INTRODUCTION

By Senators Mathews, Williams and Beaufort—

SR 530—A Resolution In Memoriam John Preston Hall, Sr.

Was read the first time by title and placed on the Calendar.

By Senator Poston—

SCR 531—A senate concurrent resolution providing for the creation of a joint committee to study the grand jury system; requiring said committee to report to the next session of the legislature.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senator Poston—

SB 532—A bill to be entitled An act relating to loans to parolees; amending chapter 947, Florida Statutes, by adding section 947.28, authorizing the probation and parole commission to make loans to certain parolees and to create a special fund; making an appropriation; providing an effective date.

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

By Senator Poston—

SB 533—A bill to be entitled An act relating to obstructing justice; amending section 843.12, Florida Statutes; making it unlawful to aid in the escape of a person lawfully in the custody of a hospital, sanitarium, institution, or other such place of confinement or detention; providing a penalty therefor; providing an effective date.

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

By Senator Poston—

SB 534—A bill to be entitled An act relating to state officers; creating a state officers' compensation commission; providing for the organization, powers, and duties of the commission; providing an effective date.

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

The Senate recessed at 8:35 a.m.

Our Father God, we beseech thee, through the Holy Spirit, to fill our hearts with increased love for you and our fellowman. Strengthen us, as thy will prescribes, to minister here to the needs of others. May we obtain from thy fountain of wisdom, those plans that would spell cure for our ills of government and our society. So guide this Senate, we pray, that their labors may govern us as it pleases thee. Let the influence of the Holy Spirit direct our decisions in this legislative labor.

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

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

Page 71, column 1, line 21, after “sessions,” insert the following: providing that portions of executive sessions

The Journal of April 7 was corrected and approved as follows:

Page 54, counting from the bottom of column 1, strike lines 29 through 32 and insert the following: SB 326—A bill to be entitled An act relating to credit cards; prohibiting the mailing or delivery of such cards; providing exceptions; providing an effective date.

REPORTS OF COMMITTEES

The Committee on Transportation recommends the following pass: SB 111, SB 119.

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Transportation recommends the following pass: SB 115 with 1 amendment.

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Transportation recommends the following not pass: SB 108, SB 109, SB 110, SB 113, SB 116.

The bills were laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

Citrus: Senate Bills 400, 401, 402 and 403 (7 days to report to the Committee on Agriculture)

Financial Institutions and Consumer Protection: Senate Bills 462 and 514 (10 days to report to the Committee on Commerce and Licensed Businesses)

Licensed Businesses: Senate Bills 207, 430, 431, 441, 462 and 491 (10 days to report to the Committee on Commerce and Licensed Businesses)

State Government: Senate Bills 56, 57, 74, 101, 104, 107, 142, 211, 259, 306, 383, 444, 449, 465, 497 and 498 and SJR 138 (10 days to report to the Committee on Governmental Organization)

Law and Order: Senate Bills 39, 358, 356, 421 and 469 (7 days to report to the Committee on Judiciary)

Labor and Industrial Relations: Senate Bills 280, 360, 361, 362, 367, 375, 417, 463 and 455 (7 days to report to the Committee on Judiciary)

Jurisprudence: Senate Bills 472, 473, 474, 486, 487, 505, 509, 510, 563, 419 and 424 (7 days to report to the Committee on Judiciary)

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Hollahan, by two-thirds vote, SJR 79 was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Education.
On motion by Senator Daniel, by two-thirds vote, SB 461 was also referred to the Committee on Governmental Organization.

On motion by Senator Hollahan, by two-thirds vote, Senate Bills 405 and 406 were withdrawn from the Committee on Health, Welfare, and Institutions and from the Senate.

On motion by Senator Ducker, by two-thirds vote, Senate Bills 93 and 94 were withdrawn from the Committee on Governmental Organization and from the Senate.

On motion by Senator Thomas, by two-thirds vote, SB 324 was withdrawn from the Committee on Governmental Organization and from the Senate.

On motion by Senator Sayler, by two-thirds vote, Senate Bills 44 and 46 were withdrawn from the Committee on Governmental Organization and from the Senate.

On motion by Senator Sayler, by two-thirds vote, Senate Bills 87 and 43 were withdrawn from the Committee on Ways and Means and from the Senate; SB 138 was withdrawn from the Committee on Governmental Organization and from the Senate; SB 217 was withdrawn from the Committee on Transportation and from the Senate; and SB 75 was withdrawn from the Committee on Education and from the Senate.

On motion by Senator Horne, by two-thirds vote, SB 383 was withdrawn from the Committee on Judiciary.

On motion by Senator Daniel, the rules were waived and Senate Bills 526, 527, and 528 were ordered first referred to the Committee on Health, Welfare, and Institutions.

On motion by Senator Friday, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

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

Honorable Edwin G. Fraser
Secretary of the Senate
The Capitol

April 8, 1970

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:

NAME OFFICE FOR TERM ENDING

J. W. Taylor Member, State Racing Commission January 7, 1974
Jacksonville Florida Department of Business Regulation, Division of Pari-Mutuel Wagering, Second Congressional District

Nortney P. Cox Member, Board of Pilot Commissioners for the Port of St. Petersburg, Pinellas County, State of Florida Department of Professional and Occupational Regulation January 12, 1973
St. Petersburg

Edward A. Mueller Secretary of Pleasure of the Florida Governor
Alexandria, Va.

