

SPECIAL SESSION

JOURNAL OF THE SENATE

Wednesday, December 10, 1969

The Senate was called to order by the President at 10:00 a.m. A quorum present—47:

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 Trask
Bell Gunter Plante Weber
Bishop Haverfield Pope Weissenborn
Boyd Henderson Poston Williams
Broxson Hollahan Reuter Wilson
Chiles Horne Saunders Young
Daniel Johnson Sayler

Excused: Senator Thomas.

Prayer by the Secretary of the Senate:

Heavenly Father, most glorious thou art, we beseech thee to illuminate our travels during the labors here yet to be decided. We want to do that which will satisfy the ills related to this legislative purpose. Give to these legislators access to thy treasure of wisdom in order to develop a fruitful conclusion. Let the result become a part of thy will be done.

In our master's name, we pray. Amen.

The Journal of December 9 was corrected and approved as follows:

Page 53, counting from the bottom of column 1, strike lines 7 through 22

Page 53, counting from the bottom of column 1, line 5, strike "adopted on motion" and insert moved

Page 53, counting from the bottom of column 2, between lines 10 and 11 insert the following:

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;

Page 57, column 2, line 30, strike "Administration" and insert Transportation

REPORT OF COMMITTEE

The Committee on Ways and Means recommends the following pass: SB 35-A with 1 amendment

The bill was placed on the Calendar.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred SB 31-A with 1 amendment—

—reports that the House amendment has been incorporated and the bill is returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bill was ordered enrolled.

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

SB 31-A SB 34-A SM 33-A

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on December 10, 1969.

EDWIN G. FRASER
Secretary of the Senate

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

Honorable Edwin G. Fraser December 9, 1969
Secretary of the Senate
The Capitol
Tallahassee, Florida

Dear Sir:

Attached hereto is a certificate listing the commissions prepared today 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 the Commissions which are subject to Confirmation by the Senate have been prepared for the following:

Table with 3 columns: NAME, OFFICE, FOR TERM ENDING. Rows include William R. Neblett (Key West, Member, Commission on Marine Sciences and Technology, Sept 19, 1973) and Carl H. Oppenheimer (Tallahassee, Member, Commission on Marine Sciences and Technology, Sept 27, 1973).

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

TOM ADAMS
Secretary of State

Which was referred to the Committee on Natural Resources and Conservation.

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 concurred in Senate amendments to HB 33-A.

Respectfully,
ALLEN MORRIS
Clerk, 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 failed to pass by the required Constitutional two-thirds vote of all Members of the House of Representatives present on December 8, 1969—

SB 548 (1969 Regular Session)—An act relating to the state road department and the internal organization thereof; providing an effective date.

The veto of the Governor was sustained.

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 divided the question on the Senate amendment to—

By the Committee on Transportation—

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.

Which amendment reads as follows:

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.

—and has refused to concur in the first portion of the Senate amendment and requests the Senate to recede therefrom and has concurred in the second portion of the Senate amendment.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Pope, the Senate receded from the first portion of the Senate amendment to HCR 41-A. The vote was:

Yeas—26

Mr. President	Boyd	Lane	Stolzenburg
Askew	Broxson	McClain	Stone
Barron	Friday	Myers	Trask
Barrow	Gong	Pope	Weber
Beaufort	Haverfield	Poston	Weissenborn
Bell	Horne	Scarborough	
Bishop	Knopke	Shevin	

Nays—17

Bafalis	Hollahan	Reuter	Wilson
Deeb	Johnson	Saunders	Young
Ducker	Karl	Sayler	
Gunter	Ott	Slade	
Henderson	Plante	Williams	

The action of the Senate was certified to the House.

The Honorable John E. Mathews, Jr. December 10, 1969
President of the Senate

Sir:

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

By Representative Turlington (by request)—

HB 62-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.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 62-A, contained in the above message, was read the first time by title. On motion by Senator Chiles the rules were waived and the bill was placed on the Calendar.

The Honorable John E. Mathews, Jr. December 10, 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 Sessums and others—

HB 63-A—A bill to be entitled An act relating to School Boards in counties having a population of more than three hundred ninety thousand (390,000) according to the latest official decennial census; providing for the School Boards to enter into agreements for group insurance for the benefit of retired teachers of the public schools, to provide for contributions by said boards to the premiums therefor and to do and perform all things necessary to provide and carry out such group insurance, 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 63-A, contained in the above message, was admitted for introduction and consideration on motion by Senator Knopke. The vote was: Yeas—38 Nays—None

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

HB 63-A was read the first time by title. On motion by Senator Knopke the rules were waived and the bill was placed on the Calendar.

