

SPECIAL SESSION

JOURNAL OF THE SENATE

Tuesday, December 9, 1969

The Senate was called to order by the President at 11:00 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	Sayler	Young

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

Good morning, Lord. Thank you for this day.

This session is about to come to an end, and you know what important work is yet to be done. These men and women need your help. Let them know that you are right here, that you care about them, that you want to help them, and will help them. May they not push you out of their thoughts this day.

O God, we know that it is through men and women like these that the people of our state are protected in their rights, that our young people are encouraged in the good life, that all our citizens are given the services that enable them to live with dignity. Therefore, God, accomplish through these what you desire this day.

As this session closes we realize that some of these present are aspiring for higher office. Guide them in their endeavors, help them to listen for and receive your guidance as they go to the people. Whatever the results of their endeavors, help them, help us all, to remember that you are able to work all things together for good to those who love you.

Let each person in this room have a joyous, blessed, Christmas and a new year of good health and high accomplishment in your eyes. May each one here be a light in this world of darkness. In the strong name of Jesus Christ, I pray. Amen.

The Journal of December 8 was corrected and approved as follows:

Page 48, column 1, strike lines 17 through 19 and insert the following: Statutes, changing the dates of the first and second primaries; providing an effective date.

REPORTS OF COMMITTEES

The Committee on Commerce and Licensed Businesses recommends the following pass: HB 46-A

The bill was placed on the Calendar.

The Committee on Transportation recommends the following not pass: Senate Bills 4-A, 5-A, 6-A, 7-A, 19-A, 20-A, 21-A and 22-A.

The bills were laid on the table.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred SB 26-A--

—reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on December 9, 1969.

EDWIN G. FRASER  
Secretary of the Senate

INTRODUCTION

By Senator Shevin—

A bill to be entitled AN ACT relating to provision supplemental to criminal procedure law; amending chapter 932, Florida Statutes, by adding section 932.61; providing for the issuance of subpoenas and subpoenas duces tecum, prior to the filing of action by the Attorney General to suppress criminally operated businesses; providing procedure for issuance of such subpoenas and subpoenas duces tecum; providing penalty; providing an effective date.

—failed to receive the required Constitutional two-thirds vote of the Senate for introduction and consideration. The vote was:

Yeas—12

Askew	Chiles	Poston	Slade
Bafalis	Fincher	Sayler	Stone
Bell	Haverfield	Shevin	Williams

Nays—32

Mr. President	Ducker	Knopke	Saunders
Barron	Friday	Lane	Scarborough
Barrow	Gunter	McClain	Stolzenburg
Beaufort	Henderson	Myers	Trask
Broxson	Hollahan	Ott	Weber
Daniel	Horne	Plante	Weissenborn
Deeb	Johnson	Pope	Wilson
de la Parte	Karl	Reuter	Young

A motion by Senator McClain that the House be requested to return HB 1738 failed. The vote was:

Yeas—22

Bafalis	Henderson	Saunders	Thomas
Chiles	Hollahan	Scarborough	Trask
Daniel	Johnson	Shevin	Weissenborn
Fincher	McClain	Slade	Young
Friday	Plante	Stolzenburg	
Haverfield	Pope	Stone	

Nays—24

Mr. President	Bishop	Horne	Poston
Askew	Broxson	Karl	Reuter
Barron	Deeb	Knopke	Sayler
Barrow	de la Parte	Lane	Weber
Beaufort	Ducker	Myers	Williams
Bell	Gunter	Ott	Wilson

A motion by Senator Karl was adopted that the President appoint the co-chairman of the Joint Legislative Management Committee and the chairman of the Committee on Rules and Calendar to inquire into allegations made in an article in the December 9th Orlando Sentinel entitled "House Hits Senators on Aides' Expenses" in which it was stated that Senators came under attack from House members for raising the cost of the special session by bringing their aides and secretaries to Tallahassee and quoted a member of the House as stating

"House Members were trying to be economical but the Senate was not", which if true the Senate should adopt corrective measures and if not true the statements should be retracted.

The President requested the co-chairman of the Joint Legislative Management Committee and the Chairman of the Committee on Rules and Calendar to inquire into the matter.

On motion by Senator Barrow, the Senate reconsidered the vote by which the motion made by Senator McClain that the House be requested to return HB 1738 failed. The vote was:

## Yeas—22

Bafalis	Haverfield	Pope	Stone
Barrow	Henderson	Saunders	Trask
Chiles	Hollahan	Scarborough	Weissenborn
Daniel	Johnson	Shevin	Young
Fincher	McClain	Slade	
Friday	Plante	Stolzenburg	

## Nays—21

Mr. President	Broxson	Knopke	Weber
Askew	Deeb	Lane	Williams
Barron	de la Parte	Myers	Wilson
Beaufort	Ducker	Ott	
Bell	Gunter	Poston	
Bishop	Karl	Sayler	

The question recurred on the motion by Senator McClain. The motion failed and the vote was:

## Yeas—22

Bafalis	Haverfield	Pope	Stone
Barrow	Henderson	Saunders	Trask
Chiles	Hollahan	Scarborough	Weissenborn
Daniel	Johnson	Shevin	Young
Fincher	McClain	Slade	
Friday	Plante	Stolzenburg	

## Nays—23

Mr. President	Broxson	Knopke	Sayler
Askew	Deeb	Lane	Thomas
Barron	de la Parte	Myers	Weber
Beaufort	Ducker	Ott	Williams
Bell	Gunter	Poston	Wilson
Bishop	Karl	Reuter	

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.* December 9, 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 adopted SM 33-A.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

*The Honorable John E. Mathews, Jr.* December 9, 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 SB 34-A.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

The bills, contained in the above messages, were ordered enrolled.

