

JOURNAL OF THE SENATE

Thursday, April 16, 1970

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senators Broxson, Mathews, Chiles, Askew, Thomas, de la Parte, Friday, Daniel, Ducker, Barrow, Poston, Saunders and Williams—

SB 634—A bill to be entitled An act relating to education; providing for the comprehensive health education act of 1970, with major emphasis on drug and narcotics education; providing for the commissioner of education to administer the program pursuant to regulations of the state board of education; providing an appropriation; and providing an effective date.

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

By Senator Haverfield—

SB 635—A bill to be entitled An act relating to education, medical school; amending section 242.62(1) and (3), Florida Statutes; increasing the annual payments by the state to the first accredited medical school; increasing maximum limit on number of Florida residents in first-year medical school class; providing an appropriation; providing an effective date.

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

By Senator Hollahan—

SB 636—A bill to be entitled An act relating to veterinarians; amending section 474.25(4), Florida Statutes, changing the annual renewal fee; providing an effective date.

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

By Senators Hollahan and Weissenborn—

SB 637—A bill to be entitled An act relating to the public service commission; amending section 366.03, Florida Statutes; providing said section relating to general duties of the commission shall not be construed to restrict the authority of said commission to require that certain charges for resale of public utility service be at a reasonable rate; providing that the commission may require regulated utilities to discontinue service to any person who resells utility and connected services at an unreasonable rate; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Judiciary.

By Senators Trask, Horne and Friday—

SB 638—A bill to be entitled An act relating to the municipal firemen's pension trust fund; amending subsection (2) of section 175.162, and subsection (5) of section 175.191, Florida Statutes, so as to increase pension benefits from one and sixty-seven hundredths percent (1.67%) per year to two percent (2%) per year, and from one percent (1%) per year to one and two tenths percent (1.2%) per year; repealing all laws in conflict herewith; providing an effective date.

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

By Senators Trask, Horne, Friday and Mathews—

SB 639—A bill to be entitled An act relating to municipal police officers' retirement trust fund; amending sections 185.16(2) and 185.18(5), Florida Statutes, increasing the retirement benefit factors from one and sixty-seven hundredths

percent (1.67%) per year to two percent (2%) per year, and from one percent (1%) per year to one and twenty hundredths percent (1.20%) per year; providing an effective date.

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

By Senator Barrow—

SB 640—A bill to be entitled An act relating to the Florida Statutes; amending Section 11.243(1)(a), Florida Statutes, to provide for the completion and delivery of Statutes within one hundred twenty (120) days after the adjournment of the legislative session.

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

By Senators Barrow, Horne, Mathews, Barron, Hollahan, Friday, Pope, Ott, Gong, Beaufort, de la Parte, Knopke, Haverfield, Broxson, Karl, Johnson, Bafalis, Daniel, Reuter, Stone and Poston—

SB 641—A bill to be entitled An act relating to the judicial retirement system; amending subsection (2) of section 123.06, Florida Statutes, and adding subsection (3) to said section; providing that retirement benefits be computed on the best five (5) of the last ten (10) years preceding retirement and making said amendment applicable to all future retirement compensation payable under chapter 123, Florida Statutes; providing an effective date.

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

By Senators Barrow, Karl, Hollahan, Gunter, Horne, Trask, Beaufort, Bell, Lane, Saylor, Saunders, Friday, Broxson, Chiles, Henderson, Williams, Thomas, Ducker, Daniel, Weber, Ott and Knopke—

SB 642—A bill to be entitled An act relating to game and fresh water fish; amending section 372.57 (4) (a), Florida Statutes, removing certain fishing license exemptions when fishing with poles for noncommercial purposes; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Boyd and Saunders—

SB 643—A bill to be entitled An act relating to the district school system, investment of deposits of school funds; amending section 230.23(10), Florida Statutes, by adding paragraph (k); amending section 230.33(12), Florida Statutes, by adding paragraph (j); providing for the investment of school funds not needed for immediate expenditures; making minor changes of terminology; providing an effective date.

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

By Senators Boyd, Broxson and Saunders—

SB 644—A bill to be entitled An act relating to public education, district school system; amending Chapter 230, Florida Statutes, by adding thereto Section 230.011; providing for consolidation of two (2) or more contiguous districts into a single district; prescribing the procedure for calling referendum election; prescribing for propositions to be submitted to the electors; prescribing procedures for conducting the election; prescribing the form of ballot; providing for determining the results of the election; providing for the notice of the election; providing for years on which the election may be held; providing the effective date of any consolidation; providing for members with unexpired terms to serve as members-at-large; providing for initial election of officers of consolidated school district; providing for indebtedness of districts included in the consolidated district; providing for budget of the consolidated district; providing authority to provide reasonable compensa-

tion for unexpired term of contract of any appointive superintendent whose district is abolished through consolidation; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Governmental Organization.

By Senators Boyd and Saunders—

SB 645—A bill to be entitled An act relating to public education, district school system; amending Chapter 230, Florida Statutes, by adding section 230.07, providing for the nonpartisan election of district school board members at the time of primary elections; providing for a referendum election; providing for the return to partisan election after four (4) years; prescribing the procedures and requirements for conducting a nonpartisan election; providing an effective date.

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

By Senators Lane, Barrow, Hollahan, Poston, Henderson, Deeb, Sayler, Gunter and Horne—

SB 646—A bill to be entitled An act relating to witnesses; amending section 90.05, Florida Statutes, to provide that no person licensed under the applicable chapters of the Florida Statutes to practice as a medical physician, osteopathic physician, dentist, chiropractor, podiatrist, optometrist, or architect shall be required to testify against himself as an expert witness in a professional liability action; providing an effective date.

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

By Senators Lane, Barrow, Hollahan, Barron, Henderson, Deeb, Sayler, Gunter and Horne—

SB 647—A bill to be entitled An act relating to professional liability actions against physicians and surgeons, dentists, or licensed hospitals; providing that injury alone does not raise a presumption of negligence and that the jury shall be so instructed; providing an effective date.

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

By Senators Lane, Henderson and Sayler—

SB 648—A bill to be entitled An act relating to the posting of court costs; amending section 57.011, Florida Statutes, requiring plaintiffs in a professional liability action against defendants licensed to practice under chapters 458, 459 or 466, Florida Statutes, and the plaintiffs in a professional liability action against an employee of a hospital licensed under chapter 395, Florida Statutes, to furnish bond of five hundred dollars (\$500) each, conditioned to pay to the defendant as part or all of costs which may be adjudged against plaintiffs in said action in the court in which the action is brought; providing an effective date.

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

By Senators Lane, Barrow, Hollahan, Henderson, Deeb, Sayler, Gunter and Horne—

SB 649—A bill to be entitled An act relating to limitation of actions; amending section 95.11(6), Florida Statutes, to provide that actions to recover damages for injuries to the person arising out of any medical, dental or surgical treatment or operation must be brought within two (2) years; providing an effective date.

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

By Senator Lane—

SB 650—A bill to be entitled An act relating to the Florida food, drug, and cosmetic law; amending chapter 500, Florida Statutes, by adding section 500.441, vesting in the division of health of the department of health and rehabilitative services full authority for the administration and enforcement of the provisions of chapter 500, Florida Statutes, including authority presently vested in the commissioner of agriculture; amending

sections 500.03(1), 500.05, 500.06(1), (3), and (4), 500.07, 500.08, 500.09, 500.11(5)(b), (9)(b), (10), (11), and (12), 500.12, 500.13(2), 500.18(2), 500.19(2), 500.20, 500.21, 500.22, 500.23, 500.24(3), 500.39, 500.41, 500.42, and 500.43, Florida Statutes, conforming chapter 500, Florida Statutes, to said vesting of authority; defining the terms "division" and "department" and replacing the terms "commissioner of agriculture," "commissioner," "state chemist," "assistant state chemist," and "board of health" with the term "division" or "department" as appropriate; providing for annual and special permits; providing for transfer of appropriations from the department of agriculture and consumer services to the division of health; repealing sections 500.44 and 500.45, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Agriculture.

By Senator Lane—

SB 651—A bill to be entitled An act relating to milk and milk products; amending sections 502.012(20), (36), (37) and (41), 502.021, 502.031(1), (3), (4), and (5), 502.041(3), (4), and (8), 502.051(1), (3), and (4), 502.052(2), (3), and (4), 502.061(1), (3), and (5), 502.062(2) and (3)(c), 502.071(2)(a), 502.081, 502.091(1), 502.101(2), 502.121, 502.131, the introductory paragraph of section 502.141, sections 502.151(5), 502.171, 502.191, 502.211, and 502.231, all Florida Statutes; transferring to the department of health and rehabilitative services and its division of health the full authority for the administration and enforcement of chapter 502, Florida Statutes; defining the terms "division" and "department" and replacing the terms "commissioner," "commissioner of agriculture," "department of agriculture," and "state board of health" with the term "division" or "department" as appropriate; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Agriculture.

