

SPECIAL SESSION

JOURNAL OF THE SENATE

At a Special Session of the Florida Senate convened under Section 7, Article IV, of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

Monday, November 16, 1970

In pursuance of the Proclamation of Senator Jerry Thomas, President of the Senate of the State of Florida, the Senate met in Special Session at 9:30 a.m., and was called to order by the President; the Secretary of the Senate, Edwin G. Fraser, and the Sergeant at Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the President convening the Senate in Special Session was read as follows:

PROCLAMATION

TO THE HONORABLE MEMBERS OF
THE FLORIDA SENATE:

WHEREAS, Section 7 of Article IV of the Constitution of Florida authorizes the President of the Senate to convene the Senate in Special Session for the consideration of executive suspensions; and

WHEREAS, the section was adopted to allow the Senate to take up these matters at a time when the entire Legislature would not have to be in session engaged in the legislative process;

NOW, THEREFORE, I, Jerry Thomas, as President of the Florida Senate, by virtue of the power and authority vested in me by Article IV, Section 7, of the Constitution of the State of Florida, do hereby convene the Florida Senate in Special Session at the Capitol at 9:30 a.m. on Monday, November 16, 1970.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Senate of Florida to be affixed at Tallahassee, the Capitol, this 4th day of November, A.D. 1970.

(SENATE
SEAL)

JERRY THOMAS
President of the Florida Senate

ATTEST:
EDWIN G. FRASER
Secretary of the Senate

By direction of the President the roll was called and the following Senators were recorded present:

Senator John R. Broxson—1st District
Senator Dempsey J. Barron—4th District
Senator Mallory E. Horne—5th District
Senator W. E. Bishop—6th District
Senator Bob Saunders—7th District
Senator Dan Scarborough—10th District
Senator C. W. Beaufort—11th District
Senator Verle A. Pope—12th District
Senator J. H. Williams—13th District
Senator Frederick B. Karl—14th District
Senator C. Welborn Daniel—15th District
Senator Kenneth Plante—16th District
Senator John L. Ducker—17th District
Senator Bill Gunter—18th District

Senator Harold S. Wilson—20th District
Senator Henry B. Saylor—21st District
Senator Richard J. Deeb—22nd District
Senator Ray C. Knopke—23rd District
Senator David H. McClain—24th District
Senator T. Truett Ott—25th District
Senator Louis de la Parte, Jr.—26th District
Senator Alan Trask—27th District
Senator Beth Johnson—29th District
Senator C. S. Reuter—30th District
Senator Wilbur H. Boyd—31st District
Senator Warren S. Henderson—32nd District
Senator Jerry Thomas—35th District
Senator David C. Lane—36th District
Senator Charles H. Weber—37th District
Senator John W. Bell—38th District
Senator Chester W. Stolzenburg—39th District
Senator Edmond J. Gong—40th District
Senator Robert M. Haverfield—41st District
Senator Lee Weissenborn—42nd District
Senator George L. Hollahan, Jr.—44th District
Senator Kenneth M. Myers—45th District
Senator Dick Fincher—47th District

By direction of the President, the Secretary of the Senate read the following certificate of the Honorable Tom Adams, Secretary of State:

STATE OF FLORIDA)
OFFICE OF SECRETARY OF STATE)SS

I, TOM ADAMS, Secretary of State of the State of Florida, do hereby certify that the following State Senators were elected at the General Election held on the 3rd day of November, A. D., 1970, as shown by the election returns on file in this office.

DISTRICT NUMBER

2 W. D. Childers, Pensacola
8 Lew Brantley, Jacksonville
9 Lynwood Arnold, Jacksonville
19 John T. Ware, St. Petersburg
28 Bob Brannen, Lakeland
33 Philip D. (Phil) Lewis, West Palm Beach
34 Tom Johnson, Riviera Beach
43 Gerald A. Lewis, Miami
48 Robert Graham, Miami Lakes



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this 12th day of November, A. D., 1970.

TOM ADAMS
SECRETARY OF STATE

The oath of office was then administered to the newly elected Senators by the Honorable B. K. Roberts, Justice of the Supreme Court of Florida.

The roll of the Senate, as then constituted, was called by the Secretary in alphabetical order and the following Senators were recorded present:

Mr. President	Deeb	Johnson (34th)	Saunders
Arnold	de la Parte	Karl	Saylor
Barron	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Brannen	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Plante	Wilson
Childers	Horne	Pope	
Daniel	Johnson (29th)	Reuter	

46. A quorum present.

Excused: Senators Barrow and Poston.

