

SPECIAL SESSION

JOURNAL OF THE SENATE

At a special session of the Florida Legislature convened by proclamation of His Excellency, Claude R. Kirk, Jr., Governor of the State of Florida, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Friday, October 9, 1970

In pursuance of the Proclamation of Honorable Claude R. Kirk, Jr., Governor of the State of Florida, the Senate met in special session at 10:00 a.m. and was called to order by Senator John E. Mathews, President of the Senate; the Secretary of the Senate, Edwin G. Fraser, the Sergeant at Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the Governor convening the Legislature in special session was read as follows:

PROCLAMATION

TO THE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES

WHEREAS, the announced substantial increase in automobile insurance rates is of such great concern to all people in Florida that immediate legislative action must be undertaken, and

WHEREAS, the urgency of the situation demands the convening of a special session for the purpose of establishing a ninety (90) day moratorium on all such increases in order to permit the Legislature, during such period, to undertake a careful review of the existing laws and regulations, and

WHEREAS, I find that it is in the best interest of the people and policy holders in this State that the Legislature be convened forthwith;

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 3, Article III of the Constitution, do hereby convene the Legislature in special session at the Capitol for one (1) day beginning at 10 A. M. on Friday, October 9, 1970, and ending at 5 P. M. on Friday, October 9, 1970.

This call is for the sole and exclusive purpose of considering the adoption of legislation declaring a ninety (90) day moratorium on automobile insurance rate increases and to consider the adoption of legislation restoring the automobile insurance rate structure as it existed prior to the date of such increases for such ninety (90) day period.



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 3 day of October, 1970.

CLAUDE R. KIRK, JR. Governor

ATTEST: TOM ADAMS Secretary of State

The following Senators were recorded present:

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

46. A quorum present.

Excused: Senator Broxson who was in Europe, and Senator Friday until 3:15 p.m. for the purpose of attending the funeral of his uncle in Jacksonville.

Prayer by the Secretary of the Senate:

Most gracious God, we thank you for our land, for our government and all of its application. We recognize those responsibilities assigned to people in public trust and honor their dedication in resolving and their sincerity in decision.

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

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

The President announced that all bills not coming within the purview of the Governor's proclamation would be examined by the Committee on Rules and Calendar for recommendation as to their admission for introduction and consideration.

INTRODUCTION

By Senator Deeb—

SB 1-C—A bill to be entitled An act relating to insurance; amending §§ 627.031, 627.041, and 627.111(1), Florida Statutes; adding §§ 627.319, 627.320, and 627.322, Florida Statutes; providing the purpose of part I of chapter 627; defining "pure premium"; providing for a hearing as to filing for workmen's compensation and employer's liability insurance; providing a procedure in other types of insurance for rate filings; providing for a rate examiner to investigate rate filings and make his report and findings public record; providing for review of report and findings by department of insurance; providing for public hearings; providing that the department may disapprove a filing or may give notice to insurer that there is no reason to disapprove the filing; providing an effective date.

By Senator Saylor—

SB 2-C—A bill to be entitled An act relating to insurance; amending § 627.062(1), Florida Statutes, to provide that insurance companies must give three months' advance public notice of intent to raise rates; providing that the insurance commissioner shall determine whether such proposed rate increases are in violation of the law before such rate increases go into effect; providing that the insurance commissioner may issue an order prohibiting such proposed rate increase if he finds it in violation of the law; providing the insurance commissioner shall investigate any rate increases effective between September 1, 1970, and the effective date of this act; providing an effective date.

Senate Bills 1-C and 2-C not being within the purview of the Governor's call were not admitted for introduction and consideration.

By Senators Henderson, Slade, Deeb, Myers, Reuter, Stolzenburg, Haverfield and Shevin—

SB 3-C—A bill to be entitled An act relating to insurance; providing for a ninety day moratorium on increases of automobile insurance rates; providing an effective date.

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

By Senator Slade—

**SB 4-C**—A bill to be entitled An act relating to private passenger automobile insurance rates; prohibiting increases in such rates above those in effect on the effective date of this act until July 1, 1971; declaring rates above those lawfully used on September 1, 1970, to be excessive; providing that rates in lawful use on September 1, 1970, or lower rates, shall be used for a period from the effective date of this act until July 1, 1971; retaining power in department of insurance to challenge rates; providing powers to the department of insurance to allow rate increases in certain instances; declaring provisions severable and providing an effective date.

By Senator Slade—

**SB 5-C**—A bill to be entitled An act relating to the study of insurance; creating a commission on Florida insurance reform; establishing the duties of the commission; requiring an initial report of the commission prior to the 1971 regular session of the legislature; providing a legislative declaration; providing for the commission's staff; providing an appropriation; providing an effective date.

By Senators Askew, Poston, Mathews, Horne, Beaufort, Karl, Myers, Gunter, Trask, Stone, Hollahan, Bishop, Haverfield, Pope, Barrow and McClain—

**SB 6-C**—A bill to be entitled An act relating to insurance; providing for a one hundred and twenty day moratorium on increases of automobile insurance rates; providing an effective date.

By Senator Saylor—

**SB 7-C**—A bill to be entitled An act relating to insurance; amending § 627.062(1), Florida Statutes, to provide that insurance companies must give three months' advance public notice of intent to raise rates; providing that the insurance commissioner shall determine whether such proposed rate increases are in violation of the law before such rate increases go into effect; providing that the insurance commissioner may issue an order prohibiting such proposed rate increase if he finds it in violation of the law; providing the insurance commissioner shall investigate any rate increases effective between September 1, 1970, and the effective date of this act; providing an effective date.

Senate Bills 4-C, 5-C, 6-C and 7-C not being within the purview of the Governor's call were not admitted for introduction and consideration.

Senator Horne moved that the Senate stand in recess until 10:40 a.m., the rules be waived and the Committee on Rules and Calendar be permitted to meet for the purpose of considering SB 3-C. The motion was adopted.

The Senate stood in recess at 10:14 a.m.

The Senate was called to order by the President at 10:40 a.m. A quorum present.

#### REPORTS OF COMMITTEE

The Committee on Rules and Calendar recommends the following pass: SB 3-C with 1 amendment.

The bill was placed on the Calendar.

The Committee on Rules and Calendar recommends the following order of business:

1. SB 3-C be made a special and continuing order for immediate consideration and until final disposition thereof.

2. The Senate receive bills not within the purview of the Governor's call.

3. Consideration of veto messages.

On motion by Senator Horne the foregoing report was adopted.

#### SPECIAL AND CONTINUING ORDER

**SB 3-C**—A bill to be entitled An act relating to insurance; providing for a ninety day moratorium on increases of automobile insurance rates; providing an effective date.

On motion by Senator Henderson, the rules were waived by voice vote with no dissenting votes being detected by the Chair, and SB 3-C was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Askew:

In Section 2, line 25, strike: "ninety" and insert: one hundred twenty

The amendment was adopted by voice vote with two dissenting votes being detected by the Chair.

Senator Slade offered and moved the following amendment:

In Section 1, line 16, page 2, strike: "Lines 16 through 30" and insert:

Section 1. Prior to July 1, 1971, no insurer in this state shall increase its private passenger automobile insurance rates above the rates in effect as to it on the effective date of this act.

Section 2. It is hereby declared that every private passenger automobile insurance rate in excess of that lawfully used by an insurer in this state on September 1, 1970, is excessive.

Section 3. Every private passenger automobile insurance rate lawfully used by an insurer in this state on September 1, 1970, shall continue to be used by and be effective as to such insurer from the effective date of this act until July 1, 1971, except that any insurer may use rates adopted by it in accordance with part 1 of chapter 627, Florida Statutes, lower than those in use on September 1, 1970.

Section 4. Nothing in this act shall prohibit the department of insurance from challenging any private passenger automobile insurance rates as being excessive, inadequate or unfairly discriminatory.

Section 5. Anything contained herein to the contrary notwithstanding, the department of insurance may, to prevent the insolvency of an insurer and thereby protect the policyholders therein, allow increases in private passenger automobile insurance rates which it determines to be not excessive, inadequate or unfairly discriminatory. The department of insurance shall adopt such rules and regulations as may be necessary to carry out the intent of this section.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications of the act which can be given effect without such invalid provision or application, and to this end the provisions of this act are declared to be severable. The legislature hereby declares that it would have enacted all valid provisions of this act standing alone even had it known that other provisions hereof would be declared invalid.

Section 7. This act shall take effect upon becoming law.

Senator Askew offered the following substitute amendment which was adopted by two-thirds vote:

In Title, strike: "ninety" and insert: one hundred twenty

The vote was:

Yeas—35

Mr. President	Daniel	Johnson	Saunders
Askew	de la Parte	Karl	Shevin
Bafalis	Ducker	Knopke	Stone
Barrow	Fincher	Lane	Thomas
Beaufort	Gunter	McClain	Trask
Bell	Haverfield	Myers	Weissenborn
Bishop	Henderson	Ott	Williams
Boyd	Hollahan	Pope	Young
Chiles	Horne	Poston	



(a) The examiner's findings as to the reasonableness of the proposed rate change.

(b) How the investment income earned on the loss and unearned premium reserves was taken into consideration by the examiner in determining the reasonableness of the proposed rate change.

(c) The pure premium, as defined in § 627.041(8), per insured unit for the state for each rating territory and for each classification for the current experience period and the two immediately preceding experience periods (acceptable credibility standards may be used).

(d) Any other criteria requested by the department.

(2) Upon receipt of the rate examiner's report and findings, the department shall review the report and findings for a period of time not exceeding ten days.

627.322 Hearings; rate filings.—

(1) Within ten days after the rate examiner's report is received, the department shall place the rate examiner's report, the proposed rate change filing by the insured, and any additional information, if any, requested by it on display in its offices for public inspection.

(2) The documents which the department has placed on display for public inspection in its offices as provided in subsection (1) shall so remain for fifteen days counting the tenth day of the review period by the department as the first day.

(3) The department shall give written notice of the public hearing to the insurer that made the filing thirty days prior to hearing. The public hearing shall be held on the last day of the fifteen day public inspection period. The department shall also give advance public notice of such hearings on the first day of the public inspection period to all news services having offices or correspondents at Tallahassee.

(4) At the conclusion of the public hearing, the department shall decide whether there is sufficient reason to disapprove the proposed rate change. If the department disapproves a proposed rate change it shall give notice of such disapproval not later than five days after the conclusion of the public hearing to the insurer that made the filing, stating in what respects it finds the filing does not meet the requirements of this chapter. If the department determines that there is no reason to disapprove the proposed rate change it shall give prompt notice thereof to the insurer that made the filing, in which case the proposed rate change shall become effective upon the ninetieth day from the date of filing.

(5) Any such order of the department shall be subject to judicial review as provided in § 627.391.

Section 5. This act shall take effect July 1, 1971.

The vote was:

Yeas—8

Bell	Reuter	Slade	Weber
Deeb	Sayler	Thomas	Young

Nays—35

Mr. President	Daniel	Johnson	Poston
Askew	de la Parte	Karl	Scarborough
Bafalis	Ducker	Knopke	Shevin
Barron	Fincher	Lane	Stone
Barrow	Gong	McClain	Trask
Beaufort	Gunter	Myers	Weissenborn
Bishop	Haverfield	Ott	Williams
Boyd	Henderson	Plante	Wilson
Chiles	Hollahan	Pope	

On motion by Senator Askew, the rules were waived and HB 8-C was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

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

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

Nays—2

Ott Wilson

EXPLANATIONS OF VOTE ON HB 8-C

Mr. President, My reason for asking permission to go on record explaining my vote on this measure is highly personal, in that I cast a "yes" vote only so that the people of Florida might be given time to fully examine the possible consequences of rash action by the Legislature; rash action at a time when emotion is the rule, not reason. Passage of this moratorium on insurance rates is repugnant to me in one sense of the word because we are tampering with a system that has made this country great—the free enterprise system.