Your Standing Committee on Transportation to which was referred for consideration the following appointment subject to confirmation by the Senate:

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Department of Transportation

Mr. President:

Your Standing Committee on Transportation to which was referred for consideration the following appointment subject to confirmation by the Senate:

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Department of Transportation
Alexandria, Va.

The appointment of Edward A. Mueller was referred to the Committee on Commerce and Licensed Businesses.

The appointment of Nortney P. Cox was referred to the Committee on Natural Resources and Conservation.

On motion by Senator Pope, the Senate took up in open session the following Report:

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

April 8, 1970

Dear Mr. President:

Your Standing Committee on Transportation to which was referred for consideration the following appointment subject to confirmation by the Senate:

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Department of Transportation
Alexandria, Va.

On motions by Senator Pope, the Report of the Committee was adopted, the rules were waived and the Senate took up in open session the following Report:

Mr. President:

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

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Department of Transportation
Alexandria, Va.

[Signature]
VERLE A. POPE, CHAIRMAN

The Capitol

April 8, 1970

Respectfully submitted,

VERLE A. POPE, CHAIRMAN

Ralph R. Poston
Chester W. Stolzenburg
Charles H. Weber

Edward A. Mueller Secretary of Transportation of the State of Florida, Governor
Alexandria, Va.

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:

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Governor
Alexandria, Va.

On motions by Senator Pope, the Report of the Committee was adopted, the rules were waived and the Senate in open session advised and consented to the appointment by the Governor of Edward A. Mueller, as contained and set forth in the foregoing Report. The vote was: Yeas—38 Nays—None

Mr. President:

Edward A. Mueller Secretary of Transportation of the State of Florida, Governor
Alexandria, Va.

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:

NAME OFFICE FOR TERM ENDING

Edward A. Mueller Secretary of Transportation of the State of Florida, Governor
Alexandria, Va.

On motion by Senator Beaufort, the rules were waived and the Senate took up in open session the following Report:

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

April 9, 1970

Dear Mr. President:

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

NAME OFFICE FOR TERM ENDING

C. Creshull Harrison, Jr. Member, Board of Business Regulation

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

Respectfully submitted,

WILLIAM DEAN BARROW, CHAIRMAN, COMMITTEE ON COMMERCE AND LICENSED BUSINESSES
C. W. BEAUFORT
/BOB SAUNDERS
W. S. HENDERSON /DAN SCARBOROUGH
MALLORY E. HORNE /JERRY THOMAS
FREDERICK B. KARL /CHARLES H. WEBER
RALPH R. POSTON—Dissenting

On motions by Senator Beaufort, the Report of the Committee was adopted, the rules were waived and the Senate in open session advised and consented to the appointment by the Governor of C. Creshull Harrison, Jr., as contained and set forth in the foregoing Report. The vote was:

Yeas—38
Mr. President Ducker Ott Stone
Bafalis Friday Plante Thomas
Beaufort Gong Pope Trask
Bell Haverfield Reuter Weber
Bishop Henderson Saunders Weisenborn
Boyd Hollahan Sayler Williams
Broxson Horne Scarborough Wilson
Daniel Johnson Shevin Young
Deeb Knopke Slade
de la Parte Lane Stolzenburg

Nays—1
Poston

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Matheux, Jr. President of the Senate

Sir:
I am directed to inform the Senate that the House of Representatives has adopted SCR 503.

Respectfully,

ALLEN MORRIS
Clerk, House of Representatives

The resolution, contained in the above message, was ordered enrolled.

The Honorable John E. Matheux, Jr. President of the Senate

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

By Representative Caldwell and others—

HCR 3715—A concurrent resolution commending Judge G. Harrold Carswell to the Senate of the United States of America for their favorable consideration.

—and requests the concurrence of the Senate therein.

Respectfully,

ALLEN MORRIS
Clerk, House of Representatives

HCR 3715, contained in the above message, was read the first time in full and referred to the Committee on Judiciary.

SECOND READING

Consideration of SCR 64 was deferred, the bill retaining its place on the Calendar.

SCR 229—A concurrent resolution requesting the Department of Transportation to do such acts and enter into such agreements as will permit counties and municipalities and all governmental agencies and authorities in this state to use landscaped areas under expressways for playground purposes.

WHEREAS, playground and recreational facilities for children are in great demand in this state; and

WHEREAS, considerable amounts of landscaped area may be found under expressways, cloverleafs, and similar road construction projects in this state; and

WHEREAS, said land could be further developed and used as playground areas at a minimal cost to the counties and municipalities wherein they are located; NOW, THEREFORE,

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

That the Department of Transportation hereby is requested to do such acts and enter into such agreements as will permit counties and municipalities and all governmental agencies and authorities in this state to use landscaped areas located under expressways, cloverleafs and other similar road construction projects for playground and other similar public purposes.

Was taken up and read the second time in full.