By Senator Lane—

SB 652—A bill to be entitled An act relating to frozen desserts; amending sections 503.011(1), 503.031, 503.041, 503.051, 503.061(5), and 503.071, Florida Statutes, all as added by section 2, chapter 69-398, Laws of Florida; transferring to the department of health and rehabilitative services and its division of health the full authority for the administration and enforcement of chapter 503, Florida Statutes; defining the terms "department" and "division"; replacing the term "commissioner" with the term "department" or "division" as appropriate; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Agriculture.

By Senator Henderson—

SB 653—A bill to be entitled An act relating to alcoholic beverage licenses; authorizing the issuance of an alcoholic beverage caterer's license to any person, firm or corporation whose principal business is the catering of food or food products; providing for the purpose of such license; providing for the qualifications and procedures for obtaining such license; providing for the license fee and the term of such license; providing for renewal, revocation and suspension of such license; providing an alcoholic beverage caterer's permit requirement; providing for the issuance of a alcoholic beverage caterer's permit to the holder of an alcoholic beverage license; providing for a monthly report; providing that such permit and license shall not be transferable; providing an effective date.

Was read the first time by title and referred to the Committees on Commerce and Licensed Businesses and Ways and Means.

By Senator Weber—

SB 654—A bill to be entitled An act relating to the real estate license law; amending section 475.01(2) and 475.48, Florida Statutes; providing that any person, partnership, firm, or corporation which employs licensed real estate salesmen shall be subject to the provisions of sections 475.47 and 475.48, Florida Statutes; providing additional penalties; providing an effective date.

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

By Senator Weber—

SB 655—A bill to be entitled An act relating to the qualification and registration of electors; amending Chapter 97, Florida Statutes, by changing Section 97.031(5) to provide a new sample ballot for election of President and Vice-President; providing an effective date.

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

By Senators Boyd and Saunders—

SB 656—A bill to be entitled An act relating to district school systems, personnel; amending subsection (5) of section 230.23; amending paragraphs (c) and (d) of subsection (7) of section 230.33; amending section 231.35, all Florida Statutes; deleting any reference to school trustees in the appointment of personnel; conferring the powers of trustees in the appointive process on the superintendent; requiring the superintendent to submit nominations of instructional personnel directly to the school board; prescribing deadlines for nominations for reappointment of instructional personnel; prescribing deadlines for the school board to act on nominations for reappointment of instructional personnel; making editorial changes; providing an effective date.

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

By Senators Barrow, Stone, Bell, Shevin and Johnson—

SB 657—A bill to be entitled An act relating to insurance contracts; amending Part II of chapter 627, Florida Statutes, by adding section 627.01135; prohibiting discrimination against professional practitioners of any of the healing arts authorized by state law to perform the services for which payment or reimbursement is authorized; providing an effective date.

Was read the first time by title and referred to the Committees on Health, Welfare, and Institutions and Insurance.

By Senators Johnson, Gong and Wilson—

SB 658—A bill to be entitled An act establishing the Bicentennial Commission of Florida to plan and develop Florida's participation in the two hundredth commemoration of The American Revolution from 1970-1983; providing for the appointment of members and the powers and duties of the commission; making an appropriation; providing an effective date.

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

By Senators Barrow, Horne and Barron—

SB 659—A bill to be entitled An act relating to the air conditioning of buildings at the Florida state hospital; providing a supplemental appropriation for certain projects authorized by section 5 of chapter 67-300, Laws of Florida; providing an effective date.

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

By Senator Stolzenburg—

SB 660—A bill to be entitled An act relating to the admissibility of confessions in criminal proceedings; providing for the determination of voluntariness of confessions; providing an effective date.

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

By Senator Lane—

SB 661—A bill to be entitled An act relating to chiropractic practitioners; amending chapter 460, Florida Statutes, by adding section 460.105, creating certain requirements concerning X-ray knowledge and abilities; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

By Senator Lane—

SB 662—A bill to be entitled An act relating to the Florida medical practice act, amending paragraphs (a) and (b) of subsection (2) of section 458.13, Florida Statutes, providing that certain persons otherwise exempt from the Florida medical practice act shall be prohibited from diagnosing, treating, operating or prescribing for any human disease, performing surgery, or prescribing any drugs bearing a federal caution legend, making such acts a violation of the medical practice act, providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare, and Institutions.

By Senator Plante—

SB 663—A bill to be entitled An act relating to education; amending subsections (3) (m), (5) (a), (6) (b), (7) (b) and (9) of section 15 of Chapter 69-106, Laws of Florida, to substitute the words "career readiness" for the words "vocational education"; providing an effective date.

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

By Senator Plante—

SB 664—A bill to be entitled An act relating to education; creating a study committee on school district contracts with private industry; providing for the membership and duties of the committee; providing an appropriation; providing an effective date.

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

By Senator Plante—

SB 665—A bill to be entitled An act relating to education; creating a study committee on Florida educational testing programs; providing for membership and duties of the committee; providing an appropriation; providing an effective date.

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

By Senator Plante—

SB 666—A bill to be entitled An act relating to education; creating a study committee on regional education centers; providing for membership and duties of this committee; providing an appropriation; providing an effective date.

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

By Senator Plante—

SB 667—A bill to be entitled An act relating to education; creating a career readiness study committee; providing for membership and duties; providing an effective date.

Was read the first time by title and referred to the Committees on Education and Governmental Organization.

By Senator Plante—

SB 668—A bill to be entitled An act relating to education; creating a study committee on futuristic instructional designs for liaison with industry; providing for membership and duties of the committee; providing an appropriation; providing an effective date.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

April 15, 1970

Sir:

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

By Representative Pratt—

HB 377—A bill to be entitled An act relating to workmen's compensation; amending section 440.25(3), Florida Statutes, by adding paragraph (d), providing for orders of dismissal of certain claims; prescribing time limitations; providing reinstatement procedures; providing an effective date.

By Representatives Prominski and Tyrrell—

HB 587—A bill to be entitled An act amending Florida Statutes, section 241.096, designating the university of Florida in Gainesville as the first school of dentistry created by the Florida legislature; providing an effective date.

By Representative Lewis—

HB 576—A bill to be entitled An act relating to the insurance code; amending section 627.381(2), Florida Statutes, to make mandatory the suspension of the license or authority of any rating organization or insurer which fails to comply with an order of the insurance commissioner; providing an effective date.

By the Committee on Insurance—

CS for HB 354—A bill to be entitled An act relating to assignment of rights under group life insurance policies and group, blanket, and franchise disability policies; adding sections 627.0420 and 627.0611, Florida Statutes, so as to confirm and clarify the right under the present law of a person covered by a group life insurance policy or a group, blanket, or franchise disability insurance policy to divest himself of all incidents of ownership provided by such policy; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 377, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

HB 587, contained in the above message, was read the first time by title and referred to the Committee on Education.

HB 576 and **CS for HB 354**, contained in the above message, were read the first time by title and referred to the Committee on Insurance.

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

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

By Representative Miers and others—

HB 366—A bill to be entitled An act relating to writs of garnishment; amending sections 222.11 and 222.12, Florida Statutes; prescribing when and under what conditions writs of garnishment may issue; providing for service and default; establishing rates of withholding; providing exceptions, modifications of writs, limitations and priorities; establishing procedure; amending section 77.01, Florida Statutes; providing that the state or any public body thereof shall be subject to garnishment; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 366, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

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

By Representative Gautier—

HB 257—A bill to be entitled An act relating to regulation of traffic on highways; amending subsection 317.201(2), F. S., by increasing the period of time within which subsequent convictions will incur larger penalties for violations of driving while under the influence of narcotics, barbiturates, or intoxicating liquors; providing an effective date.

By Representatives Gallen and Tyrrell—

HB 154—A bill to be entitled An act relating to sightless persons accompanied by a "dog guide" making it a misdemeanor to refuse to allow the "dog guide" to accompany the blind person in the enjoyment of certain public accommodations; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 257 and 154, contained in the above message, were read the first time by title and referred to the Committee on Judiciary.

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

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

By Representatives E. L. Martinez and Robinson—

HB 938—A bill to be entitled An act relating to two-wheel motor vehicles; amending section 317.981(1)(b), Florida Statutes, to eliminate the requirement for wearing safety masks, glasses, or goggles when riding two-wheel motor vehicles when such vehicle is equipped with a windshield, providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 938, contained in the above message, was read the first time by title and referred to the Committee on Transportation.

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

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

By Representative Reed—

HB 232—A bill to be entitled An act relating to service of process; amending section 48.091(5), Florida Statutes, to provide for service of process on the secretary of state if the corporation fails to appoint a resident agent; amending section 48.19, Florida Statutes, to provide for service of process upon nonresidents or concealed persons operating an aircraft in the state by service upon the secretary of state; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 232, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

The Senate recessed at 8:50 a.m.

The Senate was called to order by the President at 9:00 a.m. A quorum present—44:

Mr. President	Barrow	Boyd	Deeb
Askew	Beaufort	Broxson	de la Parte
Bafalis	Bell	Chiles	Ducker
Barron	Bishop	Daniel	Fincher

Friday	Karl	Poston	Stone
Gong	Knopke	Reuter	Thomas
Gunter	Lane	Saunders	Trask
Haverfield	Myers	Saylor	Weber
Henderson	Ott	Scarborough	Weissenborn
Hollahan	Plante	Shevin	Williams
Horne	Pope	Stolzenburg	Wilson

Excused: Senators Young, Slade and Johnson.