I would feel the same way if we were voting a moratorium on the price of automobiles, the price of private medical care, the price of homes or the rental of apartments. All of these prices have risen, percentage wise, much more over the past ten years than have insurance rates. But those are not political issues—insurance rates are. Therefore, Mr. President, I vote "yes" on this issue hoping between now and the time we meet again following the moratorium we can restore public confidence in the insurance industry; hoping that the people will carefully consider the ramifications of permanent changes which could strike at the very heart of the principles of the free enterprise system; hoping that the press, the companies involved, members of the Legislature and those in positions to do so, will study the issues fairly, objectively and honestly.

It is for these reasons, Mr. President, that I vote "yes".

Alan Trask, 27th District

The executive branch of government is vested with the legal authority to intercede if it so desires in the matter concerning the recently announced increases in insurance rates. It has the prerogative of asking the courts to enjoin such insurance companies from increasing the rates if it feels this is a proper action. As politically popular as freezing rates may appear, it nevertheless amounts to legislative price fixing and such action borders on nationalizing an industry. It is indeed the very act that could serve to encourage other companies to join those major insurers that have already ceased writing automobile insurance in Florida. If the Legislature is to react, it should be to encourage more positive action on the part of the executive branch of government. It is a sad commentary, if not a mockery to our Republic, for the executive branch to seek to relegate to the Legislature the authority of policy making and decision making that by constitutional design has been long reserved to the executive branch. My vote in favor of a moratorium (which is constitutionally questionable) is not an endorsement of such a procedure but rather a joint attempt of the Legislature to seek a reprieve from the political syndrome confronting Florida that will only be alleviated after the general election on November 3, 1970, when decisions will not be subject to lame duck officials.

Jerry Thomas, 35th District

Although I voted "yes" on HB 8-C it is not the quickest or best solution to what many of our citizens feel is a major problem. However, all other possible courses and proposed bills have been ruled as not within the purview of this session.

Henry B. Sayler, 21st District

The Senate resumed—

INTRODUCTION

By Senators Myers, Shevin, Deeb, Beaufort, Askew, Stone and Slade—

SB 8-C—A bill to be entitled An act relating to insurance; amending sections 627.031, 627.062, 627.091, 627.101, 627.111, 627.141, 627.151, 627.181, 627.191, and 627.291, Florida Statutes, to provide for repeal of the so-called Cali-

fornia Plan as to motor vehicle insurance, and the reinstatement of prior approval of rates on motor vehicle insurance; adding new section 627.070, Florida Statutes, to define motor vehicle insurance; providing an effective date.

SB 8-C not being within the purview of the Governor's call was not admitted for introduction and consideration.

By the required Constitutional two-thirds vote of the Senate the following Resolution was admitted for introduction and consideration:

By Senators Young, Sayler, Deeb, Plante, Lane, Henderson, Wilson, Slade and McClain—

**SCR 9-C**—A Concurrent Resolution supporting President Richard M. Nixon's major new initiative for peace in Indochina.

Whereas, the end of all war in Indochina is of overriding importance and concern to all Americans and to free peoples of all nations, and

Whereas, the five-point peace program put forth by President Nixon in an address to the nation on October 7, 1970, is the most comprehensive initiative for peace in Indochina to come from the United States Government, and

Whereas, the key part of President Nixon's peace initiative calls for a "cease-fire in place", which will result in an end to death and destruction of American and Asian lives and property, and which is indispensable in achieving an ultimate peace in Indochina, and

Whereas, President Nixon deserves the support of every American citizen in his quest for a just and honorable peace and the release of all prisoners of war in Indochina, Now, Therefore,

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

That President Richard M. Nixon's major new Indochina peace initiative is supported by the Florida Legislature, which adds its desire for a just and honorable Indochina peace to that of all Floridians.

Be It Further Resolved that copies of this resolution be presented to the President, to the officers of Congress and to all members representing Florida in the Congress of the United States.

The vote was: Yeas—45 Nays—None

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

SCR 9-C was read the first time in full. On motion by Senator Sayler, the rules were waived and SCR 9-C was read the second time by title, adopted, and certified to the House. The vote was: Yeas—45 Nays—None

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

By Senator Reuter—

**SB 10-C**—A bill to be entitled An act relating to the department of commerce; directing the development of a plan

to obtain the primary supporting installation for the space shuttle program for Florida; providing an appropriation; providing an effective date.

SB 10-C not being within the purview of the Governor's call was not admitted for introduction and consideration.

By the required Constitutional two-thirds vote the following resolution was admitted for introduction and consideration:

By Senators Pope, Karl, Mathews, Beaufort, Scarborough and Slade—

**SR 11-C**—A resolution in memoriam George William Jackson

WHEREAS, in the demise of Judge George William Jackson the Bench and Bar of Florida has suffered the loss of an eminent lawyer and jurist, the community in which he lived an outstanding citizen, his family a dedicated father, and his many friends a genial and able contemporary, and

WHEREAS, the long span of his life was so marked by the virtues of integrity and honest endeavor, faithfulness to the tenets of right thinking and right living, learning in his chosen profession and an earnest interest in his fellowman that we would record as an inspiration to posterity something of the achievements of this invaluable member of society as well as something of the void his going has left in our hearts, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

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

IN MEMORIAM

GEORGE WILLIAM JACKSON

—who was born in Vineland, New Jersey, on June 16, 1890, the son of William and Jane (Cairns) Jackson.

At the age of six years St. Augustine, Florida, became his home, where he spent the remaining years of his long and fruitful life which terminated on October 8, 1970.

His early education was received in the local schools of St. Johns County and in the years 1912-1914 he attended the University of Florida, at Gainesville, from which he graduated and received a degree in law. Upon admission to the Florida Bar and to practice before the United States Supreme Court in January, 1914, he entered the private practice of law in St. Augustine, in which he continued until 1927. During a period of some two months he was a member of the partnership of Dunham & Jackson. In 1915 he was appointed County Judge of St. Johns County by Governor Park Trammell. On June 1, 1927, Governor John Martin appointed him to serve as Judge of the Circuit Court of the Seventh Judicial Circuit of Florida, then composed of the County of Volusia. In 1935 the Seventh Circuit was extended to include the counties of Flagler, Putnam, St. Johns and Volusia. He continued to serve in the capacity of Judge in the Seventh Circuit until the date of his retirement on January 3, 1961. During his long tenure as a judge he enjoyed the unusual experience and honor of never having an opponent in his re-election to office.

He was a member of the Episcopal Church, the Democratic Party, the Ancient, Free and Accepted Masons, the Benevolent and Protective Order of Elks, the Rotary Club, and served in the Florida National Guard in 1913.

Miss Clint Berry Cunningham of Richmond, Kentucky, became his wife on October 21, 1915, and predeceased him on December 12, 1968. A daughter and a son, Clarinda Jean (Mrs. John C. Jennison) and George William Jackson, Jr., and their respective children are the survivors of this happy union.

Retirement from the Bench did not curtail Judge Jackson's service to the Bench and Bar of Florida. He continued to sit on call in many cases in the Seventh Circuit and in other Circuits in the State. He was acclaimed as an eminent jurist by all who knew him. His genial manner, profound learning, faithful service and great contributions to the legal profession and the judicial processes of the State are testified to by the many eminent attorneys who practiced before his courts. In his demise the State has lost an accomplished and faithful public servant and his friends mourn an irreplaceable companion.

Be It Further Resolved that a copy of this Resolution, duly attested, under the seal of The Florida Senate, be presented to Mrs. John C. Jennison and Mr. George W. Jackson, Jr., together with the condolences of this Senate Body.

Was read the first time by title. On motion by Senator Pope SR 11-C was read the second time in full and unanimously adopted.

By Senators Henderson, Deeb, Young, Lane, Plante, Stolzenburg, Slade and Sayler—

**SB 12-C**—A bill to be entitled An act relating to the killing of a law enforcement officer, peace officer, prison guard, fireman, justice or judge; providing for the death penalty in convictions of first degree murder; prohibits the granting of parole or probation for convictions where the death penalty is not imposed; prohibits the granting of parole or probation for those convicted of lesser degrees of murder; providing an effective date.

SB 12-C not being within the purview of the Governor's call was not admitted for introduction and consideration.

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

#### EXECUTIVE BUSINESS

By direction of the President, the Secretary read the following communications and Executive Orders:

**REGISTERED—RETURN RECEIPT** August 25, 1970  
**REQUESTED**

Honorable H. E. Davis  
Post Office Box 194  
Coleman, Florida

Dear Mr. Davis:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated August 25, 1970.

With kind regards, I remain

Sincerely,  
**TOM ADAMS**  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

**REGISTERED—RETURN RECEIPT** August 25, 1970  
**REQUESTED**

Honorable Eldon Stokes  
Post Office Box 183  
Coleman, Florida 33521

Dear Mr. Stokes:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated August 25, 1970.

With kind regards, I remain

Sincerely,  
**TOM ADAMS**  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

#### ORDER OF SUSPENSION

WHEREAS, H. E. Davis is presently serving as Justice of the Peace, District 9, Sumter County, Florida, and

WHEREAS, Eldon Stokes is presently serving as Constable, District 9, Sumter County, Florida, and

WHEREAS, information has been presented to me and I find that the evidence reflects that the said H. E. Davis and Eldon Stokes have, contrary to law and their official positions, operated a "speed trap" in the community of Coleman, on U. S. Highway 301, approximately four miles south of Wildwood, Florida, and

WHEREAS, independent investigations were conducted by the American Automobile Association and the Justices of the Peace and Constables Association of Florida, confirming that the said H. E. Davis and Eldon Stokes preyed upon out-of-county and out-of-state motorists by establishing a "speed trap" in the area described, and as reflected by Exhibit "A", attached to this Order of Suspension, and

WHEREAS, the Chief of Police of the City of Coleman and the Sheriff of Sumter County have confirmed that no traffic problems exist at the intersection where the "speed trap" was established and that the sole and exclusive purpose for establishing such a "speed trap" was not to promote highway safety, but rather to increase the revenues and fees that H. E. Davis and Eldon Stokes would receive as a result of arrests and convictions, and

WHEREAS, H. E. Davis and Eldon Stokes, knowing full well that the out-of-state motorists would not return for the purpose of having a trial before the said H. E. Davis (in his garage as reflected by Exhibit "B" attached) undertook a systematic campaign to charge the motorists with alleged violations of the law to enrich themselves at the expense of unsuspecting motorists to the detriment of all law enforcement officers and the State of Florida, and

WHEREAS, on a given day as many as twenty-five persons were charged at the same intersection, resulting in the posting of a cash appearance bond in the amount of \$26, and the estreating of such bonds out of which estreatures the said H. E. Davis and Eldon Stokes received their fees, and

WHEREAS, the office of Constable has the general duties of serving all summonses and warrants, and of levying all executions placed in their hands, and of making due return thereof to the proper court, and

WHEREAS, the said Eldon Stokes has functioned beyond these duties and has attempted to act in the capacity of a traffic enforcement officer by stationing himself in the proximity of the intersection which was used for the speed trap, for the sole purpose of arresting the unsuspecting public, and

WHEREAS, the said Eldon Stokes had not been requested by the City of Coleman Police Department, nor had the Coleman Police Department felt that this intersection warranted such heavy coverage, and

WHEREAS, these activities of Eldon Stokes were not within the intended duties of a Constable, and

WHEREAS, Eldon Stokes was operating with the full knowledge, and under the express direction of H. E. Davis, and

WHEREAS, the foregoing conduct of H. E. Davis and Eldon Stokes demonstrates malfeasance, misfeasance, neglect of duty, incompetency and inability to perform official duties, and

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

NOW, THEREFORE, I Claude R. Kirk, Jr., as 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 H. E. Davis as Justice of the Peace, District 9, Sumter County, and Eldon Stokes, Constable, District 9, Sumter County, on the grounds of malfeasance, misfeasance, neglect of duty and incompetency in office as reflected by the foregoing information, and because of such, it would be improper for them to continue to perform the responsibilities of their respective offices. Therefore, the said H. E. Davis and Eldon Stokes are hereby prohibited from

performing the duties or exercising the authorities of the Office of Justice of the Peace, District 9, Sumter County, and Constable, District 9, Sumter County, respectively, during the period of suspension.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections



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 25 day of August, 1970.

