 5, 1969.

A motion by Senator Thomas was adopted that an appropriate committee be assigned to investigate the financing of Rock Festivals in the state to determine if the purpose is the promotion of the sale of narcotic drugs in the state.

The President instructed the Committee on Judiciary to carry out the mandate and purposes of the motion.

VETOED BILLS 1969 REGULAR SESSION

SB 661 (1969 Regular Session)—An act relating to state attorneys; amending Section 27.14, Florida Statutes, authorizing the Governor to order an exchange of state attorneys for good and sufficient reasons; providing that any exchange or assignment of any state attorney for a period in excess of sixty (60) days in any one calendar year must be approved by order of the Supreme Court of Florida upon application of the Governor showing good and sufficient cause to extend such exchange or assignment; amending Section 27.15, Florida Statutes, authorizing the Governor, for good and sufficient reasons, to require any state attorney to proceed to any place in the state to assist another state attorney; providing for expenses; providing an effective date.

Was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams
Secretary of State
The Capitol
Tallahassee, Florida

July 3, 1969

Dear Sir:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 661, enacted by the Legislature of 1969, and entitled:

AN ACT RELATING TO STATE ATTORNEYS; AMENDING SECTION 27.14, FLORIDA STATUTES, AUTHORIZING THE GOVERNOR TO ORDER AN EXCHANGE OF STATE ATTORNEYS FOR GOOD AND SUFFICIENT REASONS; PROVIDING THAT ANY EXCHANGE OR ASSIGNMENT OF ANY STATE ATTORNEY FOR A PERIOD IN EXCESS OF SIXTY (60) DAYS IN ANY ONE CALENDAR YEAR MUST BE APPROVED BY ORDER OF THE SUPREME COURT OF FLORIDA UPON APPLICATION OF THE GOVERNOR SHOWING GOOD AND SUFFICIENT CAUSE TO EXTEND SUCH EXCHANGE OR ASSIGNMENT; AMENDING SECTION 27.15, FLORIDA STATUTES, AUTHORIZING THE GOVERNOR, FOR GOOD AND SUFFICIENT REASONS, TO REQUIRE ANY STATE ATTORNEY TO PROCEED TO ANY PLACE IN THE STATE TO ASSIST ANOTHER STATE ATTORNEY; PROVIDING FOR EXPENSES; PROVIDING AN EFFECTIVE DATE.

The Legislature has enacted Senate Bill 661, in an effort to place unnecessary restriction on the exercise of the Governor's power to exchange state attorneys. For many reasons this bill is not satisfactory and should not become law. The primary consideration is that on the issuance of an executive order such order should be given immediate effect not subject it to considerable delay which could be detrimental to the purpose and objectives of such order.

The courts have determined that a Governor's executive order is valid if the Chief Executive is of the opinion that the ends of justice would best be served by the issuance of his order. To allow this bill to become law would be opening a "Pandora's box" in that each and every executive order requiring an exchange of state attorneys would be subject to attack on the grounds that "good and sufficient reason" was not stated. This would place the judiciary in the untenable position of substituting its own judgment for that of the Chief Executive contrary to the separation of powers doctrine.

No procedure is set forth in the bill which would make exception to the requirement of good and sufficient reason in

specific circumstances where the ends of justice may best be served by not setting forth publicly those reasons for requiring an exchange of state attorneys.

For the above reasons, I am withholding my approval from Senate Bill 661, 1969 Session of the Legislature, and do hereby veto the same.

Sincerely,
CLAUDE KIRK
Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

SB 661 (1969 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—34

Mr. President	Chiles	Horne	Shevin
Askew	Daniel	Knopke	Stone
Bafalis	Fincher	Lane	Thomas
Barrow	Friday	McClain	Trask
Beaufort	Gong	Pope	Weissenborn
Bell	Gunter	Poston	Wilson
Bishop	Haverfield	Saunders	Young
Boyd	Henderson	Sayler	
Broxson	Hollahan	Scarborough	

Nays—12

Deeb	Karl	Plante	Stolzenburg
Ducker	Myers	Reuter	Weber
Johnson	Ott	Slade	Williams

HB 990 (1969 Regular Session)—An act relating to the assessment of each county's annual minimum share of the minimum foundation program; amending section 236.07(9)(a) to provide for, and define, the three (3) mill equivalency test as the formula for assessing each county's annual minimum financial effort; repealing section 236.071, Florida Statutes, removing the formula of index of taxpaying ability as the method of assessing each county's annual minimum financial effort; providing for legislative auditor to make studies of level of assessment and to certify results; providing for a distribution of all funds appropriated for education; providing an effective date.

Was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams
Secretary of State
The Capitol
Tallahassee, Florida

June 28, 1969

Dear Sir:

Pursuant to the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections, House Bill 990, enacted by the Legislature of 1969, and entitled:

An act relating to the assessment of each county's annual minimum share of the minimum foundation program; amending section 236.07(9)(a) to provide for, and define, the three (3) mill equivalency test as the formula for assessing each county's annual minimum financial effort; repealing section 236.071, Florida Statutes, removing the formula of index of taxpaying ability as the method of assessing each county's annual minimum financial effort; providing for legislative auditor to make studies of level of assessment (sic) to certify results; providing for a distribution of all funds appropriated for education; providing an effective date.