Prayer by Reverend Hal Marchman, Pastor of the Central Baptist Church of Daytona Beach:

Eternal God, we invoke your blessings and spirit for these our chosen leaders. May each one be aware of the responsibility and yet aware of the power of love in the human heart. Free us from complacency, that we may search; free us from ignorance, that we may understand; free us from warlike attitude, that we may bring peace; free us from selfishness, that we may share; free us from bigotry, that we may relate; free us from indifference, that we may care; free us from hatred, that we may love; free us from aimlessness, that we may live; free us from our pride that we may come before you in humility in our prayer. Amen.

The Journal of April 15 was corrected and approved as follows:

Page 141, column 1, strike lines 9 through 14 and insert the following:

HB 352—A bill to be entitled An act relating to the relief of Annie Mell Ratliff; making an appropriation to compensate her for personal injuries and loss of her lower limbs sustained by her as a result of improper care and treatment when she was a patient at the Florida tuberculosis hospital at Lantana; providing an effective date.

The Journal of April 14 was corrected and approved as follows:

Page 139, counting from the bottom of column 1, line 21, after "burg" insert the following: State of Florida Department of Professional and Occupational Regulation

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following pass:

SB 401	SB 540	SB 543
SB 403 with 1 amendment	SB 542	

The Committee on Transportation recommends the following pass: SB 582

The Committee on Judiciary recommends the following pass:

SB 363	SB 185
CS for HB 569	SB 115 with 2 amendments
SB 358	SB 257 with 2 amendments
SB 244	SB 327 with 1 amendment

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Agriculture recommends the following pass: SB 520

The Committee on Judiciary recommends the following pass: SB 237, SB 134, SB 275 with 4 amendments.

The Committee on Insurance recommends the following pass: SB 586

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends the following pass: SB 539, SB 541, SB 544

The bills were referred to the Committee on Governmental Organization under the original reference.

The Committee on Transportation recommends the following pass: SB 466 with 1 amendment

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

The Committee on Judiciary recommends Committee Substitutes for the following: SB 565, SB 36

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 301

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 400

The Committee on Judiciary recommends Committee Substitutes for the following: SB 24, SB 194

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Agriculture recommends a Committee Substitute for the following: SB 480

The bill with Committee Substitute attached was referred to the Committee on Health, Welfare, and Institutions under the original reference.

The Committee on Agriculture recommends the following not pass: SB 550

The Committee on Judiciary recommends the following not pass: SB 131, SB 386, SB 187, SB 421, SB 260

The Committee on Insurance recommends the following not pass: SB 223, SB 224, SB 173

The bills contained in the foregoing reports were laid on the table.

BILLS REFERRED TO SUBCOMMITTEES

Licensed Businesses: Senate Bills 567, 568, 576 and 589 (14 days to report to the Committee on Commerce and Licensed Businesses)

Financial Institutions and Consumer Protection: Senate Bills 584, 603, 606, 607, 608 and 609 (14 days to report to the Committee on Commerce and Licensed Businesses)

Jurisprudence: Senate Bills 20, 21, 538, 601, 602, 613 and 617 (7 days to report to the Committee on Judiciary)

Labor and Industrial Relations: Senate Bills 365, 590, 619, 620 and 621 (7 days to report to the Committee on Judiciary)

SB 569 withdrawn from the Labor and Industrial Relations Subcommittee

Universities and Colleges: SB 627 (7 days to report to the Committee on Education)

Public Schools: Senate Bills 585, 614 and SCR 604 (7 days to report to the Committee on Education)

Senate Bills 179, 92, 391 and 604 withdrawn from the Public Schools Subcommittee

Health and Welfare: HB 994 (7 days to report to the Committee on Health, Welfare, and Institutions)

Personnel and Retirement: CS for SB 59, Senate Bills 200, 238, 439, 477, 488 and 506 (18 days to report to the Committee on Ways and Means) Senate Bills 286, 422, 626 and 444 (16 days to report to the Committee on Ways and Means)

Local Government: Senate Bills 615 and 248 (10 days to report to the Committee on Governmental Organization)

Appropriations: Senate Bills 69, 287, 377, 520, 586, 594, 628 and CS for SB 442 (16 days to report to the Committee on Ways and Means)

Taxation: CS for SB 400, Senate Bills 468 and 624, CS for HBs 178 and 241 and HB 1408 (16 days to report to the Committee on Ways and Means)

Select Committee on Claims: SB 295 and HB 352 (16 days to report to the Committee on Ways and Means)

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

- SB 180 with 1 amendment
- SB 181 with 1 amendment
- SB 183 with 1 amendment
- SB 262 with 3 amendments
- SB 263 with 1 amendment
- CS for SB 7 with 3 amendments.

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

EDWIN G. FRASER
Secretary of the Senate

The bills were certified to the House.

On motion by Senator Fincher, Rule 2.5 was waived and the Subcommittee on Labor and Industrial Relations was granted permission to consider SB 620 at a scheduled meeting this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Boyd, the rules were waived and the Committee on Education was granted an additional 14 days for the consideration of Senate Bills 1, 2, 4, 13, 71, 73, 78, 92, 95, 96, 102, 129, 130, 144, 179, 205, 239, 256, 285, 320, 344, 349, 391, 395 and SJR 343.

On motions by Senator Chiles, by two-thirds vote, Senate Bills 112 and 194 were withdrawn from the Committee on Ways and Means and placed on the Calendar.

Pursuant to Rule 4.6, a point of order was called by Senator Chiles, and Senate Bills 351 and 207 were also referred to the Committee on Ways and Means.

On motion by Senator Chiles, by two-thirds vote, SB 444 was withdrawn from the Committee on Governmental Organization.

On motion by Senator Gunter, by two-thirds vote, SB 402 was withdrawn from the Committee on Agriculture and from the Senate.

On motion by Senator Pope, by two-thirds vote, SB 339 was withdrawn from the Committee on Commerce and Licensed Businesses and from the Senate.

On motions by Senator Deeb, by two-thirds vote, Senate Bills 222, 225, 226, 227 and 294 were withdrawn from the Committee on Insurance and from the Senate.

On motion by Senator Wilson, SB 185 was removed from the Calendar and re-referred to an appropriate committee. The vote was:

Yeas—25

- | | | | |
|----------|------------|-------------|-------------|
| Bafalis | Ducker | Myers | Stolzenburg |
| Beaufort | Gunter | Ott | Weber |
| Bell | Haverfield | Plante | Williams |
| Boyd | Henderson | Saunders | Wilson |
| Broxson | Karl | Sayler | |
| Chiles | Knopke | Scarborough | |
| Daniel | Lane | Shevin | |

Nays—9

- | | | | |
|---------------|---------|----------|--------|
| Mr. President | Fincher | Hollahan | Poston |
| Bishop | Friday | Horne | Stone |
| de la Parte | | | |

The bill was recommitted to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

The Governor advised that on April 15 he had transmitted SCR 503 to the Office of Secretary of State.

The President announced the appointment of a standing subcommittee on Personnel and Retirement of the Committee on Ways and Means consisting of Senator Alan Trask, chairman; Senators Myers and Saylor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed, with amendment—

By Senators Henderson and Johnson—

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.

Which amendment reads as follows—

On page 1, line 14, strike “a new section” and insert the following: Section 372.663

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Henderson, the Senate concurred in the House amendment to SB 169.

SB 169 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—35 Nays—None

- | | | | |
|---------------|------------|----------|-------------|
| Mr. President | Daniel | Knopke | Sayler |
| Askew | Ducker | Lane | Scarborough |
| Bafalis | Fincher | Myers | Shevin |
| Beaufort | Friday | Ott | Stolzenburg |
| Bell | Gunter | Plante | Stone |
| Bishop | Haverfield | Pope | Weber |
| Boyd | Henderson | Poston | Williams |
| Broxson | Horne | Reuter | Wilson |
| Chiles | Karl | Saunders | |

The Honorable John E. Mathews, Jr. April 15, 1970
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senators Henderson and Slade—

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.

Amendment 1—

On page 1, line 22, strike “less than ten (10) days nor”

Amendment 2—

In the Title on page 1, line 7, strike “mandatory imprisonment” and insert the following: punishment

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Henderson, the Senate concurred in House amendments 1 and 2 to SB 167.

SB 167 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Deeb	Horne	Sayler
Askew	de la Parte	Karl	Scarborough
Bafalis	Ducker	Knopke	Shevin
Barron	Fincher	Lane	Stolzenburg
Beaufort	Friday	Myers	Stone
Bell	Gunter	Ott	Weber
Bishop	Haverfield	Plante	Weissenborn
Boyd	Henderson	Poston	Williams
Broxson	Hollahan	Saunders	Wilson

RESOLUTIONS ON SECOND READING

Consideration of Senate Resolutions 630, 631 and SCR 565 was deferred, the resolutions retaining their places on the Calendar.