CLAUDE R. KIRK, JR.  
Governor

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, W. E. (Bill) Davis is presently serving as Sheriff of Escambia County, Florida, and

WHEREAS, certain irregularities in the Office of the Sheriff of Escambia County were brought to my attention in January, 1970, at which time I directed the Honorable William D. Hopkins, State Attorney of the Second Judicial Circuit of Florida, to investigate these reported irregularities by Executive Order dated January 8, 1970, and

WHEREAS, the findings of the Honorable William D. Hopkins necessitated the empaneling of a special grand jury to review possible violations of the laws by the Sheriff of Escambia County; and

WHEREAS, the Presentment returned by the special grand jury substantiated my previous findings, and on August 13, 1970, the Grand Jury of the First Judicial Circuit in and for Escambia County, Florida, returned a Presentment finding that the said W. E. (Bill) Davis has been guilty of malfeasance, misfeasance, nonfeasance, neglect of duty and incompetence while acting as Sheriff of Escambia County, Florida; a copy of this Presentment is attached hereto and incorporated herein as follows:

Filed in Open Court  
August 13, 1970.  
Joe A. Flowers, Clerk  
By Lois Kemp, D. C.

IN THE CIRCUIT COURT OF THE  
FIRST JUDICIAL CIRCUIT IN  
AND FOR ESCAMBIA COUNTY,  
FLORIDA, SPRING TERM, IN  
THE YEAR OF OUR LORD ONE  
THOUSAND NINE HUNDRED  
AND SEVENTY.

PRESENTMENT

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida empaneled and sworn to enquire and true presentment make in and for the body of the County of Escambia, upon their oaths, do present:

WHEREAS, the Grand Jury has spent many hours hearing sworn testimony and made a careful investigation as to the operation of the Sheriff's Office of Escambia County, Florida, and of the official conduct of the Sheriff of said county and

WHEREAS, from such sworn testimony and investigation the Grand Jury has found, and does, by this Presentment so find, that the Sheriff of Escambia County, W.E. "Bill" Davis has been guilty of malfeasance, misfeasance, nonfeasance, neglect of duty and incompetence while acting as said Sheriff in that he has:

1. Been publicly drunk and intoxicated on a number of occasions.
2. Permitted gambling to be conducted in his county and made no attempt to prosecute the participants.
3. To assist him in the conduct of his office has appointed a person or persons with a criminal record.
4. Been guilty of profane and indecent language publicly.
5. Failed to keep adequate and complete records.
6. Used his official position to coerce employees of his office and the county to perform labor and services for his personal benefit and gain.



Exhibit A

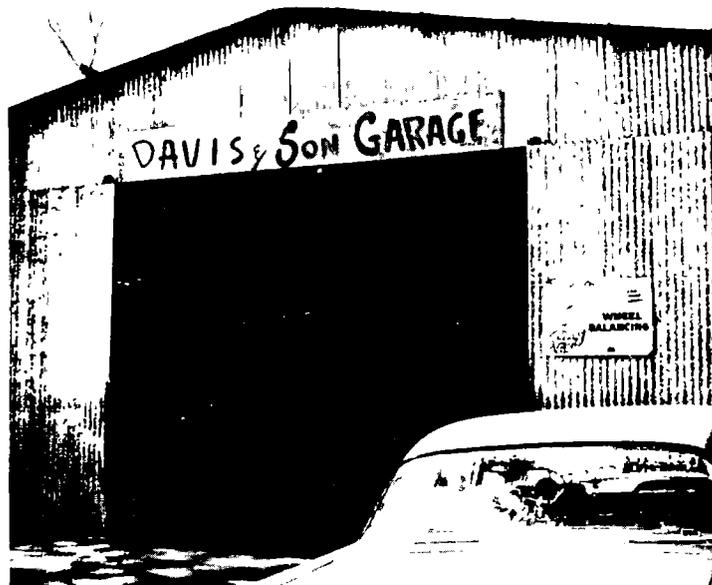


Exhibit B

REGISTERED—RETURN RECEIPT  
REQUESTED

August 14, 1970

Honorable W. E. (Bill) Davis  
c/o Sheriff's Office  
Escambia County Courthouse  
Pensacola, Florida

Dear Mr. Davis:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated August 14, 1970.

7. Abused and contributed to the delinquency of minors in the following manner:

a. By kissing minor children, some under the age of fourteen years, in an indecent and improper manner while said children were entrusted to him as Sheriff of Escambia County and under his custody and control, on school Safety Patrol trips.

b. By furnishing or making available alcoholic beverages to minors.

c. By appearing in the presence of a minor while not properly clothed, in a lewd and indecent manner.

8. Authorizing overtime pay for an employee for a period and during a time when said employee was working for pay with another employer.

9. Allowed employees to work for him at his home and on his private property, while being paid for said time by the taxpayers of Escambia County.

10. Authorized and permitted the use of county gasoline by members of his family.

11. Solicited and received, by virtue of his office, from liquor dealers, night club operators and bottle club owners, liquor and other items of value.

12. Taken guns, beer, surf boards and other items confiscated or taken into custody by the Sheriff's Office, or held as exhibits by said office, into his possession and for his own use.

13. Participated in gambling.

14. Authorized and permitted the use of county gasoline by unauthorized personnel.

WHEREFORE, it is recommended to the Governor of the State of Florida that the said W. E. "Bill" Davis be suspended from office.

It is requested that a copy of this Presentment be furnished by the Clerk of this Court to the Governor of the State of Florida.

Respectfully submitted,  
B. MAX. ENGLEMAN  
FOREMAN

A TRUE COPY OF THE ORIGINAL OF FILE IN THE CLERK'S OFFICE. WITNESS MY HAND AND OFFICIAL SEAL  
AUGUST 13, 1970

JOE A. FLOWERS  
CLERK CIRCUIT COURT

Attest:  
MRS. JENNY F. ROSENBAUM  
CLERK

and

WHEREAS, Section 7, Article IV, Florida Constitution, provides for the suspension of any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and

WHEREAS, the foregoing Presentment finds that the said W. E. (Bill) Davis has been guilty of malfeasance, misfeasance, nonfeasance, neglect of duty and incompetence while acting as Sheriff of Escambia County, Florida, and

WHEREAS, W. E. (Bill) Davis, acting in his official capacity as Sheriff of Escambia County, Florida, is held to a high standard of moral, ethical and legal conduct, which standard as reflected by the information presented to me which has been substantiated in the Presentment returned by the Grand Jury, has not been maintained, and

WHEREAS, I find that the interests of the citizens of Escambia 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 W. E. (Bill) Davis, from the Office of Sheriff of Escambia County, Florida, on the grounds of malfeasance, misfeasance, nonfeasance, neglect of duty and incompetence, as reflected by the information presented to me which has been substantiated in the Presentment returned by the Grand Jury, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said W. E. (Bill) Davis 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 August, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

REGISTERED—RETURN RECEIPT  
REQUESTED

August 24, 1970

Honorable Lloyd Early  
Board of Public Instruction  
Administration Annex Building  
S 501  
Sixth Street North  
West Palm Beach, Florida 33401

Dear Mr. Early:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated August 23, 1970.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

#### ORDER OF SUSPENSION

WHEREAS, Lloyd Early is presently serving as Superintendent of Schools of Palm Beach County, Florida, and

WHEREAS, under the Constitution and laws of the State, the Superintendent serves as Secretary and Executive Officer of the School Board, and is responsible for the administration of the schools and the supervisor of instruction in the County, and

WHEREAS, in order to discharge these constitutional duties and responsibilities, and in order to effectively and efficiently advise, counsel and recommend to the School Board, as well as work together with the School Board in furthering the educational needs of the County, it is essential that the Superintendent provide the necessary leadership through sound professional judgment, and be possessed of these professional qualities and competencies vital to the performance of the duties of the position, and

WHEREAS, the welfare of the children and their constitutional rights to be provided with a uniform system of education, demands that the school system be administered, managed and operated in a manner most conducive to the efficient and effective discharge of these constitutional obligations, and

WHEREAS, it is the constitutional duty and obligation of the Chief Executive of the State to take care that the laws be

faithfully executed and to be directly concerned that those charged with the duty and responsibility of faithfully executing such laws do, in fact, administer such laws in the highest professional manner and in furtherance thereof, to insure that those who administer a school system have due regard for their official duties and responsibilities, including the proper exercise of judgement and discretion, and

WHEREAS, the information which I have received regarding the operation of the Palm Beach County school system reflects that the Superintendent of Schools does not possess the professional expertise and competence to fully and effectively discharge his constitutional duties and responsibilities to that system and to the children that attend that system, thereby resulting in the people's complete lack of confidence in their Superintendent, the lack of confidence by the School Board in their Executive Officer, thereby causing a complete breakdown of the educational system in Palm Beach County, and

WHEREAS, at a time when school districts are being subjected to severe tests of survival, resulting from federal court intervention, it is essential that a school system have at its helm, a Superintendent with the necessary professional expertise and strength of leadership to be able to weather the educational storms which we are now facing, and

WHEREAS, the climate of the Palm Beach County School System, as reflected by the news media, citizen concern and reports and information presented me, tragically demonstrate that the said Lloyd Early has not properly discharged his constitutional duties and responsibilities, either by way of neglect, inability, carelessness, lack of judgement and discretion, leaving me no alternative but to take executive action, and

WHEREAS, such action is being taken in the best interest of the citizens of Palm Beach County, the children of Palm Beach County, and in furtherance of the preservation of the educational system in Palm Beach County;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, and by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, do hereby suspend Lloyd Early as Superintendent of Schools of Palm Beach County, Florida, on the grounds of malfeasance, misfeasance, neglect of duty, incompetency and inability to perform his official duties. This order should not be construed as reflecting upon the personal integrity of the said Lloyd Early, but rather is an action taken because of the inability of the said Lloyd Early to effectively and efficiently discharge the duties and responsibilities of the Office of Superintendent of Schools of Palm Beach County, Florida, as hereinabove set forth.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at the Capitol, this 23 day of August, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

REGISTERED—RETURN RECEIPT                      September 10, 1970  
REQUESTED

Honorable John W. Gilbert  
10196 Northwest Seventh Avenue  
Miami, Florida

Dear Mr. Gilbert:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated September 8, 1970.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

**ORDER OF SUSPENSION**

WHEREAS, John W. Gilbert is presently serving as Constable, District One, Dade County, Florida, and

WHEREAS, the Grand Jury of the Eleventh Judicial Circuit in and for Dade County, Florida, has inquired into allegations of irregularities in the Office of Constable, District One, Dade County, Florida, and

WHEREAS, on September 1, 1970, the Grand Jury of the Eleventh Judicial Circuit in and for Dade County, Florida, completed its inquiry and furnished this office with a copy of its report which is attached hereto and incorporated herein as follows:

**TO THE HONORABLE GENE WILLIAMS, CIRCUIT JUDGE OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

This Grand Jury is conducting an investigation into the operation of the Constable's Office for the Justice of the Peace, District One, Dade County, Florida. After hearing the testimony of numerous witnesses, corroborated by documentary evidence, we find the following improprieties in the said office:

(1) Constable John W. Gilbert has failed to perform the duties imposed on him by law. Among his acts of commission and omission are the following:

(a) In his several years in office, Constable John W. Gilbert has failed to establish any office practices and procedures to maintain control of the thousand warrants given to his office for service in compliance with the appropriate laws. This has resulted in a deprivation of justice for both the victims and the perpetrators of crimes.

(b) He has willfully exceeded the executive authority of his office by allowing and encouraging individuals to serve authorized warrants, make arrests, and perform other duties of authorized deputy constables, when said individuals had no lawful authority to do so.

(c) Constable Gilbert has made a mockery of all law enforcement in Dade County by issuing Honorary Regular and Special Deputy Identification Cards to more than two thousand individuals, some of whom used them to commit illegal acts, and some of whom had criminal records.

(d) Constable Gilbert has permitted his deputies to flagrantly abuse and misuse the Dade County funds afforded them for maintenance and repairs of their automobiles.

(e) Constable Gilbert has failed to exercise adequate supervision over his seven full time deputies, and it is apparent to this Grand Jury that it would be physically impossible for the constable not to have been aware of the irregularities and misconduct of some of these deputies.