The Committee on Conservation and Natural Resources offered the following amendment which was adopted on motion by Senator Stone:

Line 24, page 1, after the word “the” insert United States

The Committee on Conservation and Natural Resources also offered the following amendment which was adopted on motion by Senator Stone:

In title, line 4, page 1, after the word “the” insert United States

On motion by Senator Stone, SCR 229 as amended was read in full, adopted and ordered engrossed. The vote was: Yeas—41 Nays—None

Mr. President Ducker Ott Stone
Bafalis Friday Plante Thomas
Baron Gong Pope Trask
Beaufort Haverfield Poston Weber
Bell Henderson Reuter Weisenborn
Boyd Hollahan Sayler Williams
Broxson Horne Scarborough Wilson
Daniel Johnson Shevin Young
Deeb Knopke Slade
de la Parte Lane Stolzenburg

Nays—1
Poston

HCR 3715, contained in the above message, was read the first time in full and referred to the Committee on Judiciary.

SB 167—A bill to be entitled An act relating to game and fresh water fish commission; amending chapter 372, Florida Statutes, by adding section 372.663 to provide for mandatory imprisonment of persons convicted of poaching alligators; providing for confiscation of equipment used in committing offense; providing an effective date.

Was taken up and read the second time by title.

Senator Pope offered the following amendment which failed:

In Section 1, line 21, strike: “shall” and insert may

On motion by Senator Henderson, the rules were waived and SB 167 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Bafalis Friday Knopke Slade
Baron Gong Lane Stone
Beaufort Gunter Ott Thomas
Bell Haverfield Plante Trask
Bishop Henderson Poston Williams
Daniel Hollahan Reuter Wilson
Deeb Horne Saunders Young
de la Parte Johnson Sayler
Ducker Karl Shevin
SB 166—A bill to be entitled An act relating to alligator products; prohibiting the sale or offering for sale of alligator products; providing penalties; providing severability clause; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Henderson, the rules were waived and SB 166 was read the third time by title, passed and certified to the House. The vote was: Yeas—None Nays—None

SB 166—A bill to be entitled An act relating to game and fresh water fish management; amending chapter 372, Florida Statutes, by adding section 372.664 to provide for rewards for information leading to arrest and conviction of poachers of alligators and other crocodilia; providing an appropriation for such rewards.

Was taken up and read the second time by title.

On motion by Senator de la Parte, the rules were waived and further consideration of SB 168 was deferred, the bill retaining its place on the Calendar.

SB 169—A bill to be entitled An act relating to alligators; adding section 372.663, Florida Statutes; providing that use of certain lights and weapons during certain hours is prima facie evidence of intent to violate laws protecting alligators; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Henderson, the rules were waived and SB 169 was read the third time by title, passed and certified to the House. The vote was: Yeas—None Nays—None

Consideration of SJR 171 was deferred, the bill retaining its place on the Calendar.

Pursuant to Rule 4.6, a point of order was called by Senator Chiles, and SB 168 was referred to the Committee on Ways and Means.

SB 175—A bill to be entitled An act relating to guardianship law; amending section 745.15(1), Florida Statutes, to include homestead property; repealing section 745.15(6), Florida Statutes, providing that the section relating to joinder on behalf of an incompetent husband or wife shall not be construed to apply to homesteads; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Horne, the rules were waived and SB 175 was read the third time by title, passed and certified to the House. The vote was: Yeas—None Nays—None

SB 136—A bill to be entitled An act relating to mortgages and other instruments securing future advances; amending subsection (1) of section 697.04, Florida Statutes, to limit its applicability to real property only; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Chiles, the rules were waived and SB 136 was read the third time by title, passed and certified to the House. The vote was:

YS 39

Mr. President de la Parte Knopke Shevin
Bafalis Friday Myers Slade
Barron Gong Ott Stone
Beaufort Gunter Plante Trask
Bishop Henderson Pope Weissenborn
Broxson Hollahan Poston Williams
Daniel Horne Reuter Williams
Deeb Johnson Saunders Wilson
de la Parte Karl Slade

SB 306—A bill to be entitled An act relating to corporations; amending section 608.13, Florida Statutes, by adding new subsection (16); providing that corporations may enter into general or limited partnerships, joint ventures, syndicates, pools or other arrangements; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Myers, the rules were waived and SB 306 was read the third time by title, passed and certified to the House. The vote was: Yeas—None Nays—None

Consideration of SR 502 was taken up.

At the request of the President, Senators de la Parte, Ott and Knopke escorted the Reverend Earl Hartman, pastor of the Davis Island Community Church, Tampa, to the rostrum of the Senate where he offered the following special prayer in memory of the late Senator Joseph A. McClain, Jr.:

Our Father in Heaven we pause before thee just now in retrospect. We ask that you would refresh our memories and quicken our minds to that which is precious to each of us, the memory of our dear beloved brother. We pray that all of his positive influences on our lives might be challenges for us in these days and that as we recall briefly his friendship and his dedication, his person, his loyalty and his devotion to duty that we might be challenged to do and strive to walk closer to thee, to live lives that would be more exemplary of your grace in our lives and that we would be more dedicated to serve the people of Florida and your cause through our duties and areas of service than ever before. Help us, Lord, to recognize thee in all the
By Senators Mathews, Askew, Bafalis, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Broxson, Chiles, Daniel, Deeb, de la Parte, Duckett, Fincher, Friday, Gong, Gunter, Haverfield, Henderson, Hollahan, Horne, Johnson, Karl, Knopke, Lane, Meyer, Ott, Plante, Pope, Poston, Reuter, Saunders, Sayler, Scarborough, Shevin, Slade, Stalzenburg, Stone, Thomas, Trask, Weber, Weisenborn, Williams, Wilson and Young—