The President recognized Senator Lawton M. Chiles, Jr., former member of the Senate from the 28th Senatorial District and presently Junior United States Senator-Elect from Florida, who had appeared in the Chamber, and he was greeted by the Senate Body with a spirited standing ovation.

Prayer by the Secretary of the Senate:

Most gracious and generous God, we thank Thee for our land, for those freedoms basically granted to each of us as prescribed by legislative edict. We respect and cheerfully defend these privileges. Forgive those whose conduct results in injury to good and honorable government for they know not the results of the sting. Penalties sometimes are necessary so that man may understand good behavior.

Lord God, these Senators recognize those responsibilities assigned to them because of public trust. We respect their dedication to resolve and their sincerity to decision that which upholds right and which follows convictions of truth. May the influence of the Holy Spirit reign in this labor.

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

Upon request by the President, Mr. Justice Roberts led the Senate in the pledge of allegiance to the Flag of the United States of America.

The following communications and Executive Orders were presented for the information of the Senate:

REGISTERED—RETURN RECEIPT August 24, 1970
REQUESTED

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
REQUESTED

October 26, 1970

Mr. Lloyd Early
c/o 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, Amended Order of Suspension dated October 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

AMENDED ORDER OF SUSPENSION

WHEREAS, on August 23, 1970, an Executive Order was issued, suspending Lloyd F. Early as Superintendent of Schools of Palm Beach County, Florida, and

WHEREAS, on October 21, 1970, a pretrial hearing was held before the Senate Select Committee on Suspensions at which time a request for more definite information was made regarding the grounds of suspension set forth in said Executive Order;

NOW, THEREFORE, I, Claude R. Kirk, Jr., Governor of the State of Florida, by virtue of the power and authority vested in me, do hereby amend the Executive Order of August 23, 1970, as follows:

"WHEREAS, evidence has been presented to me reflecting as follows:

1. Superintendent Lloyd F. Early did on numerous occasions between September 1968 and the date of his suspension on August 23, 1970, refuse or decline to execute and carry out policies duly established by the district school board which refusal served to frustrate and obstruct the implementation or application of said policies.

2. Superintendent Lloyd F. Early did on at least three occasions exert unprofessional pressures on instructional and/or administrative personnel within the Palm Beach County school system in order to secure compliance with his bidding by threatening transfers to less desirable posts, pay loss or job loss, which unprofessional conduct had a deleterious effect on the morale of administrative and instructional personnel in the Palm Beach County (sic) school system and violated the Code of Ethics which governs the conduct of school administrators.

3. Superintendent Lloyd F. Early did on at least one occasion countenance interference into the day to day teaching situation at Boynton Beach Junior High School by a person or persons not members of the instructional staff at that institution.

4. Superintendent Lloyd F. Early did conceal from the district school board certain public information by virtue of his consistent refusal to cooperate with and furnish information to a select committee appointed by the district school board to study various facets of the Palm Beach County school system despite instructions from the board to do so, thereby severely restricting the ability of said committee to do the job for which it was appointed.

5. Superintendent (sic) Lloyd F. Early did initiate a series of early morning staff conferences requiring attendance of most of the high level, highly paid administrative personnel in the central administrative offices of the system for the purpose of repeatedly airing recorded inspirational messages by radio

commentator despite the fact that the persons in attendance had important matters involving the day to day operation of the public school system with which to deal.

6. Superintendent Lloyd F. Early did demonstrate almost daily his inability to comprehend even the most rudimentary requirements of his post and his unwillingness or inability to come to grips with even the simplest, most routine day to day operational decisions.

7. Superintendent Lloyd F. Early did refuse to disclose matters of public information or public record to members of the news media because of an almost morbid fear of speaking with or meeting with said persons interested in acquiring information concerning the operation of Palm Beach County school system.

8. Superintendent Lloyd F. Early did frequently embark on projects without benefit of staff consultation or study and without regard to cost, availability of funds or methods of funding.

9. Superintendent Lloyd F. Early did initiate a spur of the moment television program, without staff consultation, originating on the instructional television network in Palm Beach County which program was required viewing for all instructional and non-instructional personnel within the school system. This program featured Superintendent Early, was paid for with funds intended to be used to educate disadvantaged or culturally deprived children and was broadcast to selected viewing centers at which teachers and/or non-instructional personnel were required to congregate. This command performance tended to disrupt the orderly operation of the school system and involved a misuse of public funds.