*The Honorable John E. Mathews, Jr.*  
*President of the Senate*

December 8, 1969

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 Sackett—

HB 51-A—A bill to be entitled An act relating to state hospitals; authorizing the secretary of the department of health and rehabilitative services to assign new patients and to transfer patients within the department to state tuberculosis hospitals; authorizing the secretary to expend funds appropriated to the department for all types of patients in tuberculosis hospitals; 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 51-A, contained in the above message, was admitted for introduction and consideration on motion by Senator de la Parte. The vote was: Yeas—40 Nays—None

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

HB 51-A was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator de la Parte, by two-thirds vote, HB 51-A was withdrawn from the Committee on Health, Welfare and Institutions and placed on the Calendar.

By permission, Senator Thomas withdrew SB 10-A from further consideration of the Senate.

*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 Representatives Nichols and Crider—

HB 34-A—A bill to be entitled An act relating to drug abuse; amending section 404.02, Florida Statutes; prohibiting the actual or constructive possession or control of hallucinogenic drugs except as provided in section 404.04, Florida Statutes, relating to pharmacists, hospitals, etc.; 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 34-A, contained in the above message, was admitted for introduction and consideration on motion by Senator Scarborough. The vote was:

## Yeas—38

Mr. President	Beaufort	Chiles	Fincher
Bafalis	Bell	Daniel	Friday
Barron	Bishop	de la Parte	Gunter
Barrow	Broxson	Ducker	Haverfield

Hollahan	Myers	Scarborough	Weissenborn
Johnson	Ott	Shevin	Williams
Karl	Plante	Slade	Wilson
Knopke	Poston	Stone	Young
Lane	Saunders	Thomas	
McClain	Sayler	Weber	

Nays—1

Stolzenburg

HB 34-A was read the first time by title and referred to the Committee on Judiciary.

*The Honorable John E. Mathews, Jr.* December 9, 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 the Committee on State Institutions—

**HB 55-A**—A bill to be entitled An act relating to Dorr Field; repealing section 393.014, Florida Statutes; authorizing the secretary of the department of health and rehabilitative services to establish a correctional institution at Dorr Field; 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 55-A, contained in the above message, was admitted for introduction and consideration on motion by Senator de la Parte. The vote was:

Yeas—36

Mr. President	de la Parte	Knopke	Scarborough
Bafalis	Fincher	Lane	Shevin
Barron	Friday	McClain	Stone
Barrow	Gong	Myers	Thomas
Beaufort	Gunter	Ott	Weber
Bell	Haverfield	Plante	Weissenborn
Boyd	Hollahan	Poston	Williams
Broxson	Johnson	Saunders	Wilson
Chiles	Karl	Sayler	Young

Nays—3

Daniel Ducker Stolzenburg

HB 55-A was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

On motion by Senator de la Parte, by two-thirds vote, HB 55-A was withdrawn from the Committee on Health, Welfare and Institutions and placed on the Calendar.

*The Honorable John E. Mathews, Jr.* December 9, 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 with amendment—

By Senator Chiles—

**SB 31-A**—A bill to be entitled An act making appropriations; providing moneys for special sessions of the legislature; providing for the allocation of said appropriations; providing an effective date.

—which amendment reads as follows:

On page 1, line 11, strike: everything after the enacting clause and insert the following: Section 1. There is hereby

appropriated from the general revenue fund sufficient amounts of moneys to cover the actual costs of special and extraordinary sessions during the fiscal year of 1969-1970 which shall be released by the Administration Commission as needed.

Section 2. This act shall take effect December 1, 1969.

—and requests the concurrence of the Senate therein.

Respectfully,  
**ALLEN MORRIS**  
Clerk, House of Representatives

On motion by Senator Chiles, the Senate concurred in the House amendment to SB 31-A.

SB 31-A was ordered engrossed and the action of the Senate was certified to the House.

*The Honorable John E. Mathews, Jr.* December 9, 1969  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members of the House of Representatives present on December 9, 1969, the Governor's objections to the contrary notwithstanding—

SB 661 (1969 Regular Session)

Respectfully,  
**ALLEN MORRIS**  
Clerk, House of Representatives

The bill contained in the above message was transmitted to the Secretary of State.

## SECOND READING

**HCR 41-A**—A House Concurrent Resolution creating a select joint committee to study public transportation systems of the state, and to report its findings and recommendations to the 1970 session of the Legislature.