**Senate Resolution No. 502**

**A RESOLUTION IN MEMORIAM JOSEPH ADOLPHUS McClAIN, JR.**

WHEREAS, on March 18, 1970, this Senate Body experienced a manifold and irreparable loss in the going out of its esteemed former member, Joseph A. McClain, Jr., and,

WHEREAS, because of the illimitable gratitude which is entertained for the unstinted giving of his great talents as a lawyer and a statesman while in our immediate midst; for his brilliant contributions as educator and lawyer, fine public servant, genuine private citizen, and amiable companion in many and varied localities; and for his general contribution to the betterment of persons with whom he walked in all phases of his unusually productive life, we would preserve permanently, as well as words can convey, that indelible record he has left inscribed upon the chronicles of our hearts, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA:

That this Resolution be spread upon the pages of the Journal of the Florida Senate—

IN MEMORIAM

JOSEPH ADOLPHUS McClAIN, JR.

—who was born at Ringgold, Georgia, on May 1, 1903. His religious affiliation was Baptist. In 1926 he was married to a descendant of one of Georgia's oldest families, Miss Laura Elizabeth Burkett of Macon, Georgia. To them were born a daughter and two sons: Laura Elizabeth, Joseph Adolphus, III, and David Hollingsworth, all of the City of Tampa.

His early education was had in his native state under private tutorage and he was graduated from Mercer University at Macon, Georgia, at the top of his law class. He received from that University the degree of B.A. in 1925; LL.B. in 1924 and LL.D. in 1941. From Yale University he received a J.S.D. in 1929 and from Tulane University a LL.D. degree in 1944.

He was Professor of Law at Mercer University in the years 1926-1927 and Professor and Dean of the Mercer University Law School, 1927-1933. When he became Dean of the Law School he was 24 years of age, at that time the youngest man ever to hold such post. Other educational positions held by him included: Professor of Law, University of Louisville, 1934-1936; Dean of Washington University Law School, 1936-1942; Dean of Duke University Law School, 1950-1956; and Instructor at Stetson University Law School in 1956.

In St. Louis he was a member of the bar committee which recommended and followed to adoption the "Missouri Plan" for the election of judges. He successfully campaigned for the Charter Amendment establishing the Merit System for St. Louis, Missouri, in 1941; was Chairman of the Citizens Area Planning Group, St. Louis, 1946-1950; Chairman of the Enemy Alien Hearing Board for the Eastern District of Missouri, 1941-1946, and General Counsel for the Wabash Railroad Company, 1945-1950. In 1951 he was appointed Special Counsel to the United States Defense Department which he represented at Geneva, Switzerland, in the drafting of a statute for the establishment of an International Court of Criminal Law.

Among his varied affiliations had been membership in the Georgia, Missouri, North Carolina and Florida Bars, the St. Louis Bar Association, the American Bar Association and the Bar of the United States Supreme Court. He had been Chairman of the Florida Bar Association Committee on Legal Education and Admissions, served in the legislative assembly of the American Bar Association, and in 1954 for distinguished service was made a fellow of ABA.

He first came to Florida and settled at Tampa in 1925. He left Tampa and practiced law for a while at Columbus, Georgia, returning to again establish his law practice in Tampa in 1957.

His political party affiliation had not always been Republican, but when he was elected to the Florida Senate in 1967 on the ticket of that party he established another first—that of being the first Republican in this century to be elected to a Senate seat from Hillsborough County. He brought to the Florida political scene that intellectual brilliance, unserving integrity, acumen at the law, and delightful witicism which had won for him the friendship and confidence of those in many high circles even that of President Richard M. Nixon, in whose administration he had been mentioned for high appointment. It was that same integrity, for which he was so respected and admired by his colleagues, which caused the Democratic Party to lose him. He made the switch in 1944 because he said he was appalled by the Pendergrast machine in Kansas City.

He was currently serving as an invaluable and irreplaceable member of the Senate Standing Committees on Constitutional Amendments and Revision; Rules and Calendar; and the Subcommittee on Jurisprudence of the Judiciary Committee; the Subcommittees on Roads and Highway and Needs-Planning of the Transportation Committee; the Senate Select Committees on Busing, and Executive Suspensions, and the Florida Law Revision Commission.

His interests and activities at the state and national level did not deter an interest at the community level where he participated in fund drives for the Tampa Boys Club and the YMCA, serving as a director for the Cerebral Palsy Committee; the Senate Select Committees on Busing, and Executive Suspensions, and the Florida Law Revision Commission.