The objectives of this bill are worthy of becoming law, however, I do not believe that the language of the bill accomplishes its intent due to the language contained in Section

4. If this bill were to become law it would require substantial expenditures to be made by the State in the 1969-70 fiscal year which have not been appropriated by the Legislature. The bill would require the Legislative Auditor to certify the present tax roles for distribution of school funds this year utilizing a new formula to calculate the amount to be distributed. The effect of the new formula would require that the State pay increased Minimum Foundation Program payments to those counties that were certified to be assessing above average, but due to Section 4, the State would also pay the counties that were assessing below average the same amount they are entitled to under current law.

Therefore, for the reasons stated above, I hereby withhold my approval from House Bill 990, Regular Session of the Legislature of 1969, and do hereby veto the same.

Respectfully,
CLAUDE KIRK
 Governor

The President put the question: "Shall the bill pass the Governor's objections to the contrary notwithstanding?"

HB 990 (1969 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—39

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

Nays—8

Barron	Bishop	Horne	Scarborough
Barrow	Deeb	Pope	Wilson

By permission, Senator de la Parte was recorded as voting yea.

SECOND READING

Unanimous consent was granted Senator Boyd to take up out of order—

HJR 7-A—A joint resolution establishing a new effective date for house bill 990, an act relating to the assessment of each county's minimum share of the minimum foundation program, which bill was passed by both houses of the legislature during the 1969 session and thereafter vetoed by the governor.

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

Pursuant to Article III, Section 9 of the Florida constitution, house bill 990 of the 1969 legislative session shall become effective on July 1, 1970, the veto of the governor notwithstanding, provided, however, that the auditor general is authorized to commence ratio studies at an earlier date if funds are available and, provided that the results of such ratio studies, if certified by the auditor general to the state department of education shall be used for the distribution of school funds commencing on July 1, 1970.

—which was read the second time by title. On motion by Senator Boyd, the rules were waived and HJR 7-A was read the third time in full, passed and certified to the House. The vote was:

Yeas—44

Mr. President	Boyd	de la Parte	Gunter
Bafalis	Broxson	Ducker	Haverfield
Barrow	Chiles	Fincher	Henderson
Beaufort	Daniel	Friday	Hollahan
Bell	Deeb	Gong	Horne

Johnson	Ott	Sayler	Thomas
Karl	Plante	Scarborough	Trask
Knopke	Pope	Shevin	Weissenborn
Lane	Poston	Slade	Williams
McClain	Reuter	Stolzenburg	Wilson
Myers	Saunders	Stone	Young

Nays—1

Bishop

By permission, Senator Askew was recorded as voting yea.

Unanimous consent was granted Senator Boyd to take up out of order—

HB 32-A—A bill to be entitled An act relating to transfer of appropriated funds, providing for transfer by the administration commission of appropriated funds from the department of revenue and the auditor general to the auditor general to carry out the purposes of House Bill 990 (1969 regular session) and House Joint Resolution 7-A (1969 special session).

—which was read the second time by title.

On motion by Senator Boyd, the rules were waived and HB 32-A was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

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

Nays—5

Bishop	Pope	Scarborough	Wilson
Deeb			

Consideration of SB 10-A was deferred, the bill retaining its place on the Calendar.

On motion by Senator Thomas, 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 8, 1969
President of the Senate

Sir:

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

By Representative 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.

which amendment reads as follows:

In line 11, page 1, strike: lines 11 through lines 31 and lines 1 through line 7 page 2 and insert the following:

Section 1. Section 100.061, Florida Statutes, is amended to read:

100.061 First primary election.—A first primary election shall be held on the [first] *third* Tuesday after the first Monday in May of each year in which a general election is held for nomination of candidates of political parties. Each candidate receiving a majority of the votes cast in each contest in the first primary election shall be declared nominated for such office. A

second primary election shall be held as provided by section 100.091, Florida Statutes, in all contests where a candidate does not receive a majority.

Section 2. Subsection (1) of section 100.091, Florida Statutes, is amended to read:

100.091 Second primary election.—

(1) A second primary election shall be held on the [fourth] *third* Tuesday after the first [Monday in May of] *primary election in each year in which a general election is held for the nomination of candidates of political parties where nominations are not made in the first primary election.*

Section 3. This act shall take effect upon becoming a law.

—and requests the Senate to recede therefrom.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Thomas, the Senate receded from the Senate amendment to HB 1738. The vote was:

Yeas—28

Mr. President	Deeb	Karl	Reuter
Askew	de la Parte	Knopke	Sayler
Barron	Ducker	Lane	Scarborough
Beaufort	Friday	Myers	Thomas
Bell	Gong	Ott	Weber
Boyd	Gunter	Pope	Williams
Broxson	Hollahan	Poston	Wilson

Nays—18

Bafalis	Haverfield	Plante	Stone
Barrow	Henderson	Saunders	Trask
Bishop	Horne	Shevin	Young
Daniel	Johnson	Slade	
Fincher	McClain	Stolzenburg	

Senator Scarborough offered and moved the following amendment:

Line 5, page 2, add new Section and renumber remaining sections.