10. Superintendent Lloyd F. Early did recommend to the district school board, without any consultation whatever with affected staff members, that said board enter into an agreement with Computer Data Systems, Inc., for certain data processing services to be rendered by that firm. That the services to be rendered by Computer Data Systems (sic), Inc. for which said firm was paid in excess of \$70,000 at the recommendation of the said Superintendent Lloyd F. Early had not and cannot be implemented into the data processing system in use in the Palm Beach County school system, a fact well known to Superintendent Early at the time he recommended payment to said firm.

11. Superintendent Lloyd F. Early did recommend payment of certain sums of money to Custom Televisios (sic) Systems, Inc., a Florida corporation whose president was a full-time employee of the district school board, for maintenance service on instructional television equipment, knowing full well of the relationship of said school official with said private corporation. If not a direct conflict of interest, such arrangement was so suspect as to render same not in the best interest of the people of Palm Beach County.

12. That at a critical moment during the lengthy period of negotiations between the Palm Beach County school officials and representatives of the Department of Health, Education and Welfare regarding the adequacy of the Palm Beach County desegregation plan, Superintendent Lloyd F. Early did unilaterally redraft elementary school boundary lines previously approved by the board without the permission, knowledge or acquiescence of the board to its attorney-negotiator. Superintendent Early's redrafting, done in the late evening hours before said plan was to be submitted in Atlanta for approval the following day, returned elementary school attendance zone lines to a position already rejected by Department officials and resulted in rejection of the plan once again. Instead of a consensus desegregation plan the matter was ultimately decided by costly and protracted litigation.

13. That Superintendent Lloyd F. Early has on numerous occasions demonstrated his inability to grasp or comprehend even the most basic concepts of public education administration such as pupil scheduling, effective use of physical facilities and time, requisitioning of supplies, organizing of transportation, purchasing, acquisition of support services and the like.

WHEREFORE, all of the foregoing demonstrates ignorance of official duties and gross carelessness in the discharge of them, and

WHEREAS, I find that all of the foregoing constitutes malfeasance, misfeasance, neglect of duty, incompetency in

office and inability to perform assigned duties within the meaning of the Constitution of the State of Florida, and

WHEREAS, I find that the interests of the citizens of Palm Beach County would best be served by amending the Executive Order of Suspension dated August 23, 1970,

NOW THEREFORE, by virtue of the power and authority vested in me as stated above, I do hereby suspend the said Lloyd F. Early as Superintendent of Schools of Palm Beach County, on the grounds of misfeasance, malfeasance, neglect of duty, incompetency in office and inability to perform assigned duties within the meaning of the Constitution of the State of Florida as reflected by the foregoing evidence and information and because of such, it would be improper for him to continue in the Office of Superintendent of Schools for Palm Beach County."

In addition to those grounds set forth in the said Order of August 23, 1970, and in furtherance thereof, the matters hereinabove set forth are incorporated into the Order of August 23, 1970, or alternatively, the matters set forth insaid (*sic*) Order are reaffirmed herein.



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 October, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

REGISTERED—RETURN RECEIPT April 27, 1970
REQUESTED

Honorable Lawrence O. Davis
St. Johns County Courthouse
St. Augustine, 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 April 27, 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, Lawrence O. Davis, a/k/a L. O. Davis, is presently serving as Sheriff of Saint Johns County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Seventh Judicial Circuit in and for Saint Johns County, Florida, on April 24, 1970, returned an Indictment against the said Lawrence O. Davis, a/k/a L. O. Davis, charging him with the acceptance of a bribe in violation of Section 838.012, Florida Statutes, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Lawrence O. Davis, a/k/a L. O. Davis, acting in his official capacity as Sheriff of Saint Johns 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 Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of

Lawrence O. Davis, a/k/a L. O. Davis to continue to perform his duties as Sheriff of Saint Johns County, Florida, and

WHEREAS, I find that the interests of the citizens of Saint Johns 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 Lawrence O. Davis, a/k/a L. O. Davis on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictment 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 Lawrence O. Davis, a/k/a L. O. Davis is hereby prohibited from performing the duties or exercising the authorities of the Office of Sheriff of Saint Johns 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 27 day of April, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

REGISTERED—RETURN RECEIPT October 21, 1970
REQUESTED

Mr. L. O. Davis
42 Madeore Street
St. Augustine, Florida

Dear Mr. Davis:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Amended Order of Suspension dated October 20, 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

AMENDED ORDER OF SUSPENSION

WHEREAS, on April 27, 1970, an Executive Order was issued suspending Lawrence O. Davis, a/k/a L. O. Davis from the Office of Sheriff of Saint Johns County, Florida, and