WHEREAS the Transportation Committee of the House of Representatives, recognizing the need for a well planned and efficient transportation system in the State of Florida, on September 4, 1969, began an intensive study of the operation of the Department of Transportation and the Department's suggested plan for Florida's Principal Highway and Street Systems, 1969-1985, and

WHEREAS the aforesaid Committee was in the midst of its investigation when it was interrupted by the call of the Special Session of the Legislature; consequently, the said study has not been completed, and

WHEREAS this uncompleted investigation has revealed:

1. Numerous unsound administrative and operational practices;
2. That the fiscal and budgeting procedures of the Department of Transportation have been severely criticized by the Auditor General and the Department's own consultants as being unsatisfactory and not consistent with good or accepted accounting procedures;
3. That it appears the long range planning of the Department of Transportation is and has been woefully inadequate to meet the current and future needs of transportation in Florida;
4. That the local governmental agencies, which are primarily affected, have not been afforded adequate opportunity for participation in the long range planning of the Department of Transportation;
5. That the Bureau of Public Roads of the United States Department of Transportation has announced a program to functionally reclassify all roads on the federal systems in 1970, which will change the primary-secondary status of many Florida roads, and undertake a twenty year planning cycle, and the Legislature feels that this federal program and the federal

matching funds contained therein must be incorporated in any long range plan of the Florida State Department of Transportation;

6. That the Department of Transportation officials in testimony before the said Transportation Committee stated that the Department of Transportation does not have the capacity or ability to spend additional tax funds even if the monies were available at this time, and

7. That on June 30, 1969, while the Department of Transportation had outstanding construction contracts of only \$116,908,000, it had on hand and immediately available for new construction, funds, which together with anticipated income for the year would pay for more than twice that amount, and

WHEREAS the Legislature finds that no new taxes should be imposed to produce additional revenue for the Department of Transportation until it is clearly established that the cause of an inadequate highway system is lack of funds rather than mismanagement and inefficient operation of the Department of Transportation, and

WHEREAS members of the Senate Transportation Committee have been sitting with and assisting the House Transportation Committee in its investigation, and the Legislature finding that the study should be expanded into a joint House-Senate inquiry and the investigation continued to its conclusion in order to provide a basis for a careful and complete evaluation of the transportation system of Florida and its attendant problems; NOW, THEREFORE

*Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:*

Section 1. There is hereby created a select committee to be appointed by the Speaker of the House of Representatives and the President of the Senate from the membership of the Transportation Committees of the respective Houses. The committee shall meet as soon as practicable and organize in such a manner as shall be consistent with the prompt dispatch of the business of the committee.

Section 2. The committee is authorized to assemble such data as it deems necessary; to administer oaths or affirmations; to issue subpoenas to compel the attendance of witnesses and the production of records and documents as is provided in Chapter 11 of the Florida Statutes; to hold public hearings; to employ counsel, experts or other persons necessary to carry out its duties; to take such other proper and necessary action to carry out its purposes and objectives and shall have all other authority, power and duties prescribed by Chapter 11, Florida Statutes. The various departments of the state, including particularly the Department of Transportation and the several counties, cities and other governmental authorities shall upon request render all possible aid and assistance and shall make available any and all records, equipment and facilities reasonably required by the committee.

Section 3. It shall be the duty of the committee to study thoroughly the needs, cost and administration of all existing and proposed public transportation systems including public roads, bridges and highways including primary and secondary highways, county roads, city streets, mass transit, rapid transit and all other transportation facilities; state, county and city needs and desires; federal requirements and participation; state, county and city contributions and other related problems. The committee shall lay particular stress on financing—local, state and federal, administration, contract awards, planning, both long and short range, and such other problems in connection with roads, bridges, and highways as may become apparent during the course of the study.

Section 4. It shall be the duty and major objective of the committee to present to the 1970 regular session of the Legislature a complete report of the results of the study, and its recommendations.

Was taken up and read the second time in full.

The Committee on Transportation offered the following amendment which was adopted on motion by Senator Pope:

Strike: all after title through the WHEREAS clauses on page 3, line 25, strike the period and add: , (8) members of House and (8) members of Senate.

On motion by Senator Pope, HCR 41-A, as amended, was adopted and certified to the House. The vote was:

Yeas—39

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

Nays—4

Gunter	Plante	Reuter	Sayler
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#### EXPLANATIONS OF VOTE

Although I voted "no", I am in general agreement with most points and the objectives of this House Concurrent Resolution. I strongly feel that we should have accomplished this vital task sooner.

Henry Sayler, 21st District

My vote for HCR 41-A is not a substitute for a road program in Florida but, in fact, is cast in the affirmative because of the continuing need of an in depth study of the needs of municipalities and counties in their efforts to finance roads and streets and the continuing need of internal reorganization of the several departments of Florida, including the Department of Transportation.

C. Welborn Daniel, 15th District

SB 12-A was taken up, together with:

By the Committee on Transportation—

**CS for SB 12-A**—A bill to be entitled An act relating to the department of transportation; creating a state transportation board to be appointed by the Governor and providing an effective date.