**RECOMMENDATION**

Based on the foregoing findings of fact and on the indictments previously returned by this Grand Jury, it is evident that Constable John W. Gilbert has neglected the duties of his office and therefore, in the interests of justice and the preservation of law and order, we recommend that Constable Gilbert be immediately removed from office by the Governor of the State of Florida.

Respectfully submitted,  
ARTHUR A. PENDLETON,  
Foreman  
Dade County Grand Jury  
Spring Term 1970

Attest:  
HELEN R. GLASGOW, Clerk  
Dated:  
September 1, 1970

and,

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

WHEREAS, John W. Gilbert, acting in his official capacity as Constable, District One, Dade County, Florida, is held to a high standard of moral, ethical and legal conduct, which standard as reflected from the Grand Jury's report has not been maintained, and

WHEREAS, I find that the interests of the citizens of Dade 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 John W. Gilbert from the Office of Constable, District One, Dade 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 Eleventh Judicial Circuit in and for Dade County, Florida, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said John W. Gilbert 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 8 day of September, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

REGISTERED—RETURN RECEIPT August 5, 1970  
REQUESTED

Honorable Robert L. Jane  
Post Office Box 43  
Altamonte Springs, Florida

Dear Mr. Jane:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated August 5, 1970.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

ORDER OF SUSPENSION

WHEREAS, Robert L. Jane a/k/a Bob Jane is presently serving as Constable, District 6, Seminole County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Eighteenth Judicial Circuit in and for Seminole County, Florida, on August 4, 1970, returned three Indictments against the said Robert L. Jane a/k/a Bob Jane, charging him with Bribery; Falsifying Records, II Counts; and Assault and Battery, in violation of the laws of this State, and

WHEREAS, the above Indictments, if true, reflect misfeasance, malfeasance and incompetency in office, and

WHEREAS, Robert L. Jane a/k/a Bob Jane, acting in his official capacity as Constable, District 6, Seminole County, Florida, is held to a high standard of moral and legal conduct in order for him to properly perform the responsibilities of his office, and

WHEREAS, as a result of the Indictments by the Grand Jury, doubt has been raised as to the integrity and ability of Robert L. Jane a/k/a Bob Jane to continue to perform his duties as Constable, District 6, Seminole County, Florida, and

WHEREAS, I find that the interests of the citizens of Seminole County 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 Robert L. Jane a/k/a Bob Jane on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictments returned against him, and because of such, it would be improper for him to continue to perform the responsibilities of his office. Therefore, the said Robert L. Jane a/k/a Bob Jane is hereby prohibited from performing the duties or exercising the authorities of the Office of Constable, District 6, Seminole County, Florida, 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 5 day of August, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

REGISTERED—RETURN RECEIPT July 30, 1970  
REQUESTED

Honorable Earl J. Carroll  
774 Northwest 44 Street  
Miami, Florida

Dear Mr. Carroll:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Executive Order dated July 28, 1970.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

EXECUTIVE ORDER

WHEREAS, on April 8, 1969, an Executive Order was issued suspending Earl Jackson Carroll as a member of the Board of County Commissioners of Metropolitan Dade County, Florida, based upon an Indictment returned by the Grand Jury of the Eleventh Judicial Circuit of Dade County, Florida, charging the said Earl Jackson Carroll with conspiracy to solicit a bribe and soliciting a bribe, and

WHEREAS, on July 25, 1969, I revoked the Executive Order of April 8, 1969, restoring the said Earl Jackson Carroll as a member of the Board of County Commissioners of Metropolitan Dade County, Florida, having been officially advised that on July 24, 1969, the Criminal Court of Record in and for Dade County, Florida, dismissed the charges contained in the aforementioned Indictment, and

WHEREAS, the State Attorney of the Eleventh Judicial Circuit in and for Dade County, Florida, appealed the said Order of Dismissal, and on April 20, 1970, the Third District Court of Appeals reversed the said Order of dismissal, reinstating the said charges, and

WHEREAS, pursuant to the action of the Third District Court of Appeals, I issued an Executive Order on May 14, 1970, resuspending the said Earl Jackson Carroll as a member of the Board of County Commissioners of Metropolitan Dade County, Florida, based upon the Indictment heretofore returned, and the Information filed pursuant thereto, and

WHEREAS, on May 28, 1970, the Criminal Court of Record, in and for Dade County, Florida, entered an oral order discharging the said Earl Jackson Carroll from the alleged crimes for which he had been charged in the aforementioned Indictment and Information, and

WHEREAS, on June 2, 1970, the State Attorney of the Eleventh Judicial Circuit, in and for Dade County, Florida, requested that an Executive Order reinstating the said Earl Jackson Carroll not be issued pending a decision on the merits of the Grand Jury charge, and

WHEREAS, on June 22, 1970, a formal written order for discharge was entered by the Criminal Court of Record in and for Dade County, Florida, stating in part that, "the defendant, Earl Jackson Carroll, is and shall be forever discharged from the alleged crimes with which he has been charged and as set forth in the Information before this Court, and further his sureties are hereby exonerated . . .," and

WHEREAS, although representations were made by the State Attorney regarding the expeditious disposition of this case, more than two months have elapsed since the oral order of discharge was entered and there has been no judicial pronouncement regarding reinstatement of the said charges, and

WHEREAS, without prior notice to this office, the Dade County Commission has undertaken to conduct an election for the purpose of filling the office formerly occupied by the said Earl Jackson Carroll, based upon a determination that a "vacancy" exists in said office necessitating an election, notwithstanding the fact that there is no "vacancy" within the meaning of Section 3, Article X, Constitution of 1968, and

WHEREAS, it was not the intention of the Executive Order suspending the said Earl Jackson Carroll, that such Order operate to remove the said Earl Jackson Carroll from office, thereby creating a "vacancy" without affording the said Earl Jackson Carroll the opportunity of either being heard by the Florida Senate or by the appropriate court, nor was such Executive Order intended to serve as a basis upon which to conduct a special election to fill any vacancy until there was a removal in accordance with the established constitutional and statutory procedures, and

WHEREAS, the calling of a special election by the Dade County Commission to fill such "vacancy" and the election of a person to fill such "vacancy" is confusing to the public and raises serious questions regarding the future reinstatement of Earl Jackson Carroll to office, and

WHEREAS, the withholding of the issuance of an Executive Order reinstating the said Earl Jackson Carroll was done in good faith and on the belief that the State Attorney would expeditiously dispose of the said case and was not intended to serve as a basis upon which elections would be conducted, or legal controversies created, and

WHEREAS, regardless of assertions as to the guilt or innocence of the said Earl Jackson Carroll or the judicial errors involved, the office of the Chief Executive and powers appertaining thereto must not and cannot be permitted to be used in such a manner as to foreclose the reinstatement of a public official unless and until applicable procedures are followed, and

WHEREAS, the failure to secure an expeditious disposition of this cause coupled with the action of the Dade County Commission necessitates executive reconsideration of the decision to withhold reinstatement of the said Earl Jackson Carroll;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the power and authority

vested in me by the Constitution and laws of the State, after consideration of the foregoing, do hereby revoke the Executive Order of Suspension dated May 14, 1970, and do hereby restore the said Earl Jackson Carroll to office as a member of the Board of County Commissioners of Metropolitan Dade County, Florida.

This Order is issued in furtherance of the administration of justice and in the best interests of the citizens of Dade County. This action is based upon the fact that there are no criminal charges presently pending against the said Earl Jackson Carroll, and there has been no expeditious disposition of an appeal reinstating the said charges; and is further based upon the fact that the Dade County Commission intends to conduct a special election to fill a "vacancy" in the office of the said Earl Jackson Carroll, notwithstanding that no "vacancy" exists within the meaning of the Florida Constitution.

Nothing contained in this Executive Order is intended to preclude further executive action in the event that the charges heretofore mentioned are reinstated by a court of competent jurisdiction or by further action of prosecuting officials.



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 28 day of July, 1970:

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

REGISTERED—RETURN RECEIPT  
REQUESTED

July 30, 1970

Honorable Harold A. Greene  
18955 Northeast 21 Avenue  
Miami, Florida 33162

Dear Mr. Greene:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Executive Order dated July 28, 1970.

With kind regards, I remain

Sincerely,  
TOM ADAMS  
Secretary of State  
By (Mrs.) Dorothy W. Glisson  
Chief, Bureau of Elections

DG/pc  
Enclosure  
cc: Honorable Earl Faircloth  
Attorney General  
Honorable Edwin G. Fraser  
Secretary of the Senate

#### EXECUTIVE ORDER

WHEREAS, on March 6, 1970, an Executive Order was issued suspending Harold A. Greene as a member of the Board of County Commissioners of Metropolitan Dade County, Florida, based upon an Indictment returned by the Grand Jury of the Eleventh Judicial Circuit of Dade County, Florida, charging the said Harold A. Greene with acceptance of unauthorized compensation for performance of duty, and

WHEREAS, on June 4, 1970, the Criminal Court of Record in and for Dade County, Florida, entered an Order dismissing the aforementioned charges on the basis that the "factual situation failed to state a crime under the provisions of 836.06, F.S.," and "that the Indictment Information are insufficient as a matter of law," and

WHEREAS, on June 5, 1970, the State Attorney of the Eleventh Judicial Circuit in and for Dade County, Florida, requested that an Executive Order reinstating the said Harold A. Greene not be issued pending a decision on the merits of the Grand Jury charge, and

WHEREAS, although representations were made by the State Attorney regarding the expeditious disposition of this case, almost two months have elapsed since the Order dismissing the aforementioned charges was entered and there has been no judicial pronouncement regarding reinstatement of the said charges, and

WHEREAS, without prior notice to this office, the Dade County Commission has undertaken to conduct an election for the purpose of filling the office formerly occupied by the said Harold A. Greene, based upon a determination that a "vacancy" exists in said office necessitating an election, notwithstanding the fact that there is no "vacancy" within the meaning of Section 3, Article X, Constitution of 1968, and

WHEREAS, it was not the intention of the Executive Order suspending the said Harold A. Greene, that such Order operate to remove the said Harold A. Greene, from office, thereby creating a "vacancy" without affording the said Harold A. Greene the opportunity of either being heard by the Florida Senate or by the appropriate court, nor was such Executive Order intended to serve as a basis upon which to conduct a special election to fill any vacancy until there was a removal in accordance with the established constitutional and statutory procedures, and

WHEREAS, the calling of a special election by the Dade County Commission to fill such "vacancy" and the election of a person to fill such "vacancy" is confusing to the public and raises serious questions regarding the future reinstatement of Harold A. Greene to his office, and

WHEREAS, the withholding of the issuance of an Executive Order reinstating the said Harold A. Greene was done in good faith and on the belief that the State Attorney would expeditiously dispose of the said case and was not intended to serve as a basis upon which elections could be conducted, and

WHEREAS, regardless of assertions as to the guilt or innocence of the said Harold A. Greene or the judicial errors involved, the office of the Chief Executive and powers appertaining thereto must not and cannot be permitted to be used in such a manner as to foreclose the reinstatement of a public official unless and until applicable procedures are followed, and

WHEREAS, the failure to secure an expeditious disposition of this cause coupled with the action of the Dade County Commission necessitates executive reconsideration of the decision to withhold reinstatement of the said Harold A. Greene;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the power and authority vested in me by the Constitution and laws of the State, after consideration of the foregoing, do hereby revoke the Executive Order of Suspension dated May 14, 1970, and do hereby restore the said Harold A. Greene to office as a member of the Board of County Commissioners of Metropolitan Dade County, Florida.

This Order is issued in furtherance of the proper administration of justice and in the best interests of the citizens of Dade County. This action is based upon the fact that there are no criminal charges presently pending against the said Harold A. Greene and there has been no expeditious disposition of an appeal reinstating the said charges; and is further based upon the fact that the Dade County Commission intends to conduct a special election to fill a "vacancy" in the office of the said Harold A. Greene, notwithstanding that no "vacancy" exists within the meaning of the Florida Constitution.

Nothing contained in this Executive Order is intended to preclude further executive action in the event that the charges heretofore mentioned are reinstated by a court of competent jurisdiction or by further action of prosecuting officials.



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 28 day of July, 1970.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

Which were referred to the Select Committee on Executive Suspensions.