WHEREAS, since the issuance of the Order of Suspension, information has been presented to me indicating that the said Lawrence O. Davis, a/k/a L. O. Davis, has permitted widespread gambling and bolita and houses of prostitution to flourish in Saint Johns County during the last ten years, and

WHEREAS, I find that the foregoing evidence reflects malfeasance, misfeasance, incompetency, neglect of duty and inability to perform assigned duties, and

WHEREAS, Lawrence O. Davis, a/k/a L. O. Davis, acting in his official capacity as Sheriff of Saint Johns 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, I find that the interests of the citizens of Saint Johns 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 the Constitution and laws of the State of Florida, do

hereby amend the Executive Order issued on April 27, 1970, suspending Lawrence O. Davis, a/k/a L. O. Davis from the Office of Sheriff of Saint Johns County, and do hereby continue the suspension of the said Lawrence O. Davis, a/k/a L. O. Davis, on the grounds of misfeasance, malfeasance, neglect of duty and inability to perform assigned duties as hereinabove set forth and, because of such, it would be improper for him to continue to perform the duties of his office. Therefore, the said Lawrence O. Davis, a/k/a L. O. Davis is hereby prohibited from performing the duties or exercising the authorities of the Office of Sheriff of Saint Johns 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 20 day of October, 1970.

CLAUDE R. KIRK, JR.
Governor

ATTEST:
TOM ADAMS
Secretary of State

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.



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

ATTEST:
TOM ADAMS
Secretary of State



Exhibit A

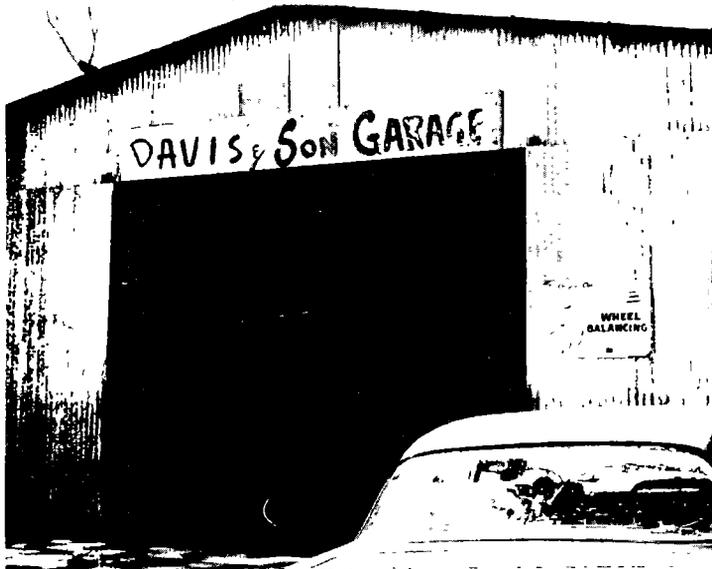


Exhibit B

REGISTERED—RETURN RECEIPT
REQUESTED

April 27, 1970

Honorable Noah J. Carter
Post Office Box 1233
St. Augustine, Florida

Dear Mr. Carter:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated April 27, 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, Noah J. Carter is presently serving as Constable, District 9, Saint Johns County, Florida, and

WHEREAS, I have been officially advised that the Grand Jury of the Seventh Judicial Circuit in and for Saint Johns County, Florida, on April 24, 1970, returned an Indictment against the said Noah J. Carter, charging him with the acceptance of a bribe in violation of Section 838.012, Florida Statutes, and

WHEREAS, the above Indictment, if true, reflects misfeasance, malfeasance and incompetency in office, and

WHEREAS, Noah J. Carter, acting in his official capacity as Constable District 9, Saint Johns 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 Indictment of the Grand Jury, doubt has been raised as to the integrity and ability of Noah J. Carter to continue to perform his duties as Constable, District 9, Saint Johns County, Florida, and

WHEREAS, I find that the interests of the citizens of Saint Johns 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 Noah J. Carter on the grounds of misfeasance, malfeasance, incompetency and neglect of duty in office as reflected by the Indictment 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 Noah J. Carter is hereby prohibited from performing the duties or exercising the authorities of the Office of Constable, District 9, Saint Johns 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 27 day of April, 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

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
 REQUESTED

November 10, 1970

Mr. 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, Executive Order dated November 9, 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, by virtue of the power and authority vested in me by Section 7, Article IV, of the Constitution of Florida, I issued an Executive Order on September 8, 1970, suspending John W. Gilbert as Constable, District One, Dade County, Florida, based upon a report of the Grand Jury of the Eleventh Judicial Circuit in and for Dade County, Florida, which reflected misfeasance, malfeasance, neglect of duty and incompetency in office by the said John W. Gilbert, and

WHEREAS, the said John W. Gilbert has submitted his resignation as Constable, District One, Dade County, Florida;

NOW, THEREFORE, I, Claude R. Kirk, Jr., by virtue of the power and authority vested in me by the Constitution and laws of Florida, do hereby revoke the Executive Order of September 8, 1970, and do hereby restore the said John W. Gilbert as Constable, District One, Dade County, Florida.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 9 day of November, 1970.