—which was read the first time by title and SB 12-A was laid on the table.

On motion by Senator Thomas, the rules were waived and CS for SB 12-A was read the second time by title.

A motion by Senator Sayler failed that CS for SB 12-A be referred to an appropriate committee.

The President Pro Tempore presiding.

Senators Slade and Shevin offered the following amendment which was moved by Senator Slade:

In Section 2, line 13, page 1, strike: "six members, one from each road district as they existed January 1, 1969" and insert the following: 12 members, one from each Congressional District

Senator Daniel offered the following amendment to the amendment which failed:

Strike: "12 members, one" and insert One member

The question recurred on the amendment and the amendment failed.

Senator Sayler offered the following amendment which failed:

Lines 15-16, page 2, strike: "upon becoming law" and insert the following: July 1, 1970

Senator Thomas moved that the rules be waived and CS for SB 12-A be read the third time by title. The vote was:

Yeas—33

Askew	Daniel	Knopke	Stone
Barron	de la Parte	Lane	Thomas
Barrow	Fincher	McClain	Trask
Beaufort	Friday	Ott	Weber
Bell	Gong	Plante	Williams
Bishop	Gunter	Pope	Wilson
Boyd	Haverfield	Poston	
Broxson	Horne	Saunders	
Chiles	Karl	Scarborough	

Nays—13

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

CS for SB 12-A was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Askew	Daniel	Knopke	Scarborough
Barron	de la Parte	Lane	Stone
Barrow	Fincher	McClain	Thomas
Beaufort	Friday	Mathews	Trask
Bell	Gunter	Ott	Weber
Bishop	Haverfield	Plante	Williams
Boyd	Horne	Pope	Wilson
Broxson	Johnson	Poston	
Chiles	Karl	Saunders	

Nays—13

Bafalis	Hollahan	Shevin	Young
Deeb	Myers	Slade	
Ducker	Reuter	Stolzenburg	
Gong	Sayler	Weissenborn	

Senator Horne reported that the Committee appointed to inquire into allegations by a member of the House of Representatives, as reported in an article in the December 9th Orlando Sentinel, charging extravagance on the part of the Senate during this special session had inquired into the matter and found the charges and allegations inaccurate.

The President presiding.

SB 30-A—A bill to be entitled An act relating to public officers; requiring the filing of annual statements of any contributions received and expenditures made from such contributions; providing penalties; providing an effective date.

Was taken up and read the second time by title.

Senators Askew, Wilson, Sayler and McClain offered the following amendment which was moved by Senator Askew:

Line 13, page 1, strike: everything after the enacting clause and insert:

Section 1. Definitions.—

When used in this act "elected public officer" means an individual holding an elective national, state, county or municipal office.

The word "person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

The word "contribution" as used in this act shall mean any gift, donation or payment of money, the value of which is in excess of twenty-five (\$25.00), to any elected public officer or to any other person on his behalf. Any payment in excess of twenty-five dollars (\$25.00) to a dinner, barbecue, fish fry or other such event shall likewise be deemed a contribution. Except that a bona fide gift to the office holder by a relative within the third degree of consanguinity for the personal use of the office holder shall not be deemed a contribution.

Section 2. Each elected public officer shall file an annual statement containing a list of all contributions received by him

or on his behalf and expenditures from or disposition made of such contributions by such officer with the names and addresses of such person making such contributions or receiving payment or distribution from such contributions and the dates thereof. The statement shall be sworn to by the elected public officer as being a true, accurate, and total listing of all of said contributions and expenditures.

Section 3. The statement shall be filed prior to February 15 of each year for the previous calendar year with the department of state for an elected public officer of a state or national office, the clerk of the circuit court for an elected public officer of a county office, and the city clerk of the municipality for an elected public officer for a municipal office.

A statement shall be filed for each calendar year during which an elected public officer holds office regardless of whether he is holding office at the time said statement is required to be filed.

Section 4. Civil Remedy.—Any person who voted in the election at which the elected public officer was last elected may bring a civil action to enforce the provisions of this act. As a condition precedent such person shall first give thirty (30) days notice to such officer of his intention to file such suit and unless such officer shall comply with the provisions of this act within such thirty (30) day period then a cause of action shall be deemed to have accrued. The court costs, expenses, and reasonable attorney fees of any person having reasonable cause to bring such civil action shall be allowed as costs against the elected public officer.

Section 5. If any elected public officer knowingly or willfully fails to comply with this act, he shall be deemed guilty of a misdemeanor in office and shall be punished by fine not exceeding two thousand five hundred dollars (\$2,500.00).

Failure of any public officer to comply with this act shall be grounds for removal from office or to impeachment or to expulsion from the senate or house of representatives, as the case may be.

Section 6. Construction.—This act shall be liberally construed so as to require full financial disclosure of all receipts and expenditures by elected public officers of contributions received by them during their term of office. This act shall be cumulative to Part III of Chapter 112, Florida Statutes. If any portion of this act shall be held illegal or unconstitutional by any court the balance of the act shall remain in full force and effect.