Unanimous consent was granted Senator Knopke to take up HB 63-A out of order.

On motions by Senator Knopke, the rules were waived and HB 63-A was read the second time by title, the third time by title, passed and certified to the House. The vote was: Yeas—44 Nays—None

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

SECOND READING

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.

Was taken up and read the second time by title. On motion by Senator Friday, the rules were waived and HB 46-A was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

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

Unanimous consent was granted Senator Young to be recorded as voting yea on House Bills 10-A, 51-A, 55-A and 34-A which passed the Senate on December 9, 1969; and all executive appointments which were confirmed on December 9, 1969.

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 taken up and read the second time by title.

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

In Section 1, line 13, page 1, strike: the period “(.)” and insert the following: of the Division of Florida Highway Patrol and the Division of Driver Licenses.

Pending further consideration of SB 35-A as amended, on motion by Senator Chiles—

HB 62-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.

—a companion measure was substituted therefor. On motions by Senator Chiles, the rules were waived and HB 62-A was read the second time by title and the third time by title.

A motion by Senator Johnson failed that the Senate revert to the order of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions.

HB 62-A passed and was certified to the House. The vote was:

Yeas—41

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

Nays—2

Reuter Wilson

A motion by Senator Stone that the Senate revert to the order of motions relating to committee reference failed. The vote was:

Yeas—18

Chiles	Haverfield	Poston	Trask
Deeb	Henderson	Sayler	Weissenborn
de la Parte	Hollahan	Shevin	Wilson
Ducker	Knopke	Slade	
Gong	Ott	Stone	

Nays—21

Mr. President	Gunter	Plante	Weber
Askew	Johnson	Pope	Williams
Barron	Karl	Reuter	Young
Beaufort	Lane	Saunders	
Broxson	McClain	Scarborough	
Daniel	Myers	Stolzenburg	

EXPLANATION OF VOTE

I fully support the intent of the motion by the Senator of the 48th but I do oppose the advisability of procedure. Following the passage of the Senator from the 8th's stop and frisk law I became concerned about the drug problem. I drafted the bill the Senator from the 48th has introduced. I have worked with the Florida Bureau of Law Enforcement and other law enforcement agencies on this for some time and after research by the Bureau and various agencies and after numerous discussions, a serious constitutional question was raised. I took their advice and held the bill for the regular session to allow for the full committee treatment on what they and I consider to be far reaching ramifications. My action— or inaction— was based on the following points:

1. The stop and frisk law, as passed, is based on Terry vs. Ohio, a U. S. Supreme Court case.
2. Detention is one thing, frisk another. The Supreme Court made an exception where the person suspected might be dangerous.
3. One argument is that the first concern is protection of the officer and citizens. If the law were thrown out, we could lose the protection against dangerous weapons.

However, as I understand it, the amendment will not endanger the original law or the protection afforded officers and citizens in the immediate vicinity. However, search for drugs and narcotics may now be conducted if probable cause exists under the existing law.

Far be it from me to oppose any legislation that would put a halt to the frightening drug traffic. I chose to leave it to the conscience of each Senator to determine the bill's necessity and constitutionality and their determination as to whether or not this is a solution and if it is—is it the best solution?

Beth Johnson, 29th District

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 9, 1969
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Rowell—

HCR 60-A—A concurrent resolution providing for sine die adjournment of the 1969 special session.

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

Section 1. This 1969 special session of the Legislature shall adjourn sine die at 5:00 P. M. on Wednesday, December 10, 1969.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 60-A, contained in the above message, was read the first time in full. On motion by Senator Friday, the rules were waived and HCR 60-A was read the second time by title, adopted and certified to the House. The vote was: Yeas—41 Nays—None

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

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

REPORTS OF COMMITTEES ON EXECUTIVE APPOINTMENTS

Senator John E. Mathews, Jr. December 9, 1969
President, the Florida Senate
The Capitol

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
David T. Larkins Clearwater	Member, Board of Funeral Directors and Embalmers	July 17, 1973
Charles W. Rex, Jr. Orlando	Member, Board of Business Regulation	July 1, 1973
Harold W. Stayman, Jr. Plantation	Secretary of Professional and Occupational Regulation	Pleasure of the Governor
H. Vincent Thornton Tampa	Member, Florida Land Sales Board	August 23, 1972
Eugene M. Toll Lighthouse Point	Member, Board of Business Regulation	July 1, 1973