PENDING ROLL CALL

CS for SB 38—A bill to be entitled An act relating to firearms; amending chapter 811, Florida Statutes, by adding new section 811.30; providing penalty for larceny of firearms; providing an effective date.

Was taken up pending roll call having been read the third time on April 14.

CS for SB 38 passed and was certified to the House. The vote was:

Yeas—33

Mr. President	Daniel	Horne	Shevin
Askew	Deeb	Knopke	Stolzenburg
Bafalis	de la Parte	Lane	Stone
Barrow	Ducker	Myers	Trask
Beaufort	Fincher	Ott	Weber
Bishop	Friday	Pope	Williams
Boyd	Gong	Poston	
Broxson	Gunter	Saunders	
Chiles	Haverfield	Sayler	

Nays—10

Bell	Karl	Scarborough	Wilson
Henderson	Plante	Thomas	
Hollahan	Reuter	Weissenborn	

SECOND READING

Consideration of SB 148 was deferred, the bill retaining its place on the Calendar.

SB 184—A bill to be entitled An act relating to insurance; amending chapter 627, Florida Statutes, by adding section 627.01022, to provide that premiums for insurance contracts be paid with cash; providing certain exceptions; providing an effective date.

Was taken up and read the second time by title.

The Committee on Insurance offered the following amendment which was adopted on motion by Senator Thomas:

In Section 1, line 17, page 1, strike "currency, certified checks, personal"

On motion by Senator Thomas, the rules were waived and SB 184 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

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

SB 34—A bill to be entitled An act relating to registration of motor vehicles, amending chapter 320, Florida Statutes, by adding section 320.071 to provide for revalidation of license plates by owners of motor vehicles absent from state on expiration date; providing an effective date.

Was taken up and read the second time by title.

Senator Young offered the following amendment which was adopted on motion by Senator Henderson:

In Section 1, line 5, page 2, strike "320.071" and insert 320.07

On motion by Senator Henderson, the rules were waived and SB 34 as amended was read the third time by title, passed and ordered immediately certified to the House by waiver of the rules after engrossing. The vote was: Yeas—40 Nays—None.

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

SB 274 was taken up, together with:

By the Committee on Judiciary—

CS for SB 274—A bill to be entitled An act relating to the state militia; amending section 250.31, Florida Statutes; providing a procedure for defending any action brought against an individual in his capacity as a member of the state militia; providing an effective date.

—which was read the first time by title and SB 274 was laid on the table.

On motion by Senator Plante, the rules were waived and CS for SB 274 was read the second time by title.

Senator Wilson offered the following amendment which failed:

In Section 1, line 28, page 1, strike "through the office of the attorney general at the expense of the state but private counsel may also be employed by the defendant" and insert the following: by an attorney of his choice. The reasonable costs and expenses of such defense, including a reasonable attorney fee, shall be determined by the trial judge in which the action is pending and the same shall be paid by the state.

Senator Friday offered the following amendment which was adopted:

Line 30, page 1, strike the period at the end, and add: , subject to approval of the attorney general.

Senator Weissenborn offered the following amendment which failed:

In Section 1, line 30, page 1, strike: "." in line 30 and insert the following: providing however, that if the court determines the defendant in such lawsuit acted unlawfully, then, in that event the defendant must reimburse the state for the legal services and costs expended in his behalf.

Senator Wilson offered the following amendment which was adopted:

In line 30, page 1, after the amendment: " , subject to approval of the attorney general." insert the following: When such private counsel is approved by the attorney general, the reasonable costs and expenses and a reasonable attorney fee paid by the state.

Pursuant to Rule 4.6, a point of order was called by Senator Stone and CS for SB 274 with amendments was referred to the Committee on Ways and Means.

SB 54—A bill to be entitled An act relating to state attorneys; amending chapter 27, Florida Statutes; providing that

all state attorneys elected after November 1, 1970, shall be on a full-time basis and prohibited from the private practice of law; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Saylor, the rules were waived and SB 54 was read the third time by title, passed and certified to the House. The vote was: Yeas—40 Nays—None

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

SB 135—A reviser's bill to be entitled An act relating to the Probate Code; amending chapter 736, Florida Statutes, to reenact section 736.17, which was inadvertently repealed by chapter 69-88, Laws of Florida; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Saylor, the rules were waived and SB 135 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

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

SB 291—A bill to be entitled An act relating to jurors and jury lists; amending section 40.12, Florida Statutes, providing for removal of requirement that attorneys, teachers of common schools, practicing physicians and surgeons must file a written affidavit annually to be exempt from jury duty; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Bell, the rules were waived and SB 291 was read the third time by title, passed and certified to the House. The vote was:

Yeas—26

Bafalis	Ducker	Knopke	Shevin
Barron	Fincher	Myers	Stolzenburg
Barrow	Gong	Ott	Stone
Bell	Haverfield	Pope	Trask
Boyd	Henderson	Reuter	Weber
Broxson	Hollahan	Saylor	
Deeb	Horne	Scarborough	

Nays—11

Mr. President	Gunter	Plante	Weissenborn
Beaufort	Karl	Saunders	Williams
de la Parte	Lane	Thomas	

SB 47—A bill to be entitled An act relating to crime and criminal penalties; amending section 811.03, Florida Statutes, to increase penalties; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Saylor:

Section 1, line 16, page 1, following: "(5) years," insert the following: or in the county jail not exceeding twelve months

On motion by Senator Saylor, the rules were waived and SB 47 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—36 Nays—None

Mr. President	Bafalis	Beaufort	Broxson
Askew	Barron	Bell	Daniel

Deeb	Haverfield	Ott	Stolzenburg
de la Parte	Henderson	Plante	Stone
Ducker	Hollahan	Pope	Thomas
Fincher	Horne	Reuter	Trask
Friday	Karl	Saunders	Weber
Gong	Knopke	Saylor	Weissenborn
Gunter	Myers	Shevin	Williams

Consideration of SB 255 was deferred, the bill retaining its place on the Calendar.

SB 243—A bill to be entitled An act relating to elections; amending section 104.19, Florida Statutes, prescribing what may not be carried into a voting booth; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Wilson, the rules were waived and SB 243 was read the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Mr. President	Ducker	Myers	Stone
Askew	Fincher	Ott	Thomas
Bafalis	Gong	Plante	Trask
Barron	Haverfield	Pope	Weber
Bell	Henderson	Poston	Weissenborn
Boyd	Hollahan	Reuter	Williams
Chiles	Horne	Saunders	Wilson
Daniel	Karl	Scarborough	
de la Parte	Lane	Shevin	

SB 284—A bill to be entitled An act relating to legal holidays; amending section 683.03, Florida Statutes; designating Veterans' day on a particular day each year; requiring the closing of public schools on said day; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Ott, the rules were waived and SB 284 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	de la Parte	Horne	Saylor
Askew	Ducker	Karl	Shevin
Barron	Fincher	Knopke	Stolzenburg
Beaufort	Friday	Myers	Stone
Bell	Gong	Ott	Thomas
Broxson	Gunter	Plante	Trask
Chiles	Haverfield	Pope	Weber
Daniel	Henderson	Reuter	Weissenborn
Deeb	Hollahan	Saunders	Williams

SB 10—A bill to be entitled An act relating to power of attorney; providing that acts of agents pursuant to power of attorney shall be valid after the principal is declared missing or missing in action; providing an effective date.

Was taken up and read the second time by title.

Senator Friday offered the following amendment which was adopted:

Line 24, page 1, strike "recordable" and insert the following: executed with same formalities as required of the instrument itself and recorded pursuant to the laws of Florida.

On motion by Senator Ott, the rules were waived and SB 10 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—35 Nays—None

Mr. President	Ducker	Karl	Saylor
Askew	Fincher	Knopke	Scarborough
Bafalis	Friday	Lane	Shevin
Barron	Gong	Myers	Stolzenburg
Beaufort	Gunter	Ott	Stone
Bell	Haverfield	Plante	Thomas
Broxson	Henderson	Pope	Weber
Daniel	Hollahan	Reuter	Williams
Deeb	Horne	Saunders	

SB 88—A bill to be entitled An act relating to statutes and session laws; amending section 283.25(7), Florida Statutes, expanding distribution of other state laws to the Florida state university law library; 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 88 was read

the third time by title, passed and certified to the House. The vote was: Yeas—34 Nays—None

Mr. President	Fincher	Knopke	Shevin
Askew	Friday	Lane	Stolzenburg
Bafalis	Gong	Myers	Stone
Barron	Gunter	Ott	Thomas
Beaufort	Haverfield	Pope	Trask
Bell	Henderson	Reuter	Weber
Daniel	Hollahan	Saunders	Williams
Deeb	Horne	Sayler	
Ducker	Karl	Scarborough	

SB 37—A bill to be entitled An act relating to criminal penalties; amending section 775.07, Florida Statutes; providing the punishment for misdemeanors when not otherwise provided shall be a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding six (6) months, or both; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Friday, the rules were waived and SB 37 was read the third time by title, passed and certified to the House. The vote was: Yeas—38 Nays—None

Mr. President	Ducker	Myers	Stolzenburg
Askew	Fincher	Ott	Stone
Bafalis	Friday	Plante	Thomas
Barron	Gong	Pope	Trask
Beaufort	Gunter	Poston	Weber
Bell	Haverfield	Reuter	Weissenborn
Bishop	Henderson	Saunders	Williams
Broxson	Karl	Sayler	Wilson
Daniel	Knopke	Scarborough	
Deeb	Lane	Shevin	

SB 30—A bill to be entitled An act relating to aggravated battery; amending chapter 784, Florida Statutes, by adding section 784.07; providing that any person who commits a battery with intent to inflict great bodily harm, disability or disfigurement is guilty of aggravated battery; providing a penalty; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Friday, the rules were waived and SB 30 was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Friday	Ott	Stone
Askew	Gong	Plante	Thomas
Barron	Gunter	Pope	Trask
Barrow	Haverfield	Poston	Weber
Beaufort	Henderson	Reuter	Weissenborn
Bell	Horne	Saunders	Williams
Broxson	Karl	Sayler	Wilson
Deeb	Knopke	Scarborough	
Ducker	Lane	Shevin	
Fincher	Myers	Stolzenburg	

The President Pro Tempore presiding.