Section 7. This act shall take effect January 1, 1970.

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

In Section 4, strike: "The court costs, expenses, and reasonable attorney fees of any person having reasonable cause to bring such civil action shall be allowed as costs against the elected public officer" and insert the following: The court costs, expenses, and reasonable attorney fees of any person who prevails in any such civil suit shall be assessed against the elected public officer.

The question recurred on the amendment as amended which was adopted.

Senators Askew, Wilson, Sayler and McClain offered the following amendment which was adopted on motion by Senator Askew:

In title, line 3, page 1, strike: after the words "relating to" "public officers;" and insert: elected public officers; giving definitions;

Senator Daniel offered the following amendment which failed:

Strike: "elected public officer" and insert the following: losing party

On motion by Senator Askew, the rules were waived and SB 30-A as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—45 Nays—None

Mr. President	Barron	Bell	Chiles
Askew	Barrow	Bishop	Daniel
Bafalis	Beaufort	Boyd	Deeb

de la Parte	Johnson	Poston	Trask
Ducker	Karl	Reuter	Weber
Fincher	Knopke	Saylor	Weissenborn
Friday	Lane	Scarborough	Williams
Gong	McClain	Shevin	Wilson
Gunter	Myers	Slade	Young
Haverfield	Ott	Stolzenburg	
Henderson	Plante	Stone	
Hollahan	Pope	Thomas	

Ducker	Johnson	Shevin	Weissenborn
Fincher	Lane	Slade	Williams
Friday	McClain	Stolzenburg	Wilson
Gong	Myers	Stone	
Hollahan	Ott	Trask	

By permission, Senators Horne, Saunders and Broxson were recorded as voting yea.

On motion by Senator Friday, the Senate recessed at 1:10 p.m. to reconvene at 2:45 p.m.

**HB 55-A**—A bill to be entitled An act relating to Dorr Field; repealing section 393.014, Florida Statutes; authorizing the secretary of the department of health and rehabilitative services to establish a correctional institution at Dorr Field; providing an effective date.

Was taken up. On motions by Senator de la Parte, the rules were waived and HB 55-A was read the second time by title, the third time by title, passed and certified to the House. The vote was:

Yeas—28

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:45 p.m. A quorum present—39:

Mr. President	Fincher	McClain	Shevin
Askew	Friday	Myers	Stolzenburg
Bafalis	Gunter	Ott	Stone
Bell	Haverfield	Plante	Trask
Bishop	Hollahan	Pope	Weissenborn
Broxson	Johnson	Saylor	Williams
de la Parte	Lane	Scarborough	Wilson

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

Nays—1

Boyd

**HB 34-A**—A bill to be entitled An act relating to drug abuse; amending section 404.02, Florida Statutes; prohibiting the actual or constructive possession or control of hallucinogenic drugs except as provided in section 404.04, Florida Statutes, relating to pharmacists, hospitals, etc.; providing an effective date.

Excused to attend a meeting of the Committee on Commerce and Licensed Businesses: Senators Barrow, Karl, Beaufort, Henderson, Horne, Poston, Saunders, Thomas and Weber.

On motion by Senator Scarborough, by two-thirds vote, HB 34-A was withdrawn from the Committee on Judiciary and placed on the Calendar.

Was taken up. On motions by Senator Scarborough, the rules were waived and HB 34-A was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—31 Nays—None

The Senate resumed consideration of bills on second reading.

**HB 10-A**—A bill to be entitled An act authorizing the transfer of surplus appropriation within the Department of Health and Rehabilitative Services programs for the fiscal year 1969-70; providing an effective date.

Mr. President	Gong	Myers	Slade
Askew	Gunter	Ott	Stolzenburg
Bafalis	Haverfield	Plante	Stone
Bell	Hollahan	Pope	Trask
Bishop	Johnson	Reuter	Weissenborn
Boyd	Knopke	Saylor	Williams
Broxson	Lane	Scarborough	Wilson
Ducker	McClain	Shevin	

Was taken up and read the second time by title. On motion by Senator Myers, the rules were waived and HB 10-A was read the third time by title, passed and certified to the House. The vote was:

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

Yeas—26

**REPORTS OF COMMITTEES ON EXECUTIVE APPOINTMENTS**

Mr. President	Gunter	Ott	Stone
Askew	Haverfield	Plante	Trask
Bell	Hollahan	Reuter	Weissenborn
Broxson	Johnson	Scarborough	Williams
Ducker	Knopke	Shevin	Wilson
Fincher	McClain	Slade	
Gong	Myers	Stolzenburg	

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

Dear Mr. President:

Your Standing Committee on Health, Welfare and Institutions to whom you referred for inquiry and recommendation the following appointments for confirmation by the Senate:

Nays—3

Barron	Bishop	Boyd
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NAME	OFFICE	TERM ENDING
W. G. Talley, Jr. Leesburg	Member, Northwest Lake County Hospital District	October 12, 1970
Walter Manly Leesburg	Member, Northwest Lake County Hospital District	October 9, 1972
J. Ashton Gray Leesburg	Member, Northwest Lake County Hospital District	October 9, 1972

**HB 51-A**—A bill to be entitled An act relating to state hospitals; authorizing the secretary of the department of health and rehabilitative services to assign new patients and to transfer patients within the department to state tuberculosis hospitals; authorizing the secretary to expend funds appropriated to the department for all types of patients in tuberculosis hospitals; providing an effective date.