CLAUDE R. KIRK, JR.
 Governor

ATTEST:
TOM ADAMS
 Secretary of State

REGISTERED—RETURN RECEIPT
 REQUESTED

July 30, 1970

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

Senator Karl moved that the rules be waived and the Reports of the Select Committee on Executive Suspensions in the matter of the foregoing Executive Orders and the proceedings of the Senate in relation thereto be received and held in open Session. Which was agreed to and so ordered.

Senator Karl, Chairman of the Select Committee on Executive Suspensions, was accorded the privileges of the Well and, in his preliminary remarks, explained to the Senate that Senator Harold S. Wilson, a member of the Select Committee, had been excused from attendance upon the pre-session Committee hearings because of the illness and demise of his father and therefore Senator Wilson's signature had not been appended to the Reports of the Committee which would be presented in the cases of Lloyd F. Early, Lawrence O. Davis, H. E. Davis and Eldon Stokes.

Senator Karl, Chairman of the Select Committee, read the following Report:

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

Lloyd F. Early became a candidate for Superintendent of Schools in Palm Beach County in 1968. In the Spring of that year, he defeated his opponent in the Republican party primary. There was no opposition in the general election.

In September 1968, the incumbent Superintendent, who had elected not to seek another term, submitted his resignation. Governor Kirk appointed the Superintendent-elect, Lloyd Early, to the office to serve out the unexpired term. Mr. Early served out his predecessor's unexpired term, began his own term in January 1969 and continued in the office until suspended by Governor Claude R. Kirk, Jr. in his Executive Order of

Suspension dated August 23, 1970, and the Amended Order of Suspension dated October 23, 1970.

The Amended Order contains 13 fairly specific grounds for suspension. The ultimate decision of the Senate is whether Mr. Early was guilty of any or all of them. To enable the Senate to make such a decision a review of the evidence on the background and the general situation in the Palm Beach County school system is deemed necessary.

In the election of 1960, the voters selected a Superintendent who resigned before his term was completed. A substitute was appointed to serve out his unexpired term, but the substitute did not seek election to a full term. Therefore at the beginning of 1965, a newly elected Superintendent assumed the office. He did not seek re-election and then resigned before his term expired. Mr. Early was the fourth Superintendent to supervise the education system in less than a six year period. It goes without saying that this was cause for a low level of confidence of the people in the system and that administrative and personnel problems were incubated.

In the fall of 1968, when Mr. Early was appointed, the Palm Beach County system had all of the problems experienced by the other large counties of our state. The national and international events influenced the citizens; the new militancy on the part of the parents, the students and the staff was on the rise; about 3,000 new students were being assimilated into the schools each year; the school crisis, sometimes referred to as the teacher strike, had left painful wounds and the millage cap, bond election failures and other economic factors had caused a near crisis in the budget making process.

Palm Beach County, like other Florida counties, faced a desegregation requirement that was certain to rub emotions raw and further strain at the budget.

One of the witnesses characterized the situation as "one of the most dreadful times in the history of the county". Indeed the Committee wondered how it was that anyone would desire to be elected Superintendent in the face of such circumstances.

But there was more! Four of the five members of the elected school board (this number was later reduced to three) made the decision that Mr. Early, even though lawfully installed in this constitutional office, was simply not the man for the job. The majority faction of the school board began substituting its judgement for that of the Superintendent in matters that were not within their scope of authority. The boundaries of control and jurisdiction as between an elected Superintendent and an elected School Board so carefully spelled out in the Statutes and regulations became blurred and uncertain. Mr. Early's subordinates were almost forced to divide their loyalty or choose one side or the other.

The attorney, for example, was placed in an untenable position, and although contractually required to render legal counsel to both the Board and the Superintendent, found it expedient to concentrate his efforts and advice in support of the majority faction of the Board. This left the Superintendent virtually without loyal and competent legal assistance. The same general situation developed with the public information officer and others.