This act shall expire 10 days after the convening of the regular session of 1971.

On substitute motion by Senator Thomas, consideration of HB 1738 with pending amendment was temporarily deferred.

The Honorable John E. Mathews, Jr. December 8, 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 and passed—

By Representative Harris—

HB 46-A—A bill to be entitled An act amending Subsection (2) of Section 689.075, Florida Statutes, to provide that said subsection shall not apply to accounts, deposits, savings certificates and other arrangements at a bank or savings and loan association, by one or more persons, in trust for one or more persons, which arrangement is, by its terms, revocable by the person making the same, until his death or incompetency; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

By the required Constitutional two-thirds vote of the Senate HB 46-A, contained in the above message, was admitted for introduction and consideration on motion by Senator Horne.

The vote was: Yeas—43 Nays—None

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

HB 46-A was read the first time by title and referred to the Committee on Commerce and Licensed Businesses.

On motion by Senator Friday, it was agreed that when the Senate recesses it recess to reconvene at 3:30 p.m. this day.

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

INTRODUCTION

By the required Constitutional two-thirds vote of the Senate SB 34-A was admitted for introduction and consideration on motion by Senator Karl. The vote was: Yeas—44 Nays—None

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

By Senators Karl and Daniel—

SB 34-A—A bill to be entitled AN ACT amending section 40.38, Florida Statutes, to include the county judges' courts in counties with a population in excess of 120,000 which also have a jury commission; providing an effective date.

Was read the first time by title. On motion by Senator Karl, the rules were waived and SB 34-A was placed on the Calendar.

Unanimous consent was granted Senator Karl to take up SB 34-A out of order. On motions by Senator Karl, the rules were waived and SB 34-A was read the second time by title and consideration thereof was temporarily deferred, the bill retaining its place on the Calendar.

On motion by Senator Friday, the Senate recessed at 1:42 p.m. to reconvene at 3:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 3:30 p.m. A quorum present—47:

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

SECOND READING

SB 24-A was taken up and on motion by Senator Scarborough—

HB 33-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.

—a companion measure was substituted therefor and read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Scarborough:

In Section 1, line 21, page 1, strike: all of section 1 after the words "not to exceed" and insert the following: seven and one-half percent (7½%) per annum.

The Committee on Ways and Means also offered the following amendment which was adopted on motion by Senator Chiles:

In title, lines 10 and 11, page 1, strike: "seven percent (7%)" and insert the following: seven and one-half percent (7½%) per annum

Senator Chiles offered the following amendment which was adopted:

In Section 2, line 30, page 1, strike: "(.)" and insert the following: provided that nothing contained herein shall affect or apply to any act authorizing bonds or other obligations having a higher interest rate limitation or no interest rate limitation.

On motion by Senator Scarborough, the rules were waived and HB 33-A as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	Chiles	Hollahan	Saunders
Askew	Deeb	Johnson	Sayler
Bafalis	de la Parte	Karl	Scarborough
Barrow	Ducker	Knopke	Slade
Beaufort	Fincher	McClain	Stone
Bell	Friday	Ott	Trask
Bishop	Gong	Plante	Weber
Boyd	Gunter	Poston	Williams
Broxson	Haverfield	Reuter	

Nays—6

Lane	Stolzenburg	Wilson	Young
Pope	Thomas		

By permission, Senator Myers was recorded as voting yea.

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

UNFINISHED BUSINESS

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.

Was taken up. Senator Scarborough withdrew the pending amendment.

HB 1738 was read by title, passed and certified to the House. The vote was:

Yeas—25

Askew	Gong	Ott	Weber
Barron	Gunter	Pope	Weissenborn
Beaufort	Hollahan	Poston	Williams
Bell	Horne	Reuter	Wilson
Broxson	Karl	Sayler	
Deeb	Knopke	Scarborough	
Ducker	Myers	Thomas	

Nays—19

Mr. President	Daniel	McClain	Stolzenburg
Bafalis	Fincher	Plante	Stone
Bishop	Friday	Saunders	Trask
Boyd	Haverfield	Shevin	Young
Chiles	Johnson	Slade	

By permission, Senators de la Parte and Barrow were recorded as voting nay.

On motion by Senator Slade, the House was requested to return HB 230.

SB 34-A—A bill to be entitled An act amending section 40.38, Florida Statutes, to include the county judges' courts in counties with a population in excess of 120,000 which also have a jury commission; providing an effective date.

Was taken up, having been read the second time by title, temporarily deferred and retained on second reading.

On motion by Senator Karl, the rules were waived and SB 34-A was read the third time by title, passed and certified to the House. The vote was: Yeas—39 Nays—None

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

By permission, Senators Weissenborn and Barrow were recorded as voting yea.

Senator Stone moved that SB 32-A be withdrawn from the Committee on Judiciary and placed on the Calendar.

On substitute motion by Senator Friday, the Senate adjourned at 4:14 p.m. to reconvene at 11:00 a.m., December 9, 1969.