Was taken up. On motions by Senator Lane, the rules were waived and HB 51-A was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—26 Nays—None

Mr. President	Bafalis	Bishop	Chiles
Askew	Bell	Boyd	de la Parte

NAME	OFFICE	FOR TERM ENDING
N. A. Lockett Leesburg	Member, Northwest Lake County Hospital District	October 9, 1971
William C. Gregg, Jr. Leesburg	Member, Northwest Lake County Hospital District	October 9, 1971
R. Parks Williams Leesburg	Member, Northwest Lake County Hospital District	October 9, 1970
C. A. Deems Leesburg	Member, Northwest Lake County Hospital District	October 9, 1972
John L. Fahs Leesburg	Member, Northwest Lake County Hospital District	October 9, 1971
Byron E. Herlong Leesburg	Member, Northwest Lake County Hospital District	October 9, 1970

NAME	OFFICE	FOR TERM ENDING
O. W. Hartsfield Tallahassee	Member, Council for Nursing Home Administrators	November 2, 1973
Walter M. Johnson, Jr. Eustis	Member, Council for Nursing Home Administrators	October 28, 1973
C. Donald Miller, Sr. Bradenton	Member, Council for Nursing Home Administrators	November 2, 1973
Charles W. Pruitt, Jr. Jacksonville	Member, Council for Nursing Home Administrators	October 29, 1973
Mary R. Tracy St. Petersburg	Member, Council for Nursing Home Administrators	October 29, 1973
Ralph A. Marrinson Deerfield Beach	Member, Council for Nursing Home Administrators	November 2, 1973
Carl Nelson Reilly Punta Gorda	Member, Council for Nursing Home Administrators	December 2, 1973

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

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

Respectfully submitted,  
COMMITTEE ON HEALTH, WELFARE  
AND INSTITUTIONS

Respectfully submitted,  
COMMITTEE ON HEALTH, WELFARE  
AND INSTITUTIONS

By: LOUIS DE LA PARTE, JR.,  
Chairman  
REUBIN ASKEW, Vice Chairman  
JOHN BROXSON  
RICHARD DEEB  
ROBERT HAVERFIELD

BETH JOHNSON  
DAVID C. LANE  
KENNETH MYERS  
RALPH POSTON  
DAN SCARBOROUGH

By: LOUIS DE LA PARTE, JR.,  
Chairman  
REUBIN ASKEW,  
Vice Chairman  
RICHARD DEEB  
BETH JOHNSON  
KENNETH MYERS

CLIFF REUTER  
JOHN BROXSON  
ROBERT HAVERFIELD  
DAVID C. LANE  
RALPH POSTON  
DAN SCARBOROUGH

On motions by Senator de la Parte, the rules were waived, the Report of the Committee was adopted and the Senate in open Session advised and consented to the aforesaid appointments made by the Governor, as contained and set forth in the foregoing Report. The vote was: Yeas—36 Nays—None

On motions by Senator de la Parte, the rules were waived, the Report of the Committee was adopted and the Senate in open Session advised and consented to the aforesaid appointments made by the Governor, as contained and set forth in the foregoing Report. The vote was: Yeas—33 Nays—None

Mr. President	Daniel	Hollahan	Reuter
Askew	de la Parte	Johnson	Scarborough
Bafalis	Ducker	Knopke	Shevin
Barron	Fincher	Lane	Slade
Bell	Friday	McClain	Stone
Bishop	Gong	Myers	Trask
Boyd	Gunter	Ott	Weissenborn
Broxson	Haverfield	Plante	Williams
Chiles	Henderson	Pope	Wilson

Mr. President	de la Parte	Knopke	Slade
Askew	Ducker	McClain	Stone
Bafalis	Fincher	Myers	Trask
Barron	Friday	Ott	Weissenborn
Bell	Gong	Plante	Williams
Bishop	Gunter	Pope	Wilson
Boyd	Haverfield	Reuter	
Broxson	Hollahan	Scarborough	
Daniel	Johnson	Shevin	

Senator John E. Mathews  
President, The Florida Senate  
The Capitol  
Tallahassee, Florida

December 3, 1969

Senator John E. Mathews  
President, The Florida Senate  
The Capitol

December 8, 1969

Dear Mr. President:

Dear Mr. President:

Your Standing Committee on Health, Welfare and Institutions to whom was referred for inquiry and recommendation the following appointments for confirmation by the Senate:

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

NAME	OFFICE	TERM ENDING
Paul P. Halenda Boynton Beach	Member, Council for Nursing Home Administrators	November 11, 1973
William R. Stinger Coral Gables	Member, Council for Nursing Home Administrators	November 4, 1973