The Board created and set into motion a committee of citizens originally commissioned for a limited objective. Its title was Space, Time, Utilization Committee, abbreviated to STUC. The members of the STUC committee were dedicated citizens and they demonstrated their willingness to work long and hard.

Then the powers of that committee were broadened. With the support of the majority of the board as an entity and the specific, enthusiastic support of certain individual board members, the STUC committee became a general, investigative committee roaming through the school system striking the same kind of terror in the hearts of the staff and instructional personnel as the citizens experienced with vigilantes of another era.

Patently all of this was newsworthy. The news media gave it full coverage. The local newspapers took a special interest, and the scrapbook of news articles, editorials and cartoons exhibited to the Committee left no room for doubt about the degree of interest.

As sometimes happens, a conflict developed between Mr. Early and certain representatives of the media. They never

failed, it appeared, to give prominence to any real or alleged shortcomings on his part. He responded by regularly refusing to comment except during public meetings. And the situation worsened.

This summary is perhaps an over simplification, but it suffices to demonstrate that there was chaos and that Mr. Early was, at most, only a contributing factor to it.

The testimony and other evidence on the specific charges leveled by the Governor, when examined against the backdrop described above, was grossly insufficient to sustain the charges. There was no showing, even by a mere preponderance of the evidence, that Mr. Early was guilty of malfeasance, misfeasance or neglect of duty. Nor did the evidence sustain the allegation of incompetency in office or inability to perform assigned duties.

Perhaps a more experienced Superintendent could have performed more efficiently under the circumstances. Perhaps a stronger, more decisive man could have stopped the encroachments of the board and its STUC committee at its inception. It is possible that there exists a man in the world who could have come upon this scene, under these circumstances and done a better job. But such a man was not elected as Superintendent of Schools in Palm Beach County. Mr. Early did offer himself and the electors of that county selected him as the one to shoulder the burdens of that office at that time.

Mr. Early, when asked to appraise his own administration, testified that under the circumstances he felt he had done a creditable job. We concur. It is the observation of the Committee that a lesser man would have presided over the total destruction of the Palm Beach County school system or in the alternative, he would have escaped from the situation by personal flight, or something more drastic.

In the course of the hearing, there were those who attempted to urge upon the Committee the proposition that Mr. Early should not be reinstated in his office because the suspension and subsequent Senate proceedings have destroyed his effectiveness. The Committee ruled that such a consideration is irrelevant and we urge the Senate to reject it.

Since it was proposed to the Committee, however, we are moved to make the following observations which are based on the evidence presented.

A. If the Senate decides to reinstate Mr. Early, he will need loyal, independent and competent legal advice, loyalty and support from his key staff and instructional personnel and widespread public understanding and support. He should take immediate steps to secure the assistance he needs and to develop ways and means of fully informing the public, through the news media, of all matters that are not legally privileged.

B. The School Board, which in January will become a seven member board with only two hold over members, should set policy and insist that no one, nor any group, encroach upon its prerogatives. It should also refrain from encroaching into any other area.

C. Obviously Mr. Early, and those of his staff who participated, had made adequate preparations for the 1970-71 school year. For although he was suspended just before the schools opened, they did indeed open and the plans developed were implemented. With the proper help, support and public understanding Mr. Early should be able to restore order in education in Palm Beach County and serve out the term for which he was elected.

The testimony, arguments and consideration have involved some 30 hours of Committee time. The Committee Members have considered the evidence and arguments in the light of the Constitution, Statutes, Senate Rules and precedent and we find that the Governor has failed to sustain the charges made against Lloyd F. Early.

Accordingly, we recommend to the Senate that Lloyd F. Early not be removed from office and that he be reinstated as Superintendent of Schools of Palm Beach County.

We further recommend that pursuant to Section 5, Chapter 69-277 of the Laws of Florida the Palm Beach County School District be authorized and directed to pay to Lloyd F. Early the sum of \$2,500 as and for reimbursement for reasonable attorney's fees and costs incurred in his defense in these proceedings.

Respectfully submitted,

FREDERICK B. KARL, Chairman
 C. W. BEAUFORT
 W. E. BISHOP
 KENNETH PLANTE
 C. S. REUTER
 J. H. WILLIAMS

FOR	AGAINST
X	
X	
X	
X	
X	
X	

SELECT COMMITTEE ON EXECUTIVE
 SUSPENSIONS

Senator Karl moved the adoption of the Report and that pursuant thereto Lloyd F. Early not be removed from the office of Superintendent of Schools of Palm Beach County, Florida, from which he had been suspended and that he be reinstated therein. The vote was: Yeas—42 Nays—None

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bishop	Graham	Lewis (33rd)	Trask
Boyd	Gunter	Lewis (43rd)	Ware
Brannen	Haverfield	McClain	Weissenborn
Brantley	Henderson	Myers	Williams
Broxson	Hollahan	Ott	Wilson
Childers	Horne	Plante	
Daniel	Johnson (29th)	Pope	

By unanimous consent, Senators Fincher, Saylor and Weber were recorded as voting Yea.