And so, in retrospect, the activities and achievements of this invaluable member of society, with whom we were privileged to walk for all too short a time, were such that lamentation for his going must needs give way to inspiration, to the urge to emulate that example he set of self-abnegation (only posthumously did his family and public learn of the malady, some two years in duration, which occasioned his demise), of intellectual attainments, of clarity and sagacity at the law, of thoroughness as educator and wisdom as legislator, of affability and ready wit, and the ability "to walk with kings nor lose the common touch".

BE IT FURTHER RESOLVED that a copy of this Resolution, duly attested, under the Seal of The Florida Senate, together with the profound condolences of this Body, be presented to the family of our late beloved colleague, Senator Joseph A. McClain, Jr.
Mr. President, Deed Karl Shevin
Askew de la Parte Knopke Slade
Bafalis Ducker Lane Stolzenburg
Barron Fincher Myers Stone
Barron Friday Ott Thomas
Beaufort Gong Plante Trask
Bell Gunter Pope Weber
Bishop Haverfield Poston Weissenborn
Boyd Henderson Reuter Williams
Broxson Hollahan Saunders Wilson
Chiles Horne Sayler Young
Daniel Johnson Scarborough

The President recognized the presence of members of the McClain family including the wife, Laura; sons, Joseph III and David; grandson, Stuart Anderson; and daughter-in-law, Mrs. David McClain; after which the Senate stood in a moment of silent prayer.

On motion by Senator Sayler, the following remarks were ordered spread upon the Journal:

John E. Mathews, Jr., President of the Senate:

Senators, I’m sure that there never has been a man who served in the Florida Senate that endeared himself more to his colleagues as an uncommon man. I think you all recall that poem that Joe loved so much and he gave many of us a copy of it. I can assure you also, as the presiding officer, that there are certain people that you try to rely on for advice, counsel or a restraining hand once in a while and certainly all of us looked on Joe McClain as our personal adviser in matters that required judgment. I know of no man that has ever served in this body that will be missed more and as we go through the trials and tribulations in our work of the 1970 session there will be many a time that we will wish we could have the sage advice, the gentle humor, the reassuring hand upon our shoulders that Joe McClain brought to this body of the 24th. Now we are privileged to have in the chamber this morning members of his family and I would like to ask them to stand as I call their names. His wife, Laura; his sons, Joseph III and David; grandson, Stuart Anderson; and his daughter-in-law, Mrs. David McClain. I would like to ask the Senate to stand for a moment of silent prayer with the family.

Senator Pope: Mr. President, members of the Senate, I don’t think that any of us who have known Joe really have the feeling that he is gone because I think that as long as we live his personality will touch us and I think of him and see him in so many different lights and on many occasions the same smile comes to my face as did when he made so many of his very humorous remarks. I never knew Senator McClain until he came to this body and I happened to be the presiding officer and I think that most of you recall the time when the Senator got to the floor and complained about the great distance that he had to walk in order to get to where he parked his car to this Body, and I’m glad to say to that I allocated him on that occasion a parking space right next to mine, which he appreciated and made many humorous remarks about after that. I never saw a man come to this body that immediately impressed it with his great knowledge and his great dignity and his great ability. I think that he was a great man that almost from the start when you met him, without knowing of the great background that he had, many of which I heard about this morning for the first time, but nevertheless, on first contact with this man, I think we all knew we were talking to a man of great wisdom and ability and a man of great integrity. He rendered a great service to this body in a short space of time, and he will be sorely missed. But I think perhaps more important than any other thing, I feel that I am a better person because of my contact with him, and I know that my period in this legislature for that brief period of time was far more enjoyable and pleasant because of the presence of this very distinguished and humorous person, who with all of his seriousness never forgot that there was a moment of joviality and that you could drive home a very strong point with a humorous remark from occasion to occasion, which he was so able in doing, and I think that I could pay no greater tribute than to say that he has made my life more enjoyable and that I feel I am a better person for having known him and that he was a real pleasure for me and I valued his friendship highly and it was a very enriching experience.

Senator Young: Senators, we all know that greatness comes in many different forms. Accomplishment for example is one sign of greatness. Love and respect that one receives from his colleagues, his peers and the people that he works with is another one of the indications of greatness. The love of his family, that love so close to him, day in and day out, is another, and there are others. I think in the few that I have mentioned there is no question in any one mind that Joe McClain could easily lay claim to any of those plus many more. His accomplishments, of course, are recorded permanently now in the history books of this state and will be felt in the statutes and laws of our state for a long time to come. The respect of his colleagues I think you will note today as one Senator after another expresses the respect that they had for this distinguished Floridian, distinguished American. I think of one of the greatest of his greats was the type of a person that he was, to command the deep love and devotion of the family as Joe did. I think we would all be fortunate, would consider ourselves fortunate if we could ever succeed to that position in life where our family had the tremendous love and respect that Joe McClain had with Laura Jane and the rest of his family. The law was not the only great part of Senator McClain’s life as a law student, of course as he moved on to teaching the law as dean of many law schools and then ultimately to come here to the legislature of this great state to be involved in making the law, and as he involved himself in the legislative processes, the making of our laws, he showed great strength. He was certainly not one of those legislators who feels that on occasion he has to resort to skillful maneuvering or political parliamentary tactics. His great strength was in his knowledge and his dedication and his devotion, and I think that because of his trust in the law and his true and sincere faith in God, gave him the strength that he needed to be the type of person who could approach anyone on any issue without having to resort to any kind of gimmick or excuse. His presence is not going to be with us but the fact that he was here shall be recorded for time to come. We will not hear his word in the Senate chamber again, but the meaning of those words, Senators, is going to linger here for many future generations of Senators to look back to for guidance and advice. And he left many things, Joe McClain left many things for this world. I think from our standpoint for me and us as Senators, the thing that he would be most proud of was the legacy that he left to us, his sincere legacy of integrity, conscience, courage, conviction and his real honest dedication to public service.
Senator Friday: Mr. President and Senators, it’s a difficult task for anyone to put into words emotions that they feel on moments like this. You have said, and others have said, what Joe McClain meant to this Body and to this State, but I think that to each and every person he meant more than that. There was a personal relationship with him. I know what he meant to you as President, I know what he meant to me as chairman of Rules and I know what he meant to this Body. I had the good fortune, following the loss of my father, to share Joe vicariously as a member of his family and I am grateful.