NAME	OFFICE	FOR TERM ENDING
Ted J. Ward Avon Park	Member, Board of Trustees, South Florida Junior College	May 31, 1973
Herman Glienke Key West	Member, Board of Trustees, Florida Keys Junior College	May 31, 1973
Joseph M. Ripley, Jr. Fernandina Beach	Member, Board of Trustees, Florida Junior College at Jacksonville	May 31, 1973

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

Respectfully submitted,  
 WILBUR H. BOYD, Chairman  
 WILLIAM DEAN BARROW  
 JOHN W. BELL  
 JOHN R. BROXSON  
 LAWTON M. CHILES, JR.  
 ROBERT M. HAVERFIELD  
 BETH JOHNSON

FREDERICK B. KARL  
 DAVID C. LANE  
 T. TRUETT OTT  
 BOB SAUNDERS  
 J. H. WILLIAMS  
 HAROLD S. WILSON

Senator Barron presiding.

On motions by Senator Boyd, the rules were waived, the Report of the Committee was adopted and the Senate in open Session advised and consented to the aforesaid appointments made by the Governor, as contained and set forth in the foregoing Report. The vote was: Yeas—32 Nays—None

Askev	Ducker	Knopke	Shevin
Bafalis	Fincher	McClain	Slade
Barron	Friday	Myers	Stolzenburg
Bell	Gong	Ott	Stone
Bishop	Gunter	Plante	Trask
Boyd	Haverfield	Pope	Weissenborn
Broxson	Hollahan	Reuter	Williams
Daniel	Johnson	Scarborough	Wilson

The President presiding.

Senator John E. Mathews  
 President, The Florida Senate  
 State Capitol

December 8, 1969

Respectfully,  
 JOHN E. MATHEWS, JR.  
 Senate President

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
Cecil A. Kennedy Jasper	Member, Board of Trustees, North Florida Junior College, Hamilton County	May 31, 1973

—having met took no action on this Executive Appointment since our Committee was advised that Mr. Kennedy had resigned and could not accept this appointment.

Respectfully submitted,  
 WILBUR H. BOYD, Chairman  
 Senate Education Committee

On motion by Senator Boyd, the rules were waived and the foregoing Report of the Committee was adopted.

On motion by Senator Friday, the Senate recessed at 3:21 p.m.

The Senate was called to order by the President at 3:35 p.m. A quorum present.

The following communication was read:

*The Honorable Claude R. Kirk, Jr.*  
 Governor of Florida  
 The Capitol  
 Tallahassee, Florida

December 9, 1969

Dear Governor Kirk:

About 12:30 p.m. today you requested Speaker Schultz and me to come to your office for the purpose of discussing a problem affecting the State Department of Highway Safety and Vehicles. We appeared in your office; and you informed us that they have a serious problem involving a deficit that might reach as large as \$700,000 (seven hundred thousand dollars), and you wanted to somehow or other solve the emergency.

We asked you how the emergency arose, and you directed that we meet with Mr. Tucker and representatives of the Department of Highway Safety and Vehicles to ascertain the facts. We have held this meeting in my Conference Room starting at 1:30 p.m. Mr. Tucker, with representatives of the Auditor General and Mr. Davis, and members of the House and the Senate were present. Mr. Tucker informed us that the deficit did probably exceed \$700,000 and that the matter would require an appropriation of this amount to eliminate the current emergency situation. Mr. Davis informed us that already steps are being taken to assure that the situation does not become worse and that it would not be a continuing matter.

Following the discussion, we suggested that if you and the Department feel that this is an emergency of such a nature requiring immediate legislative action here on the ninth day of the special session, that an expansion of the call by you to include the emergency appropriation would make it possible for the appropriate bill or bills to be introduced and considered by the Legislature.

Mr. Tucker then left the conference and went to your office, returning shortly thereafter and stating that you want a letter from me with reference to this matter.

If in fact this is the emergency as represented, it would certainly appear to be the responsibility of the executive heads of the department having the problem to request the Legislature to take the appropriate action and for you as the chairman of the governing body of the State Department of Highway Safety and Vehicles to expand your call.

#### MESSAGES FROM THE GOVERNOR

The Proclamation of the Governor expanding the call of the Session was read as follows:

STATE OF FLORIDA  
 Executive Department  
 Tallahassee

#### PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, on November 7, 1969, I issued a Proclamation calling the Legislature into special session for ten days commencing on December 1, 1969, for the sole and exclusive purpose of adopting legislation to implement and properly fund the sixteen-year road building program for the state of Florida and to select 1970 election primary dates, and

WHEREAS, I have been advised by the Executive Director of the Department of Highway Safety and Motor Vehicles that a projected deficit in excess of \$700,000 exists in that Department requiring an emergency appropriation in order that the services provided by that Department will not be curtailed or adversely affected, and



WHEREAS, by reason of that emergency, it is in the best interest of the citizens of the State that the special session heretofore called for the purpose hereinabove stated be expanded to include consideration of an appropriation to resolve this serious problem.