SB 331—A bill to be entitled An act relating to affrays, riots, routs and unlawful assemblies; amending chapter 870, Florida Statutes, by adding sections 870.041, 870.042, 870.043, 870.044, 870.045, 870.046, 870.047, 870.048, 870.049; establishing a procedure for declaration by county sheriffs or authorized municipal officials that a state of emergency exists; providing for the establishment of a curfew during the existence of the state of emergency; designating automatic and discretionary emergency powers to said sheriffs or municipal officials; providing penalty for violation; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Shevin, the rules were waived and SB 331 was read the third time by title, passed and certified to the House. The vote was: Yeas—36 Nays—None

Mr. President	Deeb	Knopke	Scarborough
Askew	Ducker	Lane	Shevin
Bafalis	Fincher	Myers	Stolzenburg
Barron	Friday	Plante	Stone
Beaufort	Gong	Pope	Thomas
Bell	Haverfield	Poston	Weber
Boyd	Henderson	Reuter	Weissenborn
Broxson	Horne	Saunders	Williams
Daniel	Karl	Sayler	Wilson

SB 202—A bill to be entitled An act relating to elections; amending section 97.063(2), Florida Statutes, removing the requirement that members of the armed services must live outside the state to apply for absentee registration; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Wilson:

Section 1, line 20, page 1, after "spouses" insert the following: whether living within or without the territorial limits of the state

On motion by Senator Wilson, the rules were waived and SB 202 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—33 Nays—None

Mr. President	Ducker	Ott	Thomas
Askew	Fincher	Plante	Trask
Bafalis	Gong	Pope	Weber
Barron	Haverfield	Poston	Weissenborn
Beaufort	Henderson	Reuter	Williams
Bell	Horne	Saunders	Wilson
Boyd	Karl	Scarborough	
Daniel	Lane	Shevin	
Deeb	Myers	Stone	

Consideration of SB 321 was deferred.

On motion by Senator Horne, the rules were waived and the Senate reverted to—

CONSIDERATION OF SENATE RESOLUTIONS

SR 631— A resolution in commendation Honorable George Harrold Carswell,

WHEREAS, the private life of Honorable G. Harrold Carswell, of the City of Tallahassee, Florida, and his record as lawyer, naval officer and jurist are of the highest order, evincing the adherence to sound principles of right conduct, strict compliance with the ethics of the legal profession, to which he has brought the highest order of dignity and intellectual attainment as practitioner and jurist, and

WHEREAS, he ever exhibited in his private law practice and in his occupancy of the position of United States Attorney for the Northern District of Florida an uncompromising attention to duty, and in his tenure as United States District Judge and as Judge of the United States Circuit Court of Appeals for the Fifth District a high order of judicial decorum and erudition at the law unalloyed by any personal equation, and

WHEREAS, the Honorable G. Harrold Carswell enjoys the high confidence and unalloyed respect of the members of the community in which he lives, of the Bench and Bar of the State and Nation and of all persons with whom he has moved personally and professionally during the years of his well ordered, wholesome and extremely useful life, and

WHEREAS, it is the consensus of opinion of those who know him best that he has proven his inestimable worth to his community, state and nation as exemplified by his impeccable record as citizen, attorney and jurist, and we would commend him for all of the exceptional qualities

"So mix'd in him that Nature might
stand up
And say to all the world, "This
(is) a man!"

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 COMMENDATION GEORGE HARROLD CARSWELL

—for his innate quality of dignity, whereby he "can meet with Triumph and Disaster and treat those two impostors just the same", for his extensive learning at the law, his exercise of a perfect judicial decorum, all fraught with the milk of human

kindness, an appreciation and exquisite execution of the social graces, and the radiance of a gracious and pleasing personality, all making for his recognition as a well-rounded and invaluable asset to the human family in all the multitudinous facets of its design.

Be It Further Resolved that a copy of this Resolution, duly attested, under the Seal of The Florida Senate, be presented to the Honorable G. Harrold Carswell, in token of the appreciation, high esteem and illimitable respect which is accorded him by this Senate Body.

Was taken up and read the second time in full. On motion by Senator Horne, SR 631 was unanimously adopted.

By permission, Senator Henderson withdrew SCR 565 from the Senate.

On motion by Senator de la Parte, by two-thirds vote, SB 427 was withdrawn from the Committee on Rules and Calendar and from the Senate.

SB 163—A bill to be entitled An act relating to conservation; amending section 370.13, Florida Statutes, regulating the taking and possession of stone crabs; providing a penalty; providing an effective date.

Was taken up and read the second time by title.

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

In Section 1, line 8, page 3, strike "director of the board of conservation" and insert the following: director of the department of natural resources

Senator Broxson offered the following amendment which was adopted:

In Section 1, lines 18-22, page 3, strike everything after the word "fined", and insert the following: not more than five hundred dollars (\$500) or imprisoned more than six (6) months for each offense.

Senator Pope offered the following amendment which was adopted:

Line 13, page 2, strike "Grabs, Hooks"

On motion by Senator Gong, the rules were waived and SB 163 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—39 Nays—None

Mr. President	Daniel	Karl	Scarborough
Askew	Deeb	Knopke	Shevin
Bafalis	de la Parte	Lane	Stolzenburg
Barrow	Ducker	Ott	Stone
Beaufort	Friday	Plante	Thomas
Bell	Gong	Pope	Trask
Bishop	Haverfield	Poston	Weissenborn
Boyd	Henderson	Reuter	Williams
Broxson	Hollahan	Saunders	Wilson
Chiles	Horne	Saylor	

Consideration of SB 60 was deferred, the bill retaining its place on the Calendar.

SB 255—A bill to be entitled An act relating to service of process on nonresidents; amending chapter 48, Florida Statutes, by adding section 48.182, to provide for personal service on a nonresident when such nonresident or agent commits a compensable wrongful act outside the state causing injury, loss, or damage within the state; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Wilson:

In Section 1, line 20, page 2, after the word "state" insert the following: , or any other state or nation

The President presiding.

On motion by Senator Wilson, the rules were waived and SB 255 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Ducker	Knopke	Stolzenburg
Askew	Fincher	Myers	Stone
Bafalis	Friday	Plante	Trask
Barrow	Gong	Pope	Weber
Beaufort	Haverfield	Poston	Williams
Boyd	Henderson	Reuter	Wilson
Broxson	Hollahan	Saunders	
Daniel	Horne	Scarborough	
de la Parte	Karl	Shevin	

Nays—1

Barron

SB 31—A bill to be entitled An act relating to the regulation of motorboats; amending section 371.76, Florida Statutes, by adding subsection (5), providing for automatic transfer of registration certificate when certificate of title is transferred; providing for transfer fee; repealing section 371.051(6), Florida Statutes; providing an effective date.

Was taken up and read the second time by title. On motion by Senator Friday, the rules were waived and SB 31 was read the third time by title, passed and certified to the House. The vote was: Yeas—35 Nays—None

Mr. President	Daniel	Horne	Scarborough
Askew	Deeb	Karl	Shevin
Bafalis	Ducker	Knopke	Stolzenburg
Barron	Fincher	Myers	Stone
Barrow	Friday	Plante	Trask
Beaufort	Gong	Pope	Weber
Bell	Haverfield	Poston	Williams
Boyd	Henderson	Reuter	Wilson
Broxson	Hollahan	Saunders	

SB 161—A bill to be entitled An act relating to and regulating the taking of crawfish; amending section 370.14(3)(c), Florida Statutes; providing that molesting or touching of another's traps is unlawful; providing an effective date.

Was taken up and read the second time by title.