NAME	OFFICE	FOR TERM ENDING
Wilbur E. Brewton Tallahassee	Director, Division of General Regulation	Pleasure of the Board of Business Regulation
George D. Johnson Miami	Director, Division of Pari-mutuel Wagering	Pleasure of the Board of Business Regulation
J. H. Louchheim, III Tallahassee	Director, Division of Hotels and Restaurants	Pleasure of the Board of Business Regulation
Lowell W. Steve Tampa	Director, Division of Installment Land Sales	Pleasure of the Board of Business Regulation

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,
WILLIAM DEAN BARROW, Chairman
C. W. BEAUFORT
WARREN S. HENDERSON
MALLORY E. HORNE
FREDERICK B. KARL

RALPH POSTON
BOB SAUNDERS
DAN SCARBOROUGH
JERRY THOMAS
CHARLES WEBER

On motions by Senator Barrow, 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—42 Nays—None

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

Senator Wilson was recorded as dissenting on the confirmation of David T. Larkins, as contained in the foregoing Report.

Senator Scarborough was recorded as dissenting on the confirmation of Harold W. Stayman, Jr., as contained in the foregoing Report.

Senator Henderson was recorded as dissenting on the confirmation of H. Vincent Thornton, as contained in the foregoing Report.

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

December 9, 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
Raymond E. Beary Tallahassee	Director, Division of Beverage	Pleasure of the Board of Business Regulation

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 Board of Business Regulation.

Respectfully submitted,
s/WILLIAM DEAN BARROW,
Chairman
s/C. W. BEAUFORT
s/WARREN S. HENDERSON
s/MALLORY E. HORNE
s/FREDERICK B. KARL

s/RALPH POSTON
s/BOB SAUNDERS
DAN SCARBOROUGH
s/JERRY THOMAS
s/CHARLES WEBER

On motions by Senator Barrow, 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 Board of Business Regulation, as contained and set forth in the foregoing Report. The vote was: Yeas—40 Nays—None

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

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

December 9, 1969

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
Donald R. Crane, Jr. St. Petersburg	Member, Board of Business Regulation	July 1, 1973

having met, and 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,
WILLIAM DEAN BARROW, Chairman
C. W. BEAUFORT
WARREN S. HENDERSON
MALLORY E. HORNE
FREDERICK B. KARL

RALPH POSTON
BOB SAUNDERS
DAN SCARBOROUGH
JERRY THOMAS
CHARLES WEBER

On motions by Senator Barrow, the rules were waived, the Report of the Committee was adopted and the President put the question: "Will the Senate advise and consent to the appointment by the Governor of Donald R. Crane, Jr.?" The vote was:

Yeas—2

Boyd Plante

Nays—41

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

Senator Pope moved that the Senate do now reconsider the vote by which the Senate refused to advise and consent on December 9, 1969 to the appointment by the Governor of Michael O. O'Neil, and requested the advice of the Chair upon the required vote.

Senator Karl moved as a substitute motion that the Senate resolve itself into a Committee of the Whole at 12:30 p. m., this day, for the purpose of hearing Mr. O'Neil upon his request that the Senate afford him a forum whereby he might appear in his own defense.

The President appointed Senators Friday, Horne, McClain and Young as a Select Committee with instructions to report upon the following questions:

1. Can the Senate reconsider this day a vote taken on the preceding legislative day on a confirmation?
2. Upon the determination of this question, what would be the affirmative vote required?
3. What effect the substitute motion by the Senator from the 14th has as a substitute for the motion to reconsider?

At 11:41 a. m. the Senate stood in informal recess awaiting the call of the President while the Select Committee retired for deliberations.

The Senate was called to order by the President at 11:55 a. m. A quorum present.

Senator Friday was recognized and gave the following Report on the findings of the Select Committee:

The Select Committee, after researching rules and precedents, finds and recommends to the Chair:

1. On the question: "Can the Senate reconsider a vote taken on the preceding legislative day on a confirmation?" The answer is in the affirmative.
2. As to the vote required for reconsideration: Under the rules it would require a two-thirds vote.
3. As to the effect of the substitute motion to resolve into a Committee of the Whole for the motion to reconsider: The motion to reconsider has a priority of number 5 under Rule 6.1 and the motion to resolve into a Committee of the Whole under Rule 6.1 has 8th priority and if the substitute motion is allowed it would defeat the purpose of Rule 6.1 by permitting a motion of lesser dignity to supplant one of higher dignity and the motion by the Senator from the 14th is therefore out of order.

The President announced rulings in conformity with the Report of the Committee.