Senator Slade: In 1966, eleven Republican senators were elected, I am sure many of you are aware after federal courts involvement, we had a special election in 1967 and we were fortunate in our young party to elect twenty members to the Senate. I remember calling Bill Young when the awesome reality of the fact that we had that number in this particular body kind of sunk in and I said “My gosh, Bill, what are we going to do”. And he said “Well, we’ll make out but one of the real great things that has happened to us is that we have obtained a man by the name of Joe McClain from Tampa”, and that was truly one of the really great things that ever happened to a group of twenty people, only two of whom had ever served in this body before, very few of whom had ever had any previous government experience. For it was through the counsel and advice of Joe McClain, the wisdom, his knowledge of the law, his understanding of people and his abundance of fairness, that I feel all of us matured into a better group than we would have otherwise been. It was from his foundation of advice that in my opinion led us into harmony which we today and in the last several years have had the privilege of having his advice and counsel and great number of fine men come through and serve in the Florida legislature, but I have been sitting here trying to testify to in the discussions so many times involved There was something about him—he had a characteristic that you serve on it because the President assigns you to know the contribution that he has made to other men.

Senator Ott: Mr. President and Senators, may I comment on two things about Joe McClain that in our present society seem to have been lost, that which were so deeply personified in Joe McClain, Number one, not only his recognition but his deep concern, as Rev. Earl Hartman can testify to in the discussions so many times involved between him and Joe McClain, his deep recognition and concern for the eternal values of life—compassion, love, morality, integrity. The second thing that I would comment on which was so shown by Joe McClain and which as I say seems to be so sadly lacking, particularly I might add by most of us in public office, was his deep and constant identity, concern and interest in his fellow man. I think that he identified with not only the problem of the person who was in need, and how ready he was to spend whatever time was needed to find an answer to that person’s need. Those two things to me stand out above all others in the person of Joe McClain.

Senator Thomas: Mr. President, Senators and the family of Senator McClain, let me tell you there is one committee that you really don’t seek out and when you are assigned to it you serve on it because the President assigns you to serve on it, and that’s the select committee on suspensions, but because of Joe McClain that became the most pleasant happenstance of my service in the legislature. There is one thing that we have lost in this country and it really is a measure of our greatness, and that is humor. Some of you well remember in the depression days and other times when it was sheer humor that brought us out of chaos and disorder. Joe McClain had that rare ability, that Will Rogers’ ability of bringing humor at the right time at the very right moment. Additionally, as the Senator from the 25th stated, he was concerned about his fellow man. He was really concerned about whether or not he was fulfilling his obligations here in the halls of the legislature, and if I could put my finger on but one thing that epitomizes the greatness of the Republican party and its posture and attitudes that it hopes to accomplish in Florida, it would be with the person of Senator Joe McClain, because if I had to epitomize his philosophies, Mr. President, I would tell you that Joe McClain was first a free man, second an American, third a state Senator and Fourth a Republican, and in that order. When it was possible the proper thing to do from a party standpoint, to follow party line, Joe McClain would grab me in the hall, sit me down on one of the benches there and say “I’m really worried about this, it’s for the children of Florida, it’s for education and I can’t follow that line, and I know the pressure that’s there but I’m going to do what’s right”. That is so shown by Joe McClain and which as I say by all of his wisdom he was not a haughty man because of that friendship, and a better Senator, because all of us through Joe McClain had that rare opportunity for a brief glimpse of statesmanship.

Senator Barron: Mr. President, but for the Senator from the 12th, I guess you and I and Senator Hollahane have been in the legislature continuously longer than anyone here. We started in 1956, and I’ve seen a great deal and a great number of fine men come through and serve in the Florida legislature, but I have been sitting here trying to recall a person that had the intelligence, the courage, the wisdom, the common sense and the heart of Joe McClain and I haven’t been able to do so. As the Senator from the 35th reflected on the children, I was reminded of the fact that Joe McClain would have words as pages, memories and been around the legislature a long time and all of the members of the legislature loved most and spoke most highly of Senator McClain. He was an unusual person. There was something about him—he had a characteristic that very few men attain. You could go and sit down and talk with Joe McClain without reservation, even if you had just met him you felt that you could confide in this great and wise man. And yet with all of his intelligence and all of his ability and all of his wisdom he was not a haughty person. He wasn’t a person that it was difficult to communicate with, and I know that the family has experienced a great loss, but when you really look at it as you pass across the state of life I don’t think it is terribly important whether you remain here for 50 years or 60, or when the awesome reality of the fact that we had that McClain would grab me in the hall, sit me down on one of the benches there and say “I’m really worried about this” that is rare privilege of knowing Joe McClain is a better man because of that friendship, and a better Senator, because all of us through Joe McClain had that rare opportunity for a brief glimpse of statesmanship.