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

In Section 1, line 25, page 1, after the word "to" insert the following: intentionally

On motion by Senator Gong, the rules were waived and SB 161 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—32 Nays—None

Mr. President	Broxson	Karl	Shevin
Askew	Deeb	Knopke	Stolzenburg
Bafalis	Ducker	Myers	Stone
Barron	Fincher	Plante	Thomas
Barrow	Friday	Poston	Trask
Beaufort	Gong	Reuter	Weber
Bell	Henderson	Saunders	Williams
Boyd	Horne	Saylor	Wilson

SB 288—A bill to be entitled An act relating to criminal trial procedure; amending chapter 932, Florida Statutes, by adding sections 932.61 through 932.66, to provide that a person charged with a violation of a county or municipal ordinance for which no jury trial is provided, when said violation is also a violation of state law, may cause the transfer of said case to the appropriate court in which a trial by jury is provided; establishing the method and procedure for such transfer; providing for the transfer of surety bonds; providing suggested forms for such transfer; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Shevin:

In Section 4, line 4, page 8, strike Section 4 in its entirety and insert the following: Section 4. This act shall take effect on July 1, 1970.

Senator Wilson offered and moved the following amendment:

In Section 1, line 29, page 1, after "----a violation of State law" insert: for which the punishment is a jail sentence in excess of 6 months or a fine of more than \$500

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

Add: or the loss of any license issued pursuant to State Law

The amendment as amended failed.

On motion by Senator Shevin, the rules were waived and SB 288 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—38 Nays—None

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

SB 436—A bill to be entitled An act relating to marine animals regulation amending section 370.12, Florida Statutes, by adding subsection (4) providing for protection of manta rays; providing a penalty; providing an effective date.

Was taken up and read the second time by title.

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

In Section 2, line 26, page 1, strike "immediately upon becoming law" and insert the following: July 1, 1970

Senator Myers offered the following amendment which was adopted:

In Section 1, line 17, page 1, add after "to" intentionally

On motion by Senator Henderson, the rules were waived and SB 436 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yeas—37 Nays—None

Mr. President	Deeb	Karl	Stone
Askew	de la Parte	Knopke	Thomas
Bafalis	Ducker	Myers	Trask
Barrow	Fincher	Plante	Weber
Beaufort	Friday	Pope	Weissenborn
Bell	Gong	Reuter	Williams
Bishop	Haverfield	Saunders	Wilson
Broxson	Henderson	Sayler	
Chiles	Hollahan	Shevin	
Daniel	Horne	Stolzenburg	

SB 479—A bill to be entitled An act relating to the protection of marine turtles; amending section 370.12(1), Florida Statutes, to make certain acts with relation to sea turtles unlawful; providing for studies of green turtles and nesting preserves to be made by the department of natural resources; prohibiting importation or sale of products made from certain turtles; prohibiting sale or trade of all young sea turtles; providing an effective date.

Was taken up and read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Friday and failed:

In section 1, after line 3, page 3, insert the following:

(2) The department of natural resources may, however, issue permits for the taking of turtles, their importation, processing and sale.

On motion by Senator Thomas, the rules were waived and further consideration of SB 479 was deferred, the bill retaining its place on the Calendar.

Pursuant to Rule 4.6, a point of order was called by Senator Beaufort, and SB 14 was also referred to the Committee on Ways and Means.

On motion by Senator de la Parte, by two-thirds vote, SB 215 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Ways and Means.

On motion by Senator Friday, the rules were waived and the Committee on Rules and Calendar was granted an additional 10 legislative days for the consideration of Senate Bills 499, 500, 214 and 512.

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

EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following—

ORDER OF SUSPENSION

WHEREAS, Jim Fair is presently serving as Supervisor of Elections of Hillsborough County, Florida, and

WHEREAS, on April 7, 1970, the Grand Jury of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, inquired into allegations of irregularities in the Office of Supervisor of Elections of Hillsborough County, Florida, and

WHEREAS, on April 13, 1970, the Grand Jury of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, completed its inquiry and furnished this office with a copy of its report which is attached hereto and incorporated herein as follows:

REPORT OF THE GRAND JURY—SPRING TERM—1970 ON THE OPERATION OF THE OFFICE OF SUPERVISOR OF ELECTIONS, HILLSBOROUGH COUNTY, FLORIDA

INTRODUCTION

This Grand Jury was impaneled on April 7, 1970, by the Honorable I. C. Spoto, Circuit Judge for the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida, and the members hereof have taken an oath to make diligent inquiry into the charges given it by the Court.

Pursuant to that responsibility, the Grand Jury has been asked to inquire into allegations of irregularities in the operation of the Office of Supervisor of Elections for Hillsborough County, Florida.

This Grand Jury has been advised as to its authority to inquire into and report on this matter by Joseph G. Spicola, Jr., State Attorney for the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida, and would include herein a brief statement of the legal authority for this report, as provided by Mr. Spicola. Grand juries are charged with the duty of investigating county offices, buildings, institutions, and officers, and to make due presentment concerning their physical, sanitary and general condition. If a grand jury in the course of its investigation of general public affairs finds that neglect or ineptitude are responsible for undesirable conditions, they may so report, even though their report incidentally points to an official or officials as responsible for the conditions. With the above authority in mind, it is the duty of the grand jury in investigating matters relating to the public health, welfare and morals, not to single out a public official for censure or reprobation, but to report on specific matters which lead the grand jury to conclude that that public official has not performed or is not performing his duties in accordance with the laws of the State of Florida and in the interest of the public welfare.

This Grand Jury has delved fully and impartially into the allegations of irregularities respecting the Office of Supervisor

of Elections. The Grand Jury has been in session for five (5) days with regard to the inquiry herein, and, during that period, has devoted its full attention to this matter.

Recognizing that the Supervisor of Elections of Hillsborough County, Florida, hereinafter referred to as the Supervisor, is an elected public official, and the gravity of the charges made against him, the Grand Jury feels that only a full review of the allegations will serve the ends of justice to all involved. Furthermore, this Grand Jury feels that the right to vote is one of our most precious rights, and, in order to ensure that this right is not endangered, has undertaken a thorough examination to determine whether any public official or employee has failed to carry out his sworn duties in this regard under the Constitution and laws of the State of Florida.

NATURE OF THE CHARGES

I. It is alleged that the Supervisor has failed and refused to properly discharge his duties under the election laws of the State of Florida.

II. It is alleged that the Supervisor has failed and refused to discharge his duties in accordance with the laws pertaining to public officers of the State of Florida.

III. It is alleged that the Supervisor has engaged in improprieties relating to personnel and office management practices.

TESTIMONY AND EXHIBITS

I. Testimony. The Grand Jury heard testimony from the following persons:

Anthony Frederic—former Chief Deputy
 Dorothy W. Glisson—Secretary of State's Office
 Blanche Work—Supervisor of Elections, Polk County
 Wilda Cook—Supervisor of Elections, Pinellas County
 Bessie LoScalzo—former permanent civil service employee
 Connie Leto—former permanent civil service employee
 Dahlia Gomez—former permanent civil service employee
 Cynthia Daniel—former permanent civil service employee
 Pat Frederic—former permanent civil service employee
 Emory Cook—manager, freight warehouse
 Tom McBride—former temporary employee
 Conrad J. George—owner, George's Used Furniture
 John King—present temporary employee
 David Bolton—present temporary employee
 Kerry Drake—present temporary employee
 Richard Sampey—present temporary employee
 Benjamin Rosenberg—former temporary employee
 Henry Pfeil—present temporary employee
 Marion Crawford—former temporary employee
 Alex Taylor—Tampa Police Department, Intelligence
 Mercedes Favata—Information Desk, County Courthouse
 W. G. Boyer—Assistant County Building Supervisor
 Mike Roskiwski—present temporary employee
 Tommy F. Farrell—present temporary employee
 Dorothy L. Weidemann—present temporary employee
 Mike Elam—present temporary employee
 Carolyn Gordon—present temporary employee
 Alton Strong—County purchasing agent
 Nan Robertson—former temporary employee
 Ronald Hoffer—present temporary employee
 Janice West—present temporary employee

II. Exhibits. The Grand Jury has reviewed the following exhibits:

Payroll records
 Employee records
 Purchase requisitions
 Travel vouchers
 Precinct index
 Purge cards and precinct maps
 Photographs
 Legal documents
 Correspondence and miscellaneous records from Supervisor

FINDINGS OF FACT

I. Matters relating to the election laws.

A. Purge of voter registration rolls.

The Office of the Supervisor failed to properly remove the names of those voters who have not voted during the past four years in accordance with the special act and general legislation pertaining to the voter registration rolls of Hillsborough County, hereinafter referred to as the purge. The last purge of the voter registration rolls was accomplished in 1965.

On January 7, 1969, the date that the Supervisor took office, the names of approximately 31,900 voters who had not voted in the last four years had been removed from the master registration rolls in the Office of Supervisor. On that date, the Hillsborough County Commission had theretofore appropriated a sufficient budget to enable the Office of the Supervisor to accomplish the 1969 purge. From the date the Supervisor took office, no work was accomplished in the year 1969 on the voter registration purge. The five permanent employees then working in the Office of the Supervisor prepared proposed cards for the purpose of notification of voters whose names had been removed from the master rolls, but said proposed cards were rejected numerous times for no apparent reason by the Supervisor. It was alleged that on January 31, 1970, the Supervisor caused only 25 purge cards of his own design to be sent out in an apparent effort to comply colorably with the election laws. The purge cards which had been prepared by the permanent employees and rejected by the Supervisor were simple and effective, and followed the pattern of purge cards used in past years; but the cards designed and sent out by the Supervisor bore his name in several places and had the overtones of political advertisement for the Supervisor himself.