## VETOED BILLS 1970 REGULAR SESSION

The following message from the Honorable Tom Adams, Secretary of State, was read:

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

October 9, 1970

Dear Sir:

In compliance with the provisions of Article III, Section 8(b), of the State Constitution, I am transmitting to you for consideration of the Senate the following vetoed bills, 1970 Regular Session, with the Governor's objections attached thereto:

**SB 281 (1970 Regular Session)**—An act relating to the regulation of municipally-owned electric, water, sewer and gas utilities; providing for court proceedings to enforce the act or practice prohibited hereby; providing for treble damages, attorney fees and costs to the person or persons aggrieved and who prevail in the legal proceedings; providing exemption from application in home rule charter counties; providing an effective date.

**SB 494 (1970 Regular Session)**—An act relating to the department of general services and the board of regents; providing that all the powers, duties and functions of the board of regents and the institutions under the board of regents relating to the appointment and employment of architects, the coordination of design, the approval of plans, the supervision of construction and the construction of buildings or additions to or substantial modifications and alterations of buildings shall be transferred to the department of general services; providing an effective date.

**SB 628 (1970 Regular Session)**—An act making appropriations; providing moneys for the 1969 special session of the legislature and for the travel expenses and per diem of witnesses appearing before legislative committees; providing for the allocation of said appropriations; providing an effective date.

**SB 843 (1970 Regular Session)**—An act relating to nonpublic schools; providing purposes and definitions; providing for registration and restrictions on advertising; providing regulations; providing penalties; providing an effective date.

**SB 1111 (1970 Regular Session)**—An act relating to the public show or sale of horses; prohibiting the soring of horses for public show or sale; prohibiting the administration of certain drugs to horses for the purpose of public show or sale; providing definitions; providing for inspection of horses at public show or sale to determine violations; providing procedures for enforcement of this act; providing penalties; providing an appropriation; providing an effective date.

**SB 1382 (1970 Regular Session)**—An act relating to retirement system for school teachers; amending section 238.07(16)4.(b), Florida Statutes, by adding item 7. relating to retired members; providing an effective date.

**SB 1478 (1970 Regular Session)**—An act relating to grand jury commissions; in all counties having a population in excess of four hundred fifty thousand (450,000), amending sections 1 and 2 of chapter 57-550, Laws of Florida, 1957; providing that the grand jury commission be composed of the circuit judges of the judicial circuit encompassing the geographical area of the county; providing for a chairman and secretary; providing all laws and parts of laws in conflict herewith be repealed; providing an effective date.

**SB 1507 (1970 Regular Session)**—An act relating to Citrus County, hospital and medical nursing and convalescent home act; amending sections 3, 5 and 16 of chapter 65-1371, Laws of Florida, by increasing the maximum interest rate for all debts and obligations of the hospital board; increasing the number of banks which are authorized to act as depositories for hospital funds; providing for senate approval and confirmation for the appointment of trustees; providing for ambulance service; authorizing the charging of interest on patients' accounts; discounting and collecting accounts and debt obligations; providing an effective date.

**SB 1538 (1970 Regular Session)**—An act amending Chapter 63-1447, Laws of Florida, relating to the Jacksonville Port Authority; providing the Mayor of Jacksonville a third appointment to the seven member Authority; providing for the staggering of terms of Members of the Authority, and for appointments to the Authority alternately by the Mayor and the Governor; and otherwise re-enacting and paragraphing said Section 1 of Chapter 63-1447, Laws of Florida, as amended; providing an effective date.

**SB 1569 (1970 Regular Session)**—An act amending Chapter 67-1320, Laws of Florida, as amended, the Charter of the City of Jacksonville, by adding Article 27, relating to municipal employees of the city; granting municipal employees the right to organize and bargain collectively with their public employer as to the terms and conditions of their employment; establishing a general public employees' bargaining act and a police officers; and firemen's bargaining act; providing procedures for the registration, election, and certification of municipal employee organizations as bargaining agents; requiring and providing procedures for collective bargaining; providing procedures for the arbitration of disputes by an arbitration board; defining and prohibiting strikes by municipal employees; repealing conflicting laws; providing an effective date.

**SB 1581 (1970 Regular Session)**—An act relating to the Hillsborough County Aviation Authority, amending Section 3 of Chapter 23339, Laws of Florida, Acts of 1945, as amended by Section 1 of Chapter 27599, Laws of Florida, Acts of 1951, to provide that all future vacancies in the membership of the Hillsborough County Aviation Authority shall be filled by appointment by the Board of County Commissioners of Hillsborough County, and deleting the requirement that one member of the Hillsborough County Aviation Authority be the Mayor of the City of Tampa and that one member of the Hillsborough County Aviation Authority be a member of the Board of Commissioners; amending Section 8 of Chapter 23339, Laws of Florida, Acts of 1945, by deleting the provision for appointment by the Governor of successors; providing an effective date.

**SB 1580 (1970 Regular Session)**—An act relating to the Tampa Port Authority, amending paragraphs (a) and (b) of Section 4, Chapter 23338, Laws of Florida, Acts of 1945, as amended, to provide that all future vacancies in the membership of the Tampa Port Authority shall be filled by appointment by the Board of County Commissioners of Hillsborough County; providing an effective date.

Sincerely,  
**TOM ADAMS**  
Secretary of State

On motion by Senator Thomas, SB 281 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

July 7, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 281, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

"An act relating to the regulation of municipally-owned electric, water, sewer and gas utilities; providing for court proceedings to enforce the act or practice prohibited hereby; providing for treble damages, attorney fees and costs to the person or persons aggrieved and who prevail in the legal proceedings; providing exemption from application in home rule charter counties; providing an effective date."

Senate Bill 281 arbitrarily sets maximum rates that municipally owned utilities may charge for utility services outside the city limits. In some situations there may be circumstances in which a municipality may be justified in setting higher rates than allowed by this bill. The indirect and undesirable effect of

this bill may be the curtailment of extra-territorial services, particularly sewage and water, by municipalities because the loss of revenue would make it uneconomical to continue serving these areas. This could adversely affect the centralized collection of sewage and distribution of water service, thereby increasing pollution potentials. If the cities do not provide these services, many areas outside of the city limits would be left without these vital sanitary needs.

Furthermore, the financial loss engendered by this bill upon cities owning utility facilities would be material. This revenue loss would come at a very inopportune time, inasmuch as cities have already budgeted for municipal services for this year and have included income derived from extra-territorial services in calculating budget needs. In addition, there is the possibility that the altering of present rates charged by municipalities outside the city limit would have the effect of impairing contracts entered into by municipalities and bond holders.

It would seem that where there are abuses by municipalities in the setting of extra-territorial rates, the more appropriate legislative remedy would be in the form of local legislation dealing with these isolated instances. By utilizing this method of regulating, the problem itself would be dealt with without creating a burden for other municipalities.

For these reasons, I am withholding my approval of Senate Bill 281, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
Governor

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

SB 281 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—35

Mr. President	de la Parte	Knopke	Scarborough
Askew	Ducker	McClain	Shevin
Bafalis	Fincher	Myers	Slade
Barrow	Gong	Ott	Stone
Beaufort	Gunter	Plante	Thomas
Bell	Haverfield	Pope	Weissenborn
Bishop	Hollahan	Poston	Wilson
Daniel	Horne	Saunders	Young
Deeb	Johnson	Sayler	

Nays—8

Chiles	Lane	Stolzenburg	Weber
Karl	Reuter	Trask	Williams

On motion by Senator Karl, SB 1507 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

June 16, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 1507, enacted by the Legislature during the regular session commencing April 7, 1970, and entitled:

"An act relating to Citrus County, hospital and medical nursing and convalescent home act; amending sections 3, 5 and 16 of chapter 65-1371, Laws of Florida, by increasing the maximum interest rate for all debts and obligations of the hospital board; increasing the number of banks which are authorized to act as depositories for hospital funds; providing for senate approval and confirmation for the appointment of trustees; providing for ambulance service; authorizing the charging of interest on patients' accounts, discounting and collecting accounts and debt obligations; providing an effective date."

Senate Bill 1507 amends the Citrus County hospital and medical nursing and convalescent home act in several respects. In particular, the bill would change the method of filling vacancies in the governing board by making such appointments subject to Senate confirmation. This inseparable feature of Senate Bill 1507 sets a dangerous precedent by requiring local appointments to be subject to the advise and consent of the Senate. Senate confirmation of appointments is used extensively on statewide appointments of officials or administrators, for the purpose of affording an in-depth consideration of the qualifications of the appointee. This is well justified and is basic to good government; but, to initiate the procedure of subjecting local governmental appointments to Senate confirmation would create an intolerable burden upon the confirmation process and would prevent this in-depth consideration, since there are in excess of 5,000 local appointments made during a four year term. The precedent established by this bill would defeat the purpose of Senate confirmation.

For these reasons, I am withholding my approval from Senate Bill 1507, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
 Governor

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

SB 1507 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—33

Mr. President	Ducker	Myers	Stone
Askew	Gong	Ott	Thomas
Barrow	Gunter	Plante	Trask
Bell	Hollahan	Pope	Weissenborn
Bishop	Horne	Poston	Williams
Boyd	Karl	Saunders	Young
Chiles	Knopke	Scarborough	
Daniel	Lane	Shevin	
de la Parte	McClain	Slade	

Nays—6

Bafalis	Johnson	Stolzenburg	Weber
Henderson	Reuter		

On motion by Senator Scarborough SB 1538 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams  
 Secretary of State  
 The Capitol  
 Tallahassee, Florida  
 July 7, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 1538, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

"An act amending Chapter 63-1447, Laws of Florida, relating to the Jacksonville Port Authority; providing the Mayor of Jacksonville a third appointment to the seven member Authority; providing for the staggering of terms of Members of the Authority, and for appointments to the Authority alternately by the Mayor and the Governor; and otherwise re-enacting and paragraphing said Section 1 of Chapter 63-1447, Laws of Florida, as amended; providing an effective date."

This bill alters the method of making appointments to the Jacksonville Port Authority. Presently, the Port Authority consists of seven members, five of whom "shall be appointed by the Governor and confirmed by the Senate of the State of Florida". Under Senate Bill 1538, three members of the Authority would now be appointed by the Mayor. Except for this change, the basic duties and responsibilities of the Port Authority remain virtually unaffected.

If the Legislature is of the opinion that the present Port Authority is not functioning in an efficient or effective manner because of the method of their selection, then the Legislature should either abolish the Port Authority or provide a uniform, rather than a piecemeal, method of appointment. This they have not chosen to do. Senate Bill 1538, in its present form, serves only to dilute the power of appointment traditionally vested in the Chief Executive of the State; there is nothing on the face of Senate Bill 1538 to reflect any purpose other than to restrict the executive power of appointment. Absent any legislative declaration or finding that the alteration of one appointment will improve the efficiency and effectiveness of the Authority, I can see no useful purpose to be served by Senate Bill 1538 and cannot find where this bill would be beneficial to the best interests of the citizens of Duval County.

For these reasons, I am withholding my approval of Senate Bill 1538, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
 Governor

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

SB 1538 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—34

Mr. President	Ducker	Knopke	Scarborough
Askew	Gong	Lane	Shevin
Barrow	Gunter	McClain	Slade
Beaufort	Haverfield	Myers	Stone
Bell	Henderson	Ott	Thomas
Bishop	Hollahan	Plante	Trask
Boyd	Horne	Pope	Williams
Daniel	Johnson	Poston	
de la Parte	Karl	Saunders	

Nays—7

Bafalis	Reuter	Weber	Young
Deeb	Stolzenburg	Wilson	

On motion by Senator Thomas, SB 1382 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams  
 Secretary of State  
 The Capitol  
 Tallahassee, Florida  
 June 26, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 1382, enacted by the Legislature during the regular session commencing April 7, 1970, and entitled:

"An act relating to retirement system for school teachers; amending section 238.07(16)4. (b), Florida Statutes, by adding item 7. relating to retired members; providing an effective date."

Senate Bill 1382 would establish a benefit which would be inconsistent with the efforts of this administration to provide a uniform retirement system which is actuarially sound. By providing a death benefit of \$500 for the survivors of those teachers who retired after July 1, 1957, this bill would automatically create a liability of several millions of dollars without requiring any additional payments to be made into the fund. Apparently, no actuary has expressed an opinion as to the soundness of the proposal.