The following communication was read by the President for the information of the Senate:

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

December 10, 1969

Dear President Mathews:

During the deliberations of the Florida Senate with respect to the confirmation of my appointment as Secretary of the Department of Transportation, numerous allegations were made which framed the basis of the individual judgment of the members of the Senate. These allegations are not true.

Accordingly, I respectfully request that the Florida Senate afford me a forum to refute these false allegations.

Very truly yours,
MICHAEL O. O'NEIL
Secretary

The question recurred on the motion by Senator Pope and the President put the question: "Will the Senate now reconsider the vote by which the Senate refused to advise and consent on December 9, 1969, to the appointment by the Governor of Michael O. O'Neil?" The vote was:

Yeas—21

Bell	Haverfield	Myers	Stolzenburg
Boyd	Henderson	Poston	Stone
Daniel	Hollahan	Reuter	Wilson
Deeb	Johnson	Saunders	
Fincher	Karl	Slade	
Gong	Lane		

Nays—25

Mr. President	Chiles	McClain	Weber
Askew	de la Parte	Ott	Weissenborn
Bafalis	Ducker	Plante	Williams
Barron	Friday	Pope	Young
Barrow	Gunter	Sayler	
Beaufort	Horne	Scarborough	
Broxson	Knopke	Trask	

The Senate resumed—

REPORTS OF COMMITTEES ON EXECUTIVE APPOINTMENTS

Honorable John E. Mathews, Jr.
President, the Florida Senate
The Capitol

December 10, 1969

Dear Mr. President:

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

NAME	OFFICE	FOR TERM ENDING
William R. Neblett Key West	Member, Commission on Marine Sciences and Technology	September 19, 1973
Carl H. Oppenheimer Tallahassee	Member, Commission on Marine Sciences and Technology	September 27, 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,
s/RAY C. KNOPKE, Chairman
s/ELMER O. FRIDAY, JR.
W. E. BISHOP
s/JOHN L. DUCKER
s/WARREN S. HENDERSON

s/RALPH R. POSTON
s/CHARLES H. WEBER
s/LEE WEISSENBORN
s/J. H. WILLIAMS

A quorum call was requested. 42 members were present.

On motions by Senator Knopke, 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—37 Nays—None

Mr. President	Deeb	Lane	Stone
Askew	de la Parte	Ott	Trask
Bafalis	Ducker	Plante	Weber
Barron	Fincher	Pope	Weissenborn
Barrow	Friday	Poston	Williams
Beaufort	Gong	Saunders	Wilson
Bell	Haverfield	Saylor	Young
Boyd	Henderson	Scarborough	
Broxson	Johnson	Shevin	
Chiles	Knopke	Stolzenburg	

On motions by Senator Boyd, the rules were waived and the following appointment by the Governor was withdrawn from the Committee on Education and placed on the Calendar:

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

On motions by Senator Beaufort, the rules were waived and the Senate in open Session advised and consented to the aforesaid appointment made by the Governor. The vote was: Yeas—42 Nays—None

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

Lane	Reuter	Slade	Williams
Myers	Saunders	Stolzenburg	Wilson
Ott	Saylor	Stone	Young
Plante	Scarborough	Trask	
Poston	Shevin	Weber	

On motions by Senator Karl, the rules were waived and the following appointment by the Governor was withdrawn from the Select Committee on Executive Suspensions and placed on the Calendar:

NAME	OFFICE	FOR TERM ENDING
Clare C. Leiby Ocala	Member, Career Service Commission of Florida	December 1, 1973

On motions by Senator Williams, the rules were waived and the Senate in open Session advised and consented to the appointment by the Governor of Clare C. Leiby. The vote was: Yeas—44 Nays—None

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

The Senate stood in informal recess at 1:27 p. m. until the hour of 5:01 p. m. The hour of 5:00 p. m., having arrived, no Senators appeared in the Senate Chamber and the Special Session convened by Proclamation of His Excellency, Honorable Claude R. Kirk, Jr., on Monday, December 1, 1969, expired pursuant to the provisions of HCR 60-A.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
JUNE 7 THROUGH DECEMBER 10, 1969