During the latter part of February and the first part of March, 1970, the Supervisor engaged the services of personnel outside the Office of the Supervisor to distribute purge cards to the entire registration roll, numbering some 210,000 voters. Because said purge cards were sent out in envelopes containing a precinct map and other materials, the purge cards bore no postmark, the result being that the time for compliance with notification, as required by the special and general laws, could not be calculated. Distributed with said purge cards were maps which called on each voter to designate his proper voting precinct. Said maps were unclear and confusing, to the extent that thousands of errors were made by voters in designating their proper precincts.

Those purge cards returned to the Office of the Supervisor were improperly handled and misfiled, resulting in an inability on the part of the Office of the Supervisor to notify those voters who did not respond to the purge cards. Some 30,000 cards to which no response was made are stored outside the Office of the Supervisor, and no attempt has been made to either correct the master voter registration rolls or to notify the unresponding voters with respect to those cards.

Untrained temporary personnel have been placed in charge of the voter registration purge, whereas experienced permanent personnel were assigned to other duties prior to their discharge referred to hereinunder.

The provisions of the aforementioned laws require that the voter registration purge shall have been completed by no later than March 30, 1970. At the present time, purge cards are still being distributed and are still being returned to the Office of the Supervisor.

B. Display of irregular ballots without Court Order.

In the month of January, 1969, after the Supervisor had taken office, an unsuccessful candidate in a county-wide election which had been held the preceding November, requested viewing of all write-in ballots from that election. Said ballots had been sealed and locked in the Office of the previous Supervisor. When the present Supervisor took office, said ballots were removed from lock and key and kept in an open box in the outer part of the office.

The write-in ballots from each precinct were kept in the boxes in sealed envelopes. At the direction of the Supervisor, his employees unsealed and opened the envelopes and displayed the write-in ballots to the party requesting them, without supervision of said display by

the Supervisor. The Supervisor had knowledge, or should have had knowledge, that a Court Order was necessary, according to the provisions of the election laws, for the display of sealed irregular ballots prior to the time said ballots were displayed to the party requesting them.

C. Splitting and combining of precincts.

The splitting of Precinct 49B into new precincts 49B, 49E, 49F and 49G was ordered by the Election Board in the month of December, 1969. Pursuant to said order, the permanent employees of the Office of the Supervisor separated the names of those voters who were affected by the split. No further action was taken upon the direction of the Supervisor. No action had been undertaken by the Office of the Supervisor to accomplish the split of Precinct 49B as late as March 27, 1970.

The combining of Precincts 34 and 35 also was ordered by the Election Board in the month of December, 1969. The permanent employees of the Office of the Supervisor began to combine the names of voters in Precincts 34 and 35, but were stopped by the Supervisor. No further action had been taken regarding combining the precincts as late as March 27, 1970.

Testimony presented before the Grand Jury indicates numerous instances in which the Election Board had ordered splitting and combining of precincts or alterations of the precinct boundaries. Said testimony further reflects that the orders of the Election Board in these regards have not been complied with by the Office of the Supervisor, which will undoubtedly result in lack of notification to voters of their proper precincts.

D. Mailing of absentee ballots to servicemen.

The evidence presented to the Grand Jury revealed that upon notification by the Office of the Governor of the State of Florida that a special election was to be held in Hillsborough County on April 21, 1970, no immediate steps were taken regarding the mailing of absentee ballots to servicemen stationed outside the County. The evidence reflects that said mailing was begun only upon afterthought by the employees of the Office of the Supervisor.

There is no testimony before this Grand Jury reflecting that said mailing has been completed or will be completed in time for the aforementioned special election.

II. Matters relating to laws governing conduct of public officers.

A. Self-dealing.

In the month of March, 1969, the Supervisor submitted a requisition to the County Purchasing Department requesting the purchase of several dictionaries and encyclopedia from a concern known as Sterling Exchange. The Purchasing Department officers, after being unable to find such a firm established for the purpose of doing business in Hillsborough County, perceived that the address of the Sterling Exchange firm was the same as the private warehouse owned and operated by the Supervisor. The Supervisor was advised by the Purchasing Department that such a requisition appeared to present a conflict of interest on the part of the Supervisor and rejected the requisition.

In the month of July, 1969, the Supervisor approached a local businessman dealing in office furniture and arranged to trade a desk to him in return for certain other items of furniture. Shortly thereafter, the Supervisor purchased said desk for use in his office at the expense of the County.

On another occasion, the Supervisor approached a third party and suggested that they enter into an agreement whereby the third party would purchase certain items from the Supervisor and sell those items to the County for use in the Supervisor's Office. The person to whom this offer was made rejected the offer.

B. Use of public property for private purposes.

The Supervisor used office equipment, supplies and personnel to prepare and duplicate pleadings pertaining

to in excess of twenty law suits he has filed regarding matters not bearing upon the functions of his office. In addition, the Supervisor has used personnel and equipment of his office in preparing pleadings relating to petitions he has filed before the Public Service Commission. In this respect, the testimony revealed that the Supervisor has copied numerous papers on the office xerox machine, and instructed employees to prepare papers relating to his private law suits and petitions before the Public Service Commission, and improperly utilized substantial hours of office time for this purpose.

C. Improper expense vouchers.

Testimony taken in this matter reveals that the Supervisor has submitted expense vouchers in his own behalf and on behalf of several of his employees for travel expenses relating to trips taken for personal purposes. These include in the main trips made for the purpose of appearing before the Public Service Commission on matters unrelated to his office.

D. Neglect of duties and absence from office.

It is the finding of this Grand Jury that the Supervisor has grossly neglected the responsibilities of his office. The testimony reveals that the Supervisor, since taking office, has devoted substantial amounts of his time to the pursuit of matters of personal interest at the expense of the voting taxpaying public. Failure to properly conduct the voter registration purge referred to above, and the failure to expeditiously complete the splitting and combining of precincts are but two examples of this neglect. The Supervisor has frequently been absent from his office for extended periods of time when the presence of the Supervisor was necessary to the efficient functioning of the office. The Grand Jury is advised that the Supervisor has not been in his office during the period of this investigation, which absence is particularly distressing in view of the two special elections which are to be held in the immediate future. News releases by the Supervisor himself indicate that his absence at this time has resulted from a deliberate attempt to avoid service of process in order for this Grand Jury to obtain his testimony.

III Personnel and office management.

A. Hiring and firing procedures.

The Grand Jury finds that the Supervisor did, on March 27, 1970, discharge from employment five permanent civil service employees with approximately fifty years combined civil service experience within the Supervisor's office. Testimony received by the Grand Jury indicates that there was no justification for such action by the Supervisor, and that said permanent civil service employees had exhibited exemplary conduct, diligence and work practices in the office.

In considering applicants for employment in the Office of the Supervisor, the Supervisor utilizes an unorthodox and inefficient system, if any system it may be called. Apparently no objective standards exist in determining the suitability for employment of any applicant. From the evidence, it appears that the Supervisor on several occasions has taken into the employ of his office persons with known and in some cases notorious criminal records.

The evidence has revealed that in at least one instance, a temporary employee was virtually hired off the street by the Supervisor when said employee had not submitted an application for employment. On said occasion, the employee had entered the Office of the Supervisor in order to register to vote. While in the office, the employee was advised that part-time temporary positions were open and was later hired at the instance of the Supervisor.

B. Improper utilization of employees.

The Grand Jury finds that the Supervisor has placed part or full-time temporary employees with three to four days experience in supervisory capacities over long-time civil service employees. This practice has led to gross inefficiency and confusion in office organization and policy.

At the instance of the Supervisor, several of the employees of his office have accompanied the Supervisor on trips to various cities within the State to attend Public Utility hearings. Said trips were taken during office working hours, but had no relation to the official functions of the office. The Supervisor and the employees were paid expenses for said trips as a result of vouchers filed at the instance of the Supervisor.

The Supervisor used County employees in preparing private law suits not in any way connected with the Office of Supervisor. Further, the Supervisor, during the year 1969, assigned his employees to tasks such as moving furniture, making posters, relabeling precincts books already labeled, and writing papers on subjects such as smoking, health, utilities, and other subjects bearing no relation to official duties.

The Grand Jury finds that included among the temporary employees are persons who have been suspended from the practice of law, and one such person in the past has a long record of serious criminal offenses and has been repeatedly declared mentally incompetent. These employees with legal backgrounds were specifically used in preparing law suits in which the Supervisor was involved but which did not deal with any of the functions of his office.

C. Drunkenness and misconduct.

The Grand Jury finds that the Supervisor allowed the consumption of alcoholic beverages in the office during working hours. On more than one occasion, a temporary employee was seen intoxicated in the office during working hours. Testimony was presented by employees of the office of Supervisor and by Courthouse maintenance employees that wine and liquor bottles and beer cans were found in various places about the office.