Senator Askew: Mr. President and members of the Senate family, I first had the privilege of knowing Joe McClain when I had not been out of law school too very long and
got involved in some litigation which I very quickly lost to him. The next time I had litigation I lost again and I came to appreciate in this particular field that he was the finest—I knew he was good in the state but I found out that he was the finest in the country and I think I counseled myself about that loss. I developed a tremendous amount of respect for him and the way he handled himself and the fairness to me because he knew that I was new at the bar. Having had a chance to serve in the legislature almost twelve years, those of us who have served in the legislature can appreciate so many labels we put on non-lawyers and lawyers as to who are constitutional experts and up until the time that Senator McClain became part of it I think there was a real doubt as to who was the ultimate constitutional authority. When Senator McClain became part of this body, if you will just think back, you'll remember there were very few people who were willing to challenge his opinion, not only legally and constitutionally, but otherwise. When I had the privilege of becoming chairman of the Constitutional Amendments Committee the President will recall that the first person I asked for on that committee was Senator McClain. He didn't serve here a real long time but I really believe that the mark that he made will last a long time and I know that the family will sorely miss him and this Body will miss him. Certainly as we think back on how much he was a part of this Body, how much that he set as an example for us with his ability to act strongly and to feel strongly on a question but to never become personal. The thing that I shall remember the most, was his fantastic ability of being able to take a complicated situation and wade through it and come out with a very simplified and clear statement so that we could all understand. I think we are blessed for him having been a part of us and we'll always remember him.

Senator Bafalis: Mr. President and Senators it is very difficult for me to express what I feel in my heart. Joe was my confidant and he was my friend. I believe that the greatest personal tribute that I can pay is to point out that he always did what he believed was right. He spoke out when he believed he spoke the truth. His passing is not only a great loss to his family, it is a great loss to all Floridians. He will be missed by all of his colleagues, he was loved by all of his colleagues and certainly will be missed by me.

Senator de la Parte: Mr. President and fellow Senators there is not anything that I can add to the eloquent and moving comments made about our colleague. I would like to interject a personal note and comment which is that I have long felt, ever since I have known Joe, that when I grew up I would like to be like Joe McClain and with that I would ask now and move the unanimous adoption of the resolution.

Senator Horne presiding.

SB 267—A bill to be entitled An act relating to corporations; amending section 608.09, Florida Statutes, by renumbering present subsection (3) as subsection (4) and adding new subsections (3), (5), and (6); providing that directors of corporations may serve on executive committees in the place of absent or disqualified members of such boards; providing that executive committee meetings may be held by use of various communications systems; protecting members of executive committees who rely in good faith on the books of account of the corporations or other records of the corporation or reports made to the corporation by its officers, independent certified public accountants, or appraisers; providing an effective date.

Was taken up and read the second time by title.

Senator Sayler offered the following amendment which was adopted:

In Section 1, page 3, strike Sub Section (6)

On motion by Senator Friday, the rules were waived and SB 267 was read the third time in full, passed by the required Constitutional three-fifths vote of all members elected to the Senate, and immediately certified to the House by waiver of the rules. The vote was:

Yea—37

Nay—9

Deeb Lane Stolzenburg Young

Ducker Ott Weber

Henderson Sayler

The President presiding.

SJR 171—A joint resolution proposing an amendment to section 2, article VI, of the Constitution of the state of Florida, relating to electors.

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

That the following amendment to section 2, article VI, of the Constitution of the state of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the general election to be held in 1970:

Section 2. Electors.—Every citizen of the United States who is at least [twenty-one] eighteen years of age and who has been a permanent resident for one year in the state and six months in a county, if registered as provided by law, shall be an elector of that county. Provisions may be made by law for other bona
WHEREAS, on April 7, 1970, a Judge of the United States District Court issued an order, purporting to reinstate the members and superintendent of the Board of Public Instruction of Manatee County, such reinstatement being in direct conflict with the Constitution of the State of Florida providing that the Florida Senate has the sole and exclusive authority to reinstate suspended officials and in direct conflict with the decisions of the highest courts in the land holding that the judicial department has no jurisdiction over or right to interfere with the independent actions of the Chief Executive in the performance of a discretionary executive function, such reinstatement thereby encroaching directly upon the Executive and Legislative branches of government, and

WHEREAS, notwithstanding the Order of Suspension still being in force and effect, the Florida Senate not yet having acted thereon in accordance with the Constitution of the State of Florida, the members and superintendent of the Board of Public Instruction of Manatee County have undertaken to resume their offices and implement a plan involving the forced busing of pupils, and