Senator Karl, Chairman of the Select Committee, read the following report:

Senator Jerry Thomas
 President, The Florida Senate
 The Capitol

November 16, 1970

Dear Mr. President:

On April 24, 1970, the Grand Jury of the Seventh Judicial Circuit in and for St. Johns County, Florida, returned an indictment against Sheriff Lawrence O. Davis, charging him with the acceptance of a bribe. By Executive Order of Suspension dated April 27, 1970, Mr. Davis was suspended from office.

Subsequently Mr. Davis was tried in the Circuit Court on the charges cited in the indictment and he was acquitted.

Thereafter, an Amended Order of Suspension was filed broadening the grounds for suspension to include the charge that L. O. Davis had permitted widespread gambling and bolita and houses of prostitution to flourish in St. Johns County during his tenure.

The evidence presents an incredible paradox. Fifteen witnesses appeared in defense of Mr. Davis. There were more than twice that many present and available to testify, but were voluntarily excluded so that the Committee could conclude the hearing within a reasonable time. Included in this group were business, professional and governmental leaders from St. Johns County, as well as law enforcement officers and educators. They offered the highest possible praise of Mr. Davis and exhibited deep concern over the fact that he was even suspected of wrongdoing. But 23 other witnesses, including the daughter of a murdered bolita operator, a bail bondsman who testified as to how much, when and where he paid the Sheriff to permit him to operate the bolita business, and others who claimed personal knowledge of the facts, presented a picture of a corrupt law enforcement officer who deliberately closed his eyes to flagrant violations of the law.

The evidence that gambling flourished in St. Johns County in recent years was substantial and convincing. The Committee learned the names of those who controlled bolita, how many "writers" were employed in the various parts of the county, how much money was taken in and how much it costs for protection from arrest. We received evidence of how the arrangements to operate are made and how competition is headed off or eliminated if it begins without the proper arrangements. We learned that Floyd Boatwright was in charge of bolita in the county and that he "kept a drawer full of money in his house". We heard testimony of how he was shot in his home and that his killers have never been apprehended. The man who succeeded Mr. Boatwright explained how he happened to take charge and operate bolita until he was

arrested by someone other than the Sheriff or his deputies. The testimony is not seriously disputed or contradicted.

There was considerable evidence that other forms of gambling were regularly carried out in the county. Gambling by youngsters on pin ball machines (in which free games were paid for in cash) was permitted openly in a well-known bowling alley for a long period of time. Card games were played for money in at least one public establishment in the black section of St. Augustine.

Prostitution was carried on almost continuously in at least two places in the county for an extended period. Law enforcement officers knew about their existence, most citizens had heard about the operations and one of the witnesses was propositioned by two of the girls.

The mere existence of those illegal activities in that county would not constitute malfeasance, misfeasance or nonfeasance on the part of the Sheriff, of course. Unless he knew or should have known of their existence, and either failed to act or actually permitted their continuation he could not be faulted. It was this element of the case that received the greatest attention of the Committee.

As to the gambling, it was made to appear that Mr. Davis not only knew that it was flourishing, but that he took enforcement action only against those who were not connected in some way with the people who were making regular payments to him.

Before the death of Mr. Boatwright, he and Sheriff Davis spent an uncommon amount of time together both in the Sheriff's office and on hunting or other recreation trips, notwithstanding that it was well known by many citizens that Mr. Boatwright ran bolita.

Mr. Davis did not testify before the Committee so we did not hear his denial or explanation. The Governor's attorney filed a transcript of Mr. Davis' testimony given in the criminal trial and the Sheriff offered that to us in lieu of a personal appearance before the Committee. In that transcript, he denied the accusations concerning bribery and gambling.

From the evidence presented to the Committee, we concluded that the Sheriff knew of the existence and operation of the houses of prostitution and took no action to stop them. One witness testified that he actually went with the Sheriff to one of the houses of prostitution and that the two men were met by two women in a facility adjacent to the main place of business.

Lawrence O. Davis is a personable man who has served as Sheriff of St. Johns County from 1949 until the date of his suspension. He has been an inspiration and a benefactor to many young people. He has helped see the county through some trying times, such as the racial strife for which the City of St. Augustine became so famous. He is loved and respected by many of the good and substantial people of his county and has been elected and re-elected to the high office of Sheriff.