The Supervisor permitted advances to be made upon one of his permanent civil service employees by a temporary employee who was under the influence of alcohol. The temporary employee involved was referred to above as having a lengthy record of criminal activity, drunkenness and incompetency. When requested by the permanent civil service employee to take preventative measures against future assaults of the kind, the Supervisor vociferously criticized the permanent employee and remonstrated against her for "making trouble" for the Supervisor.

The Supervisor's treatment of voters entering the office to register, or calling over the telephone, also evidenced instances of verbal abuse. The Supervisor commonly referred to voters as "suckers" and "fools."

On the occasion of the discharge of the five permanent civil service employees, the Supervisor engaged in severe abusive and degrading criticism of these employees in the presence of the news media, approximately thirty office employees, and the public.

D. Payroll and salaries.

It appears from the testimony that the Supervisor engaged in arbitrary assignment of salaries and wages to the various employees. The system of keeping the time that each employee worked was both haphazard and inefficient. There was no sign-in or sign-out system utilized in the office, and the evidence shows that there were temporary employees working irregular hours with no means of accurately calculating the number of hours. Each person was individually responsible for reporting his hours to the timekeeper.

Raises were approved by the Civil Service Board for certain permanent civil service employees, after requests had been made by said employees to the Supervisor and rejected by him. Following civil service approval, these raises were never forwarded to said employees by the Supervisor.

E. Purchasing procedures.

The Supervisor engaged in purchasing practices that were contrary to the policies utilized by Hillsborough County in that he would make large purchases prior to

sending a requisition to the purchasing department. County officials attempted to instruct the Supervisor with regard to the proper method of purchasing. But these officials were subjected to verbal abuse and the Supervisor failed to heed their advice.

When criticized for irregular purchasing practices, the Supervisor would commonly retort that he was "saving the taxpayers money." The evidence before the Grand Jury indicates that the purchasing practices by the Supervisor amounted to false economy. In one instance, five used manual typewriters were requisitioned by the Supervisor for a purchase of approximately \$100.00 each. Testimony reveals that brand new typewriters could have been purchased for approximately \$125.00, accompanied by service contracts with the vendor.

F. Security, safety and sanitation practices.

Testimony reveals that the Supervisor consistently refused to cooperate with building maintenance and security officers with respect to adequate security, safety and sanitation measures. The Supervisor permitted employees to sleep overnight in the office and to use the office for purposes of personal hygiene.

After having his request to the building maintenance department for telephone extension cord refused, the Supervisor had a hole cut in a fire retaining door and installed his own extension cord. The Supervisor had closed his office door to the public and posted signs requiring the public to enter through the door of the Elections Board Office. This measure has caused confusion among people attempting to enter the Supervisor's Office, and generally limits the access of the public to the office.

The Supervisor has further refused to cooperate with building security personnel by leaving doors leading directly to the outside propped open during hours when the Courthouse is normally closed. The Supervisor has consistently refused requests from building security personnel to cease this practice.

G. General office inefficiency.

The Grand Jury has heard testimony relating almost interminable details regarding the inefficient manner in which the Supervisor's Office is now conducted. An office that previously functioned with six full-time civil servants now has no permanent civil service employees, but 35 part-time and temporary employees. However well-meaning, these employees, without adequate supervision and training, cannot function efficiently.

The overcrowding of the office, lack of organization of official records and documents, insufficient delineation of authority, and general office mismanagement all work to the detriment of the office operation and of the morale of the workers. Employees are constantly re-assigned from one office function to another without having been allowed sufficient time to receive training and gain familiarity with any certain function of the office.

CONCLUSIONS

In view of the aforementioned allegations and findings of fact, this Grand Jury makes the following conclusions:

I. That the conduct of the Supervisor of Elections of Hillsborough County, Florida, constitutes malfeasance, misfeasance and neglect of duty respecting the operation of his office under the election laws of the State of Florida.

II. That the conduct of the Supervisor of Elections of Hillsborough County, Florida, constitutes malfeasance, malpractice and neglect of duty under those laws regulating the conduct of public officers of the State of Florida.

III. That the Supervisor of Elections of Hillsborough County, Florida, has demonstrated utter disregard for proper, efficient and reasonable office personnel policies and office management practices and has displayed conduct constituting neglect of duty, incompetence and inability to perform his official duties.

IV. That this Grand Jury has serious reservations regarding the prospect of the special election slated to be held in the near future. As a result of the current situation within the Office of the Supervisor of Elections of Hillsborough County, Florida, there is no assurance that the right to franchise of the voters of Hillsborough County will be protected.

RECOMMENDATIONS

Having fully reported its investigation of the allegations contained herein, we, the members of the Grand Jury of Hillsborough County, Florida, hereby make the following recommendations:

I. That the Governor of the State of Florida exercise his authority under Article IV, Section 7, of the Constitution of the State of Florida, and related statutes, to suspend the Supervisor of Elections of Hillsborough County and to appoint a qualified person to fill the office so vacated until such time as the Senate of the State of Florida can act upon the suspension.

II. That consideration be given to the initiation of a new voter roll purge or, in the alternative, that county-wide reregistration be undertaken as soon as practicable.

III. That the five civil service employees that were discharged by the Supervisor of Elections on March 27, 1970, be given maximum consideration for re-instatement as civil service employees by the Civil Service Board of Hillsborough County.

IV. That full cooperation and coordination be established in the future among all county offices and the Civil Service Board of Hillsborough County to the end that qualified, efficient and able personnel be provided.

V. That despite the gravity of the improprieties reported herein, the return of criminal indictments is not warranted, provided that the above recommendations are carried out.

VI. That the State Attorney is requested to prepare on behalf of this Grand Jury a letter to the appropriate authorities setting forth the recommendations of this Grand Jury, and appending thereto a copy of this Report.

s/ TRUBY L. JONES, JR.,
FOREMAN OF THE GRAND JURY

s/ ROBERT J. DONOVAN,
VICE-FOREMAN OF THE GRAND JURY

MILDRED B. GUNN,
SECRETARY OF THE GRAND JURY

s/ JOSEPH G. SPICOLA, JR.,
STATE ATTORNEY, THIRTEENTH JUDICIAL CIRCUIT

and

WHEREAS, as a result of the Grand Jury's report, I find that the facts sufficiently reflect misfeasance, malfeasance, neglect of duty and incompetency in office, and

WHEREAS, Jim Fair acting in his official capacity as Supervisor of Elections of Hillsborough County, Florida, is held to a high standard of moral, ethical and legal conduct, which standard is reflected from the Grand Jury's report has not been maintained, and

WHEREAS, I find that the interests of the citizens of Hillsborough County, Florida, would best be served by this executive act;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, do hereby suspend the said Jim Fair from the Office of Supervisor of Elections of Hillsborough County, Florida, on the grounds of misfeasance, malfeasance, neglect of duty and incompetency in office, as reflected by the report of the Grand Jury of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Jim Fair is hereby prohibited from performing the

duties or exercising the authorities of said office during the period of suspension.



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 14 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.

EXECUTIVE ORDER

WHEREAS, on March 16, 1970, an Executive Order was issued suspending Ralph E. Cunningham, Jr., as State Attorney of the Sixteenth Judicial Circuit of Florida, based upon a criminal Information filed against him charging him with conspiracy to violate the gambling laws, in violation of Section 833.04 and Section 849.01, Florida Statutes, and charging him with bribery in violation of Section 838.012, Florida Statutes, and

WHEREAS, the Acting Solicitor of the Criminal Court of Record, Monroe County, Florida, on April 14, 1970, nolle prossed the charges contained in the criminal Information filed against the said Ralph E. Cunningham, Jr., and

WHEREAS, the Grand Jury of the Sixteenth Judicial Circuit in and for Monroe County, Florida, returned a no true bill against the said Ralph E. Cunningham, Jr.;

NOW, THEREFORE, I, Claude R. Kirk, Jr., by virtue of the power and authority vested in me by the Constitution and laws of the State of Florida, in view of the action taken by the Acting Solicitor of the Criminal Court of Record, Monroe County, and the Grand Jury of the Sixteenth Judicial Circuit in and for Monroe County, do hereby revoke the Executive Order of March 16, 1970, and restore the said Ralph E. Cunningham, Jr., as State Attorney of the Sixteenth Judicial Circuit of Florida.



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 15 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.

Honorable Edwin G. Fraser
Secretary of the Senate
The Capitol

April 14, 1970

Dear Sir:

Attached hereto is a certificate listing the commission prepared today which is 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 a Commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
G. D. Auchter, Jr. Jacksonville	Member, The Jacksonville Port Authority, Duval County	June 25, 1972

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

CO-INTRODUCERS

By permission, Senator Friday was recorded as a co-introducer of Senate Bills 407, 443, 482 and 483.

By permission, Senator Bell was recorded as a co-introducer of SB 571.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:07 p.m. to reconvene at 8:30 a.m., April 17, 1970.

GIVEN under my hand and Great Seal of the State of Florida at Tallahassee, the Capitol, this fourteenth day of April, A. D., 1970

TOM ADAMS
Secretary of State