WHEREAS, while Section 2 of the Declaration of Rights of the Constitution of the State of Florida provides, that “no person is to be deprived of any right because of race or religion,” the members and superintendent of the Board of Public Instruction of Manatee County have indicated their intention to implement a busing plan under which the children will be bused on the basis of race, as demonstrated by the fact that the busing plan would require a child of one race to be transported from his neighborhood school while permitting another child having all the legally significant factors of the other to remain in such neighborhood school on the basis of race, thereby encroaching directly upon the Executive and Legislative branches of government, and

WHEREAS, the members and superintendent of the Board of Public Instruction of Manatee County in the carrying out of their official duties are required to faithfully execute the provisions of the Constitution and the laws of the State which they have failed to do thereby reflecting misfeasance, malfeasance and neglect of duty; and additionally, have been permanently prevented from doing so by virtue of the directives of the federal court, thereby creating a permanent inability on the part of the Board and their Superintendent to perform their official duties, and

WHEREAS, in pursuance of the constitutional mandate to provide for a uniform system of free public education that the needs of the people may require, I deem it my duty to issue this Executive Order;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by the authority vested in me by the Constitution and laws of the State of Florida, do hereby suspend Mrs. Betty Rushmore (Thomas A.), Mrs. C. W. Lacy, Thomas R. Sprenger, Robert C. White and Theodore H. Griffin as Members of the Board of Public Instruction of Manatee County, and Dr. Jack L. Davidson, Superintendent of the Board of Public Instruction of Manatee County, on the grounds of misfeasance, malfeasance and neglect of duty and permanent inability to perform their official duties of office. The members and the superintendent are hereby prohibited from performing the duties or exercising the authority of their respective offices during the period of suspension.

The Suspension Order hereof entered on April 5, 1970, suspending the said members and superintendent of the Board of Public Instruction of Manatee County is hereby readopted, reaffirmed and reincorporated herein and made a part hereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 8 day of April, 1970.

CLAUDE R. KIRK, JR. Governor

ATTEST: TOM ADAMS Secretary of State
Which was referred to the Select Committee on Executive
Suspensions.

On motion by Senator Slade, the rules were waived and the
following bill was introduced out of order:

By Senators Slade, Henderson, Young and Bafalis—

SCR 565—A concurrent resolution commending President
Richard M. Nixon for his nomination of Judge Clement F.
Haynsworth, Jr., and especially for his nomination of Judge G.
Harrold Carswell for Justice of the United States Supreme
Court and expressing regret for the action of the Senate relating
thereto.

Was read the first time in full. On motion by Senator Slade, the
rules were waived and SCR 565 was placed on the Calendar and by unanimous consent was taken up out of order.

On motion by Senator Friday, the rules were waived and time of adjournment was extended until disposition of SCR 565.

On motion by Senator Slade, the rules were waived and SCR 565 was read the second time by title.

Senator Scarborough offered and moved the following amend-
ment: Line 14, page 2, strike lines 14 through 17.

Senator Shevin moved as a substitute motion that SCR 565
be removed from the calendar and referred to an appropriate
committee. The motion was adopted and the vote was:

Yea—23

Askew  Gong  Myers  Stolzenburg
Barrow  Gunter  Ott  Thomas
Beaufort  Haverfield  Pope  Trask
Bell   Hollahan  Poston  Weissenborn
Bishop  Karl  Scarborough  Williams
Broxson  Knopke  Shevin

Nay—22

Mr. President  Deeb  Johnson  Slade
Bafalis  de la Parte  Lane  Stone
Barron  Duker  Plante  Wilson
Boyd  Friday  Reuter  Young
Chiles  Henderson  Saunders  Sayler

SCR 565 was referred to the Committee on Judiciary.

CO-INTRODUCERS

By permission, Senator Bell was recorded as a co-introducer
of SB 90; Senator Henderson as a co-introducer of SB 450;
Senator Chiles as a co-introducer of SJR 171 and Senator
Shevin as a co-introducer of SB 24.

By permission, Senator Slade was recorded as a co-introducer
of Senate Bills 8, 24, 32, 40, 63, 66, 73, 80, 82, 104, 128,
147, 160, 167, 168, 211, 213, 215, 240, 244, 246, 253,
254, 257, 258, 259, 266, 274, 283, 300, 301, 303, 322, 331,
335, 338, 340, 345, 349, 356, 358, 371, 381, 382, 394, 395,
397, 407, 409, 423, 436, 442, 451, 457, 459, 462, 463,
465, 471 and 479; Senate Joint Resolutions 19 and 304; and
Senate Memorials 188, 230, 272, 273, 276, and 277.

By permission, Senator Stolzenburg was recorded as a co-introducer of SB 317.

By permission, Senator Stone was recorded as a co-introducer
of Senate Bills 202, 148, 176, 282, 284, 305, 312, 313 and 345 and SJR 304.

By permission, Senator Weissenborn was recorded as a co-introducer of Senate Bills 18, 22, 39, 114, 141, 157, 158,

The hour of adjournment having arrived, a point of order was
called and the Senate adjourned at 1:15 p.m. to reconvene at
8:30 a.m., Friday, April 10, 1970.