The \$500 death benefit, which is proposed for this group of retired teachers in addition to the current benefits, is not provided for other retired teachers nor members of other retirement funds administered by the State. The Division of Personnel and Retirement and members of the Joint House-Senate Subcommittee on Retirement spent a considerable amount of time studying the present retirement systems for

state and county employees and teachers to determine what improvements should be included in the bill creating the consolidated retirement system. Although numerous benefits were added, the determination was made that this type of death benefit could not be included without requiring increased contributions or making the fund actuarially unsound. There also is a legal question as to whether those teachers electing to transfer into the consolidated retirement system would maintain the death benefit in addition to the Social Security benefits. Any law relating to the extension of the survivor's benefits should clearly stipulate that this new benefit is not in addition to Social Security benefits provided by the State.

For these reasons, I am withholding my approval from Senate Bill 1382, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
 Governor

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

SB 1382 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was: Yeas—43 Nays—None

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

On motion by Senator Hollahan, SB 1478 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Honorable Tom Adams  
 Secretary of State  
 The Capitol  
 Tallahassee, Florida

July 5, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Section 8, Article III, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 1478, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

"An act relating to grand jury commissions; in all counties having a population in excess of four hundred fifty thousand (450,000), amending sections 1 and 2 of chapter 57-550, Laws of Florida, 1957; providing that the grand jury commission be composed of the circuit judges of the judicial circuit encompassing the geographical area of the county; providing for a chairman and secretary; providing all laws and parts of laws in conflict herewith be repealed; providing an effective date."

This bill changes the composition of the grand jury commission and creates a new grand jury commission composed entirely of the circuit judges of the judicial circuit of all counties in the state having a population in excess of four hundred fifty thousand or more inhabitants. Senate Bill 1478 amends Chapter 57-550, Laws of Florida, 1957, which previously created a ten member grand jury commission composed of the Clerk of the Circuit Court, chairman of the board of county commissioners, county supervisor of registration, clerk of the criminal court of record, county judge, and five members appointed by the Governor. The original grand jury commission for the counties within this population bracket was created in 1951 and declared that the board of county commissioners would constitute the grand jury commission. In 1955, the composition of the grand jury commission was changed and at that time the clerk of the circuit court, the county supervisor of registration, and the clerk of the criminal court of record became the grand jury commission replacing the board of county commissioners. In 1957 this three man grand jury

commission was increased to ten members, composed of those individuals hereinabove described.

In examining the duties and responsibilities of the grand jury commission, as set forth in Chapter 57-550, it appears that the commission is, among other things, responsible for preparing a list of five hundred names of persons qualified to serve as prospective grand jurors; in preparing this list the grand jury commission "shall make such investigation as it may deem necessary to determine the qualifications and moral fitness of persons to serve upon the grand jury". Discharging this particular duty and responsibility as well as the other duties and responsibilities set forth in chapter 57-550, is not only vital to the proper administration of this law, but as a practical matter is a time consuming function.

The importance of our grand jury system can never be sufficiently overemphasized. The retention of and adherence to those factors which will insure the proper selection of a grand jury is a continuous and never ending process. One such factor is an effective grand jury commission. I believe that it is unwise to shift this important and time consuming responsibility from a grand jury commission as presently constituted, to a grand jury commission composed entirely of circuit judges. I do not think the Legislature has fully evaluated the heavy burden this would place upon a (sic) circuit judge; it would only serve to divert the time and resources of our judges from their constitutional obligations of resolving judicial controversies.

Our grand jury system has functioned successfully with the presence of a grand jury commission whose composition did not include members of the judiciary; to alter the composition of the grand jury commission would, in my opinion, create an unnecessary obstacle to the efficient and expeditious administration of justice and would remove the judge from the courtroom by adding additional burdens to his ever increasing duties and responsibilities. The grand jury commission, as presently constituted, has been in existence for over thirteen years and absent any legislative determination that this commission has not functioned purposefully or that the judicial branch desires such a significant change, I cannot approve Senate Bill 1478.

For these reasons, I am withholding my approval from Senate Bill 1478, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
 Governor

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

SB 1478 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was: Yeas—42 Nays—None

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

On motion by Senator Horne, the rules were waived and the Senate recessed at 12:12 p.m. to reconvene at 2:00 p.m.

### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—46:

Mr. President	Boyd	Gunter	Lane
Askew	Chiles	Haverfield	McClain
Bafalis	Daniel	Henderson	Myers
Barron	Deeb	Hollahan	Ott
Barrow	de la Parte	Horne	Plante
Beaufort	Ducker	Johnson	Pope
Bell	Fincher	Karl	Poston
Bishop	Gong	Knopke	Reuter

Saunders	Slade	Trask	Wilson
Saylor	Stolzenburg	Weber	Young
Scarborough	Stone	Weissenborn	
Shevin	Thomas	Williams	

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John E. Mathews, Jr.* October 9, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote of all Members and passed as amended—

By the Committee on Insurance—

**HB 11-C**—A bill to be entitled An act relating to insurance; amending sections 627.031, 627.062, 627.091, 627.101, 627.111, 627.141, 627.151, 627.181, 627.191, and 627.291, Florida Statutes, to provide for repeal of the so-called California Plan as to motor vehicle insurance, and the reinstatement of prior approval of rates on motor vehicle insurance; adding new section 627.070, Florida Statutes, to define motor vehicle insurance; providing an effective date.

—and requests the concurrence of the Senate therein.

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

Senator Myers moved that HB 11-C, contained in the foregoing message, be admitted for introduction and consideration and the motion failed to receive the required Constitutional two-thirds vote. The vote was:

Yeas—17

Askew	Haverfield	Slade	Williams
Bell	Henderson	Stolzenburg	Young
Chiles	Myers	Stone	
Deeb	Scarborough	Thomas	
Gong	Shevin	Weissenborn	

Nays—25

Mr. President	Ducker	Lane	Saylor
Barron	Friday	McClain	Trask
Barrow	Gunter	Ott	Weber
Beaufort	Hollahan	Plante	Wilson
Boyd	Johnson	Pope	
Daniel	Karl	Poston	
de la Parte	Knopke	Saunders	

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Bafalis on House Bill 11-C

If he were present he would vote Yea and I would vote Nay.

Mallory E. Horne, 5th District

EXPLANATION OF VOTE ON HB 11-C

I voted against introduction of the bill to return to the old prior approval auto insurance rate plan because the people also felt insurance costs were too high under that system. The market had all but dried up, and the public was finding it difficult to purchase car insurance under the old plan. There is no easy answer to such a complicated and multifaceted problem. The moratorium on rate increases will provide an opportunity to analyze the entire situation and bring all of the facts to the attention of the public as the Governor suggested in his proclamation calling this special session. The Legislature will then be in a position to act responsibly to solve this problem.

Bill Gunter, 18th District

ABSTENTIONS FROM VOTING

Because Bishop Agency, Inc., my family corporation, is in the business of selling fire and casualty insurance, I recused myself from voting on HB 11-C.

W. C. Bishop, 6th District

I abstain from voting on introduction of HB 11-C because of a possible conflict of interest insofar as I am a minority stockholder in a general insurance agency.

Dick Fincher, 47th District

By the required Constitutional two-thirds vote the following bill was admitted for introduction and consideration:

*The Honorable John E. Mathews, Jr.* October 9, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote of all Members and passed—

By Representative Gallen and others—

**HB 15-C**—A bill to be entitled An act relating to the Sarasota-Manatee Airport Authority amending Sections 3 and 4, Chapter 31263, Laws of Florida, Acts of 1955, as amended, to provide that the Authority shall consist of four members from and after January 5, 1973, with two members residing in and elected by the electors of each of the Counties of Manatee and Sarasota; providing for abolishment of present membership of Airport Authority effective January 1973; repealing Chapter 70-939 Laws of Florida; and providing an effective date.

—and requests the concurrence of the Senate therein.

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

HB 15-C, contained in the above message, was read the first time by title. On motion by Senator Horne, the rules were waived and the bill was placed on the Calendar.

On motions by Senator Horne, the rules were waived and HB 15-C was read the second and third times by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Ducker	Karl	Saylor
Askew	Friday	Knopke	Slade
Barron	Gong	Lane	Stone
Barrow	Gunter	McClain	Trask
Beaufort	Haverfield	Myers	Williams
Boyd	Henderson	Ott	Young
Daniel	Hollahan	Plante	
Deeb	Horne	Poston	
de la Parte	Johnson	Saunders	

Nays—1

Wilson

*The Honorable John E. Mathews, Jr.* October 9, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding SB 281 (1970 Regular Session).

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

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding SB 1478 (1970 Regular Session).

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding SB 1507 (1970 Regular Session).

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

Senate Bills 281, 1478 and 1507 (1970 Regular Session), contained in the above messages, were ordered certified to the Secretary of State.

VETOED BILLS 1970 REGULAR SESSION

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 5273 (1970 Regular Session)**—An act relating to the department of transportation; amending section 334.21-(2), (3), and (4), Florida Statutes; requiring current unfinished projects to be included in budget; requiring report to legislature; specifying certain additional information to be included in the program budget; creating section 334.211, Florida Statutes, providing for transportation planning; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

July 1, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 5273, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

“An act relating to the department of transportation; amending section 334.21-(2), (3), and (4), Florida Statutes; requiring current unfinished projects to be included in budget; requiring report to legislature; specifying certain additional information to be included in the program budget; creating section 334.211, Florida Statutes, providing for transportation planning; providing an effective date.”

That portion of House Bill 5273 which addresses itself to the subject of Department of Transportation budgeting apparently creates a contradiction in law and as written would be impossible to administer.

The Department of Transportation and the Department of Administration advise that the Annual Program Budget, required of Department of Transportation by House Bill 5273, can only be prepared subsequent to receipt of the appropriation act from the Legislature. This bill contains language that states that “Notwithstanding any other provisions of law” the annual program budget shall be transmitted to the Ways and Means Committee of the Senate and the Appropriations Committee of the House, not less than thirty (30) days prior to the start of each regular legislative session.

This language creates confusion in that it does not specify whether the annual program budget required thirty days prior to the regular session is for the year covered by the previous appropriation act or for the appropriation for the upcoming year. If the Legislature intended this requirement to be for the annual program budget for the ensuing year, then it would not be possible for the Department of Transportation to prepare a budget based upon an appropriations act which the Legislature has not yet passed.

For these reasons, I am withholding my approval of House Bill 5273, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
CLAUDE R. KIRK, JR.  
Governor

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

HB 5273 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—36

Mr. President	Fincher	Knopke	Slade
Askew	Friday	Lane	Stone
Barrow	Gong	McClain	Thomas
Beaufort	Gunter	Myers	Trask
Bell	Haverfield	Ott	Weber
Bishop	Henderson	Plante	Weissenborn
Boyd	Hollahan	Pope	Williams
Daniel	Johnson	Poston	Wilson
Ducker	Karl	Saunders	Young

Nays—1

Stolzenburg

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 3494 (1970 Regular Session)**—An act relating to ad valorem taxation, exemptions; repealing the final sentence of 196.191 (3) and 196.191 (12), Florida Statutes, relating to exemption of property held for income for certain nonprofit hospitals; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

June 26, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 3494, enacted by the Legislature during the Regular Session commencing April 7, 1970 and entitled:

"An act relating to ad valorem taxation, exemptions; repealing the final sentence of 196.191 (3) and 196.191 (12), Florida Statutes, relating to exemption of property held for income for certain nonprofit hospitals; providing an effective date."

House Bill 3494 is a general bill of local application which repeals an exemption heretofore afforded certain properties in Volusia County. Since 1952 these properties have provided the people of Volusia County with two charitable hospitals and the people of Seminole County with a wing to the Sanford Hospital.

Our Legislature has devoted a great deal of time and effort to the problem of property tax exemptions. The ad valorem tax sub-committee of the House conducted numerous public hearings throughout the State. Legislation designed to deal equitably with all charitable and other tax exempt organizations was considered but not adopted by the Legislature. The hospital property would have been among those affected by such legislation, and properly so.