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the authority vested in me by Article III, Section 3(c)(1) do hereby expand the Proclamation issued on November 7, 1969, calling the Legislature into special session on December 1, 1969, to include during the ten day period provided in such Proclamation consideration of an appropriation as a result of the projected deficit existing in the Department of Highway Safety and Motor Vehicles which shall be the sole and exclusive purpose of this expanded call.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation, at Tallahassee, this 9 day of December, 1969.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:

TOM ADAMS  
Secretary of State

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

INTRODUCTION

By Senator Chiles—

SB 35-A—A bill to be entitled AN ACT appropriating \$700,000 from the general revenue fund to the department of highway safety and motor vehicles for expenses; providing an effective date.

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

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

REPORTS OF COMMITTEES ON EXECUTIVE APPOINTMENTS

Senator John E. Mathews  
President, The Florida Senate  
The Capitol  
December 8, 1969

Dear Mr. President:

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

Sarah M. Schulz Marianna	Member, Board of Trustees, Chipola Junior College	May 31, 1973
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—having met, and after full inquiry hereby tender as the recommendation of the Standing Committee that the Senate advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted,

s/WILBUR H. BOYD, Chairman	s/BETH JOHNSON
s/WILLIAM DEAN BARROW—	s/FREDERICK B. KARL
Opposed	s/DAVID C. LANE
s/JOHN W. BELL	s/T. TRUETT OTT—Opposed
s/JOHN R. BROXSON	s/BOB SAUNDERS
LAWTON M. CHILES, JR.	s/J. H. WILLIAMS
s/ROBERT M. HAVERFIELD	s/HAROLD S. WILSON

On motions by Senator Williams, the rules were waived, the Report of the Committee was adopted and the Senate in open Session advised and consented to the aforesaid appointment

made by the Governor, as contained and set forth in the foregoing Report. The vote was:

Yeas—39

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

Nays—3

Barrow	Bishop	Ott
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Senator John E. Mathews  
President, The Florida Senate  
The Capitol

December 8, 1969

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
Michael O. O'Neil Miami	Secretary of Transportation of the State of Florida Depart- ment of Transportation	Pleasure of Governor

after full inquiry hereby tender as the recommendation of this Committee that the Senate refuse to advise and consent to the aforesaid appointment made by the Governor.

Respectfully submitted, VERLE A. POPE, Chairman C. WILLIAM BEAUFORT W. E. BISHOP C. WELBORN DANIEL RICHARD W. FINCHER JOSEPH A. McCLAIN, JR.	RALPH R. POSTON CHESTER W. STOLZENBURG CHARLES W. WEBER LEE WEISENBORN C. W. YOUNG
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Pursuant to Rule 8.5, a period of thirty minutes was allotted each member to speak on the foregoing appointment.

Senator Pope moved that the rules be waived and the Report of the Committee be adopted.

Senator Thomas presiding.

Senator Horne raised a point of order that Senator Shevin had exceeded the period of time allotted him for speaking. On motion by Senator Wilson, the rules were waived and Senator Shevin was permitted to continue his remarks.

The President presiding.

Senator Slade moved as a substitute motion that the matter of the confirmation of Michael O. O'Neil be recommitted to the Committee on Transportation. The vote was:

Yeas—23

Barron	Gong	Plante	Slade
Boyd	Haverfield	Poston	Stone
Chiles	Hollahan	Reuter	Weissenborn
Daniel	Johnson	Saunders	Williams
Ducker	Karl	Scarborough	Wilson
Fincher	Myers	Shevin	

Nays—25

Mr. President	Barrow	Bishop	de la Parte
Askew	Beaufort	Broxson	Friday
Bafalis	Bell	Deeb	Gunter

Henderson	McClain	Stolzenburg	Young
Horne	Ott	Thomas	
Knopke	Pope	Trask	
Lane	Sayler	Weber	

The question recurred on the motion by Senator Pope, the Report was adopted, and the President put the Question: "Will the Senate advise and consent to the appointment by the Governor of Michael O. O'Neil?" The vote was:

## Yeas—21

Mr. President	Fincher	Johnson	Slade
Bishop	Friday	Myers	Stolzenburg
Boyd	Gong	Poston	Wilson
Chiles	Henderson	Reuter	
Daniel	Hollahan	Scarborough	
Deeb	Horne	Shevin	

## Nays—27

Askew	de la Parte	McClain	Thomas
Bafalis	Ducker	Ott	Trask
Barron	Gunter	Plante	Weber
Barrow	Haverfield	Pope	Weissenborn
Beaufort	Karl	Saunders	Williams
Bell	Knopke	Sayler	Young
Broxson	Lane	Stone	

On motion by Senator Friday, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 10:00 a.m., Wednesday, December 10, 1969.

By permission, the following report was received:

## ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 30-A with 3 amendments

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

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

The bill was certified to the House.

On motion by Senator Friday, the Senate adjourned at 7:46 p.m. to reconvene at 10:00 a.m., Wednesday, December 10, 1969.