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Alford, Louise 1166-79th St. S. St. Petersburg 33707	Am. Fed. of Teachers same address	Continuous	Education—Labor	None
Bauer, David J. Rm. 328, Carlton Bldg. Tallahassee 32304	State Beverage Div. same address	Continuous	Beverage laws, cigarette laws, Chaps. 561 thru 569 Laws of Fla.	None
Blalock, Felix A. P. O. Box 644 Tallahassee	Fla. Watchmakers Commission same address	Continuous	Fla. Watchmakers Commission .	None
Boykin, William G. 714 N.W. 23 Blvd. Gainesville 32601	Fla. Press Association same address	Continuous	Newspapers	None
Cecil, Charles William P. O. Box 2055 AMF Miami 33159	National Airlines, Inc. same address	Continuous	Airline Industry	None
Chew, John C. City Hall Daytona Beach 32015	City of Daytona Beach same address	Continuous	Daytona Beach municipal affairs	None
Doering, Charlotte A. P. O. Box 6991 Orlando 32803	Fla. Nurses Assn. same address	Continuous	Public Health & Rehab., Mental Health, Public Employment, Personnel & Retirement	None
Eckert, Robert J. 52 Wall Street New York, N. Y. 10005	Asian Development Bank, through Cleary Gottlieb same address	Continuous	Passage of permissive Legislation to allow A.D.B. as a legal investment	None
Fraser, Donald S. Suite 780, Talla. Bank Bldg. Tallahassee 32304	Fla. Medical Association P. O. Box 2411 Jacksonville 32203	Continuous	Matters relating to medical profession	None
Jeffries, David D. 513 N. Mills Ave. Orlando 32803	Fla. Automobile Dealers Assn. same address Fla. Independent Tire Dealers Assn. Box 4717 Clearwater 33518	Continuous	Motor vehicles; franchised motor vehicle dealers	None
Jones, Harry Hungerford 915 Twin Lakes Lodge Clearwater 33518	Fla. Podiatry Assn. 418 S. W. 4th Ave. Gainesville	Continuous	Highway safety	None
Jones, Roy C. 614 N. E. 6th Ave. Ft. Lauderdale	Self same address	Continuous	Sunshine law	None
Ledbetter, Harold Clifton 2429 N. Atl. Daytona 32218	FOMA Palmetto	Continuous	Health Ed. & Welfare—Mental Health	None
Odom, F. Perry P. O. Box 1567 Tallahassee 32302	Fla. Home Builders Assn. P. O. Box 1259 Tallahassee 32302 Fla. Podiatry Assn. 418 S. W. 4th Ave. Gainesville	Continuous	Construction industry	None
Oliva, Dr. Marcelino 510 E. Church Ave. Dade City 33525	Fla. Osteopathic Medical Assn. same address	Session . . .	Health & Education	None
Powers, James Brandon 201 W. Park Ave. P. O. Box 960 Tallahassee 32302	Fla. Pharmaceutical Assn. same address	Continuous	Pharmacy—Health & Welfare— Drugs	None
Ray, Huey E. Holland Building Dept. of General Services Tallahassee 32304	General Services same address	Continuous	General Legislation	None

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE
JUNE 7 THROUGH DECEMBER 10, 1969 (Continued)

<i>Name and Address</i>	<i>Entity Represented and Address</i>	<i>Duration of Representation</i>	<i>Particular Legislation Involved</i>	<i>Direct Business Association or Partnership with Legislator</i>
Renouf, William E. 7220 Twin Branch Road Atlanta, Ga. 30328	Trans America Financial (Pacific Finance) 3390 Peachtree Road Atlanta 30326	Continuous	Finance—banking—insurance— credit	None
Sarra, Lamar P. O. Box 1290 Jacksonville 32201	Motion pictures, amusements & attractions 3833 San Jose' Blvd. Jacksonville 32207	Session . . .	National Theatre Owners of Fla., Fla. State Theatres, Inc. & statewide attractions	None
Schueler, Frank W. 1436 N. E. 38 St. Oakland Park 33308	Fraternal Order of Police same address	Continuous	Police bills	None
Scott, William S. Gulf Power Co. Pace Blvd. Pensacola 32505	Gulf Power Co. same address	Continuous	Electrical power	None
Shelton, Richard D. 2916 Apalachee Pkwy. P. O. Box 590 Tallahassee 32304	Fla. Electric Cooperative Assn. same address	Continuous	Rural electrification	None
Simmons, Jack Whiteford, Jr. 415 N. Adams Tallahassee 32302	Stephen A. Calder 203 S. E. 1st St. Ft. Lauderdale 33314	Continuous	Stephen A. Calder	None
Summer, G. Warren 5013 Central Ave. St. Petersburg 33710	Independent Colleges & Universities of Fla. same address	Continuous	Higher education	None
Thompson, Dale Ross 2302 Oxford Road Tallahassee 32304	Self same address	Continuous	Lowering the legal voting age to 18 years	None
Woerner, Ronald Anthony 3601 Swann Ave. Suite 210 Tampa 33609	Associated Builders & Contractors, Inc. same address	Continuous	Construction	None