However, I do not favor this bill which appears to single out these properties while the overriding issue remains. It is suggested that the Legislature continue its efforts to provide the people with a fair and comprehensive law for all exempt organizations, including those affected by House Bill 3494.

For the reasons herein set forth I withhold my approval of House Bill 3494, Regular Session of the Legislature, commencing April 7, 1970 and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
Governor

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

HB 3494 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—32

Mr. President	de la Parte	Johnson	Saunders
Askew	Ducker	Karl	Slade
Barrow	Friday	Knopke	Stone
Beaufort	Gong	McClain	Thomas
Bell	Gunter	Myers	Trask
Bishop	Haverfield	Ott	Weber
Chiles	Henderson	Plante	Williams
Daniel	Hollahan	Poston	Wilson

Nays—3

Fincher	Lane	Stolzenburg
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*The Honorable John E. Mathews, Jr.*                      October 9, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 4645 (1970 Regular Session)**—An act relating to food, amending subsection (8) of section 500.04, Florida Statutes, to provide an expansion of prohibited acts; amending subsections (1), (2) and (3) of section 500.06, Florida Statutes, to provide authority to prevent the use of insanitary food processing equipment; amending subsection (1) of section 500.12, Florida Statutes, to require permit for food manufacturers, processors and packers; providing effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

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

*Honorable Tom Adams*  
*Secretary of State*  
*The Capitol*  
*Tallahassee, Florida*

June 30, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Section 8, Article III, of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 4645, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

"An act relating to food, amending subsection (8) of section 500.04, Florida Statutes, to provide an expansion of prohibited acts; amending subsections (1), (2) and (3) of section 500.06, Florida Statutes, to provide authority to prevent the use of insanitary food processing equipment; amending subsection (1) of section 500.12, Florida Statutes, to require permit for food manufacturers, processors and packers; providing effective date."

The first two sections of House Bill 4645 are directed toward preventing the use of insanitary food processing equipment. These sections provide that the Department of Agriculture and Consumer Services may embargo, destroy, etc., articles of food processing equipment. Such power is seemingly unnecessary in light of the fact that the Division of Health of the Department of Health and Rehabilitative Services under Section 170C-17.06 Florida Administrative Code already requires that such equipment and utensils be designed, (sic) constructed, located, installed, maintained and operated in a sanitary manner. This Section of the health regulation further provides that food machinery, equipment and utensils shall be of such material, workmanship and design as to be smooth, impervious, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, etc. Equipment surfaces which come in contact with food are also required to be readily accessible for cleaning and inspection.

Section 3 of House Bill 4645 would require that the Department of Agriculture and Consumer Services issue a permit to all food manufacturing, processing and packing firms. This is in direct conflict with requirements of Section 170C-17.03 Florida Administrative Code which already requires an annual operating permit or certificate from the Division of Health of the Department of Health and Rehabilitative Services. Such requirement has been included under statutory authority as a part of the Sanitary Code of Florida since 1941.

If House Bill 4645 were to become law, all food processors would be required to secure two annual permits, one from the agriculture agency and the other from the health agency. Such a procedure would impose an unusual burden on this vital industry. It would also further compound existing duplicative responsibilities of these two state agencies and could lead to a contest between them to determine which would emerge victorious in an entirely unnecessary permit race. This would place the food processing industry in the intolerable position of choosing sides between two state regulatory agencies.

This bill would bring no efficiency to state government. Rather it would add a need for more state revenue and another tier of state government on the already overburdened private sector. It is a step backward in the executive branch's effort to streamline and reorganize state government.

For these reasons, I am withholding my approval of House Bill 4645, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE R. KIRK, JR.**  
Governor

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

HB 4645 (1970 Regular Session) failed to pass. The vote was:

Yeas—29

Mr. President	Chiles	Horne	Shevin
Askew	Daniel	Karl	Stone
Barron	de la Parte	Knopke	Thomas
Barrow	Fincher	Myers	Trask
Beaufort	Friday	Ott	Williams
Bell	Gunter	Pope	
Bishop	Haverfield	Poston	
Boyd	Hollahan	Saunders	

Nays—15

Deeb	Lane	Saylor	Weissenborn
Ducker	McClain	Slade	Wilson
Henderson	Plante	Stolzenburg	Young
Johnson	Reuter	Weber	

Senator Scarborough requested unanimous consent to be recorded as voting yea. Senator Henderson objected.

*The Honorable John E. Mathews, Jr.* October 9, 1970  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 5033 (1970 Regular Session)**—An act relating to taxation on fuels; creating chapter 206, Florida Statutes, levying and imposing excise taxes on gasoline and like products and other special motor fuels; regulating fuel distributors; providing for the report of sale of such commodities and the collection and payment of taxes; creating special funds for the receipt of taxes; providing for distribution of revenues from the additional tax upon gasoline in accordance with the ratio studies conducted by the auditor general; prescribing the duties of the department of revenue regarding taxes and the regulation of distributors; providing enforcement procedures and penalties; repealing sections 207.01, 207.02, 207.03, 207.04, 207.05, 207.06, 207.07, 207.08, 207.09, 207.10, 207.11, 207.12, 207.13, 207.14, 207.15, 207.16, 207.17, 207.18, 207.19, 207.20, 207.21, 207.22, 207.23, 207.24, 207.25, 207.27, 207.28, 207.29, 207.30, 207.31, 207.32, 207.33, 207.34, 207.35, 207.36, 207.37, 207.38, 207.39, 207.40, 207.41, 207.42, 207.43, 207.44, 207.45, 207.46, 207.47, 207.48, 207.49, 207.51, 208.01, 208.02, 208.03, 208.04, 208.041, 208.05, 208.06, 208.07, 208.08, 208.09, 208.10, 208.11, 208.111, 208.15, 208.16, 208.17, 208.18, 208.181, 208.182, 208.183, 208.184, 208.185, 208.186, 208.187, 208.188, 208.189, 208.20, 208.21, 208.22, 208.23, 208.24, 208.25, 208.26, 208.27, 208.28, 208.43, 208.44, 208.45, 208.47, 208.48, 208.49, 208.50, 208.51, 208.52, 208.53, 208.54, 208.55, 208.56, 208.57, 208.58, 208.59, 208.60, 208.61, 208.63, 209.001, 209.01, 209.02, 209.03, 209.04, 209.05, 209.06, 209.07, 209.08, 209.09, 209.10, 209.11, 209.111, 209.12, 209.13, 209.14, 209.15, 209.16, 209.17, 209.19, 209.20, 209.21, 209.22, 209.23, and 209.24, which comprise all of chapters 207, 208, and 209, Florida Statutes, relating to taxes on gasoline and like products, motor fuels, and to regulation of distributors; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

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

*Honorable Tom Adams*  
*Secretary of State*  
*The Capitol*  
*Tallahassee, Florida*

June 27, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 5033, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

“An act relating to taxation on fuels; creating chapter 206, Florida Statutes, levying and imposing excise taxes on gasoline and like products and other special motor fuels; regulating fuel distributors; providing for the report of sale of such commodities and the collection and payment of taxes; creating special funds for the receipt of taxes; providing for distribution of revenues from the additional tax upon gasoline in accordance with the ratio studies conducted by the auditor general; prescribing the duties of the department of revenue regarding taxes and the regulation of distributors; providing enforcement procedures and penalties; repealing sections 207.01, 207.02, 207.03,

207.04, 207.05, 207.06, 207.07, 207.08, 207.09, 207.10, 207.11, 207.12, 207.13, 207.14, 207.15, 207.16, 207.17, 207.18, 207.19, 207.20, 207.21, 207.22, 207.23, 207.24, 207.25, 207.27, 207.28, 207.29, 207.30, 207.31, 207.32, 207.33, 207.34, 207.35, 207.36, 207.37, 207.38, 207.39, 207.40, 207.41, 207.42, 207.43, 207.44, 207.45, 207.46, 207.47, 207.48, 207.49, 207.51, 208.01, 208.02, 208.03, 208.04, 208.041, 208.05, 208.06, 208.07, 208.08, 208.09, 208.10, 208.11, 208.111, 208.15, 208.16, 208.17, 208.18, 208.181, 208.182, 208.183, 208.184, 208.185, 208.186, 208.19, 208.20, 208.21, 208.22, 208.23, 208.24, 208.25, 208.26, 208.27, 208.28, 208.43, 208.44, 208.45, 208.47, 208.48, 208.49, 208.50, 208.51, 208.52, 208.53, 208.54, 208.55, 208.56, 208.57, 208.58, 208.59, 208.60, 208.61, 208.63, 209.001, 209.01, 209.02, 209.03, 209.04, 209.05, 209.06, 209.07, 209.08, 208.09, 209.10, 209.11, 209.111, 209.12, 209.13, 209.14, 209.15, 209.16, 209.17, 209.19, 209.20, 209.21, 209.22, 209.23, and 209.24, which comprise all of chapters 207, 208, and 209, Florida Statutes, relating to taxes on gasoline and like products, motor fuels, and to regulation of distributors; providing an effective date.”

This bill purports to “consolidate” Chapter 207, Florida Statutes (Motor fuels, etc., regulation; distributors; other persons); Chapter 208, Florida Statutes (Taxes on gasoline and like products of petroleum); and Chapter 209, Florida Statutes (Taxes on motor fuels other than gasoline) into a new Chapter 206, Florida Statutes.

The history of the bill indicates that the Legislature gave very little thought to its passage. It is my opinion that a bill of this nature, which generates as much revenue as the “gas tax statutes,” should have considerable committee debate and scrutiny.

The bill does little more than change the numbering of the statutes, retaining the same or in most instances identical wordage. “Redrafting” of the gas taxing statutes (Chapter 207, 208, and 209, Florida Statutes) should be just that, a “redraft,” not merely a renumbering. There is no accomplishment here. It is my feeling that a “redraft” of our gas tax statutes is necessary so as to take out much of the verbose, redundant wordage and simplify these statutes. This is not accomplished by this bill. Legislation of this sort could conceivably lead to litigation, thereby hampering the collection of revenues generated by our taxing statutes.

Inasmuch as the Secretary of Transportation has evidenced his desire to completely revamp the gas taxing statutes to something less cumbersome, it is my recommendation that the Legislature completely redraft the gas taxing statutes, in order to make them more concise and clear as to intent.

For these reasons, I am withholding my approval of House Bill 5033, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

*Sincerely,*  
**CLAUDE KIRK**  
*Governor*

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

HB 5033 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—44

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

Nays—1

Wilson

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 3733 (1970 Regular Session)**—An act relating to property exempt from taxation; amending sections 196.191(13) and 196.201(2), Florida Statutes; excepting from the exemption from taxation property which is used for the treatment of private out-patients or that property used as a parking lot or parking garage for which there is a fee charge for parking; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

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

*Honorable Tom Adams*  
*Secretary of State*  
*The Capitol*  
*Tallahassee, Florida*

June 27, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Section 8, Article III, of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 3733, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

"An act relating to property exempt from taxation; amending sections 196.191(13) and 196.201(2), Florida Statutes; excepting from the exemption from taxation property which is used for the treatment of private out-patients or that property used as a parking lot or parking garage for which there is a fee charge for parking; providing an effective date."

House Bill 3733, if allowed to become law, would remove an exemption from ad valorem taxation heretofore afforded to certain hospital properties. The bill provides that hospital properties of a nonprofit hospital shall not be exempt from ad valorem taxation if such properties are used for treatment of private out-patients or leased for parking spaces operated by a profit making organization. The Legislature has devoted a great deal of time and effort to the problem of property tax exemptions. Legislation designed to deal equitably with all charitable and other tax exempt organizations was considered during the 1970 Session of the Legislature, but not adopted. The hospital properties affected by this bill would have been among those included in legislation considered by the 1970 Session of the Legislature, and rightfully so.

However, I do not favor this bill. It appears to single out these hospital properties while the overriding issue of tax exemption remains. It is suggested that the Legislature continue its efforts to provide the people of this state with a fair and comprehensive law for all exempt organizations, including those affected by House Bill 3733.

For these reasons, I am withholding my approval of House Bill 3733, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
Governor

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

**HB 3733 (1970 Regular Session)** passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was: Yeas—43 Nays—None

Mr. President	Beaufort	Chiles	Fincher
Askew	Bell	Daniel	Gong
Barron	Bishop	Deeb	Haverfield
Barrow	Boyd	Ducker	Henderson

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

Senator Barrow moved that the Senate reconsider the vote by which the veto of the Governor was sustained on—

**HB 4645 (1970 Regular Session)**—An act relating to food, amending subsection (8) of section 500.04, Florida Statutes, to provide an expansion of prohibited acts; amending subsections (1), (2) and (3) of section 500.06, Florida Statutes, to provide authority to prevent the use of insanitary food processing equipment; amending subsection (1) of section 500.12, Florida Statutes, to require permit for food manufacturers, processors and packers; providing effective date.

The motion was adopted and the vote was:

Yeas—28

Mr. President	Boyd	Haverfield	Saunders
Askew	Daniel	Hollahan	Scarborough
Barron	de la Parte	Horne	Shevin
Barrow	Fincher	Karl	Stone
Beaufort	Friday	Knopke	Thomas
Bell	Gong	Myers	Trask
Bishop	Gunter	Ott	Weissenborn

Nays—16

Deeb	Lane	Reuter	Weber
Ducker	McClain	Saylor	Williams
Henderson	Plante	Slade	Wilson
Johnson	Pope	Stolzenburg	Young

The question recurred on the passage of the bill, the Governor's objections to the contrary notwithstanding. **HB 4645 (1970 Regular Session)** passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Yeas—31

Mr. President	Daniel	Horne	Scarborough
Askew	de la Parte	Karl	Shevin
Barron	Fincher	Knopke	Stone
Barrow	Friday	Myers	Thomas
Beaufort	Gong	Ott	Trask
Bishop	Gunter	Pope	Weissenborn
Boyd	Haverfield	Poston	Williams
Chiles	Hollahan	Saunders	

Nays—15

Bell	Johnson	Reuter	Weber
Deeb	Lane	Saylor	Wilson
Ducker	McClain	Slade	Young
Henderson	Plante	Stolzenburg	

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

October 9, 1970

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on October 9, 1970, the Governor's objections to the contrary notwithstanding—

**HB 5233 (1970 Regular Session)**—An act authorizing firemen employed by any municipality, fire district, port authority or other governmental entity in Palm Beach County to organize and collectively bargain through an agent selected by them with respect to wages; working conditions; containing definitions; providing that firemen shall not strike; providing a savings clause; providing for judicial relief; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate therein.

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

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

June 16, 1970

Yeas—28

Mr. President	de la Parte	Knopke	Shevin
Askew	Fincher	McClain	Slade
Barrow	Friday	Myers	Stone
Beaufort	Gong	Ott	Thomas
Bishop	Haverfield	Poston	Weissenborn
Chiles	Horne	Saunders	Williams
Daniel	Karl	Scarborough	Wilson

Nays—12

Bell	Henderson	Plante	Stolzenburg
Deeb	Johnson	Reuter	Weber
Ducker	Lane	Saylor	Young

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

INTRODUCTION

Senator Slade moved that the rules be waived and SB 5-C be admitted for introduction and consideration notwithstanding the fact that it was not within the purview of the Governor's call and the motion failed. The vote was:

Yeas—25

Barron	Gunter	McClain	Stone
Barrow	Henderson	Plante	Weber
Bell	Hollahan	Poston	Williams
Bishop	Horne	Reuter	Young
Boyd	Johnson	Shevin	
Deeb	Karl	Slade	
Ducker	Lane	Stolzenburg	

Nays—17

Mr. President	de la Parte	Myers	Weissenborn
Askew	Fincher	Ott	Wilson
Beaufort	Friday	Saunders	
Chiles	Haverfield	Thomas	
Daniel	Knopke	Trask	

The President announced that a Joint Select Committee of the Senate and the House would be appointed to study various questions involving insurance rates and rating structures. He appointed Senator Daniel, Chairman, and Senators Barron, McClain, Poston and Williams as members on the part of the Senate.

By Senator Thomas—

**SJR 13-C**—A joint resolution establishing a new effective date for Senate Bill 281, an act relating to municipally-owned utilities, which bill was passed by both houses of the legislature during the 1970 regular session and thereafter vetoed by the governor.

Was read the first time by title. On motion by Senator Thomas, the rules were waived and the bill was placed on the Calendar.

On motions by Senator Thomas, the rules were waived and SJR 13-C was read the second and third times by title. By permission, Senator Thomas withdrew SJR 13-C from further consideration of the Senate.

VETOED BILLS 1970 REGULAR SESSION

**SB 1111 (1970 Regular Session)**—An act relating to the public show or sale of horses; prohibiting the soring of horses for public show or sale; prohibiting the administration of certain drugs to horses for the purpose of public show or sale; providing definitions; providing for inspection of horses at public show or sale to determine violations; providing procedures for enforcement of this act; providing penalties; providing an appropriation; providing an effective date.

On motion by Senator Karl, SB 1111 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby transmit to you with my objections House Bill 5233, enacted by the Legislature during the regular session commencing April 7, 1970, and entitled:

“An Act authorizing firemen employed by any municipality, fire district, port authority or other governmental entity in Palm Beach County to organize and collectively bargain through an agent selected by them with respect to wages; working conditions; containing definitions; providing that firemen shall not strike; providing a savings clause; providing for judicial relief; providing an effective date.”

House Bill 5233 is an act which authorizes the firemen in Palm Beach County to organize and collectively bargain through an agent selected by them, with respect to wages and working conditions. There is ample evidence to show that in those states where collective bargaining legislation exists there has been a spiraling increase in the number of illegal public employee strikes. These illegal strikes are the result of a frustration which develops when public employees participate in the collective bargaining process but are legally prohibited from having the right to strike. The firemen of Palm Beach County, as is true with other vital local government services such as the policemen, are necessary to the well-being and safe keeping of the citizens in the area they serve. Local government services are only for public purposes and contain none of the peculiar characteristics of a private enterprise wherein the only purpose is the pursuing of monetary gain. All governmental entities receive their monies through taxes levied for the purpose of supporting the local government and providing essential services for the body politic. The tax dollar is allocated by representatives selected by the people through the political process. To allow union development to the point where union bosses force local government officials to accept certain agreements and certain demands, is in effect the coercion of the public officials' right to determine what policies and guidelines are best for the community and how the tax dollar is to be divided.

In addition to these general observations, there are specific provisions of House Bill 5233 which are also objectionable. The subjects to be covered under the collective bargaining in this Bill are not proper subjects for collective bargaining, when the employees are public employees. Wages, rates of pay, hours, retirement benefits, insurance, holidays, etc., are items that involve policy decisions in the Legislative branch in the respective communities. This power cannot be delegated away, but must remain in the hands of the duly elected public officials. It would be an improper delegation to provide private persons with governmental authority over the terms and conditions of public employees.

Moreover, any collective bargaining agreement would neither be binding nor enforceable against the people's representatives, as long as these representatives retain the power to establish policy guidelines concerning wages, rates of pay, hours, retirement benefits, insurance and holidays of public employees.

I am quite confident that our local government officials are responsive to the needs and desires of public employees. I have full confidence that they will work with their employees in a constant effort to maintain the best possible working conditions within the orderly process of government.

For these reasons, I am withholding my approval from House Bill 5233, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
**CLAUDE KIRK**  
Governor

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

HB 5233 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was:

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

July 7, 1970

transferred to the department of general services; providing an effective date.

On motion by Senator Daniel, SB 494 (1970 Regular Session), was taken up and read by title, together with the following objections thereto of the Honorable Claude R. Kirk, Jr., Governor of Florida:

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill 1111, enacted by the Legislature during the Regular Session commencing April 7, 1970, and entitled:

Honorable Tom Adams  
Secretary of State  
The Capitol  
Tallahassee, Florida

June 16, 1970

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Section 8, Article III, Constitution of Florida, I hereby transmit to you with my objections Senate Bill 494, enacted by the Legislature during the regular session commencing April 7, 1970, and entitled:

"An act relating to the public show or sale of horses; prohibiting the soring of horses for public show or sale; prohibiting the administration of certain drugs to horses for the purpose of public show or sale; providing definitions; providing for inspection of horses at public show or sale to determine violations; providing procedures for enforcement of this act; providing penalties; providing an appropriation; providing an effective date."

"An act relating to the department of general services and the board of regents; providing that all the powers, duties and functions of the board of regents and the institutions under the board of regents relating to the appointment and employment of architects, the coordination of design, the approval of plans, the supervision of construction and the construction of buildings or additions to or substantial modifications and alterations of buildings shall be transferred to the department of general services; providing an effective date."

Senate Bill 1111 purports to regulate the method of training horses commonly known as walking horses and other horses that are used for show purposes. While laudable in its objectives, the bill is so broadly written that it would be impossible for legitimate owners, trainers and exhibitors to continue practicing this traditional sport. There can be no argument with the intent of this legislation. The cruel treatment of horses or other animals cannot be condoned, and it is clearly the concern of the Legislature to prevent such treatment. However, the definition contained in the bill as to what would be considered as abusive to horses is so far reaching that any method used to train a horse could be considered as injurious to the animal.

This bill transfers to the department of general services the duties and responsibilities of the board of regents over the coordination of design and the approval of plans for the construction of institutions of higher learning. In enacting Chapter 240, Florida Statutes, creating the board of regents, the Legislature intended to vest in this board "the necessary powers to govern, regulate, coordinate, and oversee the institutions and agencies in the state university system, in order to obtain the most effective accomplishment of the lawful aims of education." (Section 240.001, Florida Statutes) In addition, the board of regents has the duty and responsibility to determine what the needs of the university system are in so far as construction of dormitories and other new buildings are involved, subject to the approval of the Legislature. Inherent in this grant of power is the ability of the board of regents to determine the type of facility that will best meet the needs of the university system, which determination must include the selection of a design, approval of the plans, and employment of the architects.

In addition, the bill imposes a burden on horse show exhibitors, which in many cases are nonprofit service oriented groups, to insure that each and every horse entered in a show has not been trained in an abusive manner as defined in the bill. It would be physically impossible for sponsors of horse shows to determine what horse has or has not been abused in training. Consequently, these organizations would be forced to reconsider the continuation of these shows for fear of violating the law. This would be unfortunate inasmuch as the proceeds from these shows many times go to worthy charitable activities.

I strongly suggest that the Legislature consult with representatives from the Florida Walking Horse Association and other interested horse show participants, in order to develop legislation that would not only protect the animals, but would be fair and equitable to those involved in this activity.

For these reasons, I am withholding my approval of Senate Bill 1111, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
CLAUDE KIRK  
Governor

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

SB 1111 (1970 Regular Session) passed by the required Constitutional two-thirds vote of all members present and was certified to the House. The vote was: Yeas—40 Nays—None

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

Under the Governmental Reorganization Act adopted in 1969, the Legislature transferred the powers and duties of the board of regents over building construction to the department of general services, leaving to the board of regents the responsibility for the design of the building, and the authority to employ architects to implement that design. Although there may be differing views about who shall control the actual construction of university buildings, the Legislature has apparently resolved this issue by transferring this function to the department of general services in 1969. However, control over the actual construction is a responsibility entirely different from the coordination of the design and the employment of the architects to implement that design. In my opinion, this latter function should be left to the board of regents, consistent with its overall duties and responsibilities set forth in Chapter 240, to oversee the state university system.

I am confident that both the board of regents and the department of general services possess the necessary expertise to perform their independent functions in a responsible manner and that these activities can be successfully coordinated without the necessity of additional legislation inconsistent with the duties and responsibilities of these respective agencies.

For these reasons, I am withholding my approval from Senate Bill 494, Regular Session of the Legislature, commencing April 7, 1970, and do hereby veto the same.

Sincerely,  
CLAUDE KIRK  
Governor

SB 494 (1970 Regular Session)—An act relating to the department of general services and the board of regents; providing that all the powers, duties and functions of the board of regents and the institutions under the board of regents relating to the appointment and employment of architects, the coordination of design, the approval of plans, the supervision of construction and the construction of buildings or additions to or substantial modifications and alterations of buildings shall be

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