But we are convinced from a careful consideration of the evidence that he violated his oath of office by knowingly permitting widespread gambling and prostitution to flourish in St. Johns County and that he is therefore guilty of the charges upon which the Governor suspended him.

Accordingly, we recommend to the Senate that the suspension of Lawrence O. Davis be upheld and that he be removed as Sheriff of St. Johns County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman
 C. W. BEAUFORT
 W. E. BISHOP
 KENNETH PLANTE
 C. S. REUTER
 J. H. WILLIAMS

FOR	AGAINST
X	
X	
X	
X	
X	
X	

SELECT COMMITTEE ON EXECUTIVE
 SUSPENSIONS

Senator Karl moved the adoption of the Report and that pursuant thereto Lawrence O. Davis be removed from the office of Sheriff of St. Johns County, Florida. The vote was:

Yeas—44

Mr. President	Daniel	Horne	Plante
Arnold	Deeb	Johnson (29th)	Pope
Barron	de la Parte	Johnson (34th)	Reuter
Beaufort	Ducker	Karl	Saunders
Bell	Fincher	Knopke	Saylor
Bishop	Gong	Lane	Stolzenburg
Boyd	Graham	Lewis (33rd)	Trask
Brannen	Gunter	Lewis (43rd)	Ware
Brantley	Haverfield	McClain	Weber
Broxson	Henderson	Myers	Williams
Childers	Hollahan	Ott	Wilson

Nays—2

Scarborough Weissenborn

EXPLANATION OF VOTE

I voted against Senate confirmation of the suspension of Lawrence O. Davis as Sheriff of St. Johns County because the Select Committee on Executive Suspensions recommended such action on the basis that the said Select Committee found Sheriff Davis guilty of misfeasance, malfeasance, incompetency and neglect of duty (as charged by the Governor) by "the preponderance of the evidence." Article IV, Section 7(b) of the Constitution of the State of Florida provides, in pertinent part, as follows: "The senate may, in proceedings prescribed by law, remove from office . . . the suspended official . . ." Chapter 112, PART V [F. S.] (SUSPENSION, REMOVAL OR RETIREMENT OF PUBLIC OFFICERS) does provide a procedure to be followed by the Senate in considering the matter of suspension of a public official by the Governor, but that statutory procedure does not specify whether the Senate shall determine the alleged guilt of the charged offense by the "preponderance of the evidence" rule or by the "beyond and to the exclusion of a reasonable doubt" rule. I personally feel that the latter rule should prevail in that a suspension proceeding is, to my way of thinking, a quasi-criminal proceeding, although I must admit that I am not absolutely convinced of the correctness of my view in this regard. In any event, I feel that this vital matter should be resolved—one way or the other—in the statutory law and not by way of Senatorial precedent.

LEE WEISSENBORN
Senator, 42nd District

Senator Karl, Chairman of the Select Committee, read the following Report:

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

H. E. Davis, Justice of the Peace, District 9, Sumter County and Eldon Stokes, Constable, District 9, Sumter County were suspended from office by an Executive Order of Suspension filed on August 25, 1970.

The Order charges both officials with malfeasance, misfeasance, neglect of duty and incompetency in office. The bases for those charges are the allegations that they operated a "speed trap" in Coleman, Florida, on U.S. Highway 301.

The first question that confronted the Committee was "What is a speed trap?" The Suspension Order did not allege, nor did the evidence prove, that either of the suspended officials violated any law. They are not charged with arresting and extracting money from innocent people. Neither is it charged that local citizens are permitted to break the law without being arrested. They are charged with operating a "speed trap".

Webster's Seventh New Collegiate Dictionary defines "speed trap" as:

"A stretch of road policed by concealed officers or devices against speeding."

In *re Beamer*, 283 P. 2d 356, a California court said the only type of "speed trap" prohibited by Statute is one combining four characteristics: 1. A particular section of highway, 2. Measured as to distance, 3. With boundaries marked, designated or otherwise determined, and 4. The speed of vehicle calculated by computing time it takes vehicle to travel known distance.

The attempt to find a definition that could be applied in the consideration of the facts in this case was unrewarding. The Committee therefore formulated its own definition and urges its adoption by the Senate for future reference.

We conclude that a "speed trap", the operation of which would constitute misfeasance or malfeasance, must have at least the following elements:

A. A section of highway or an intersection that requires a particular action by the driver, such as: stopping, slowing or changing lanes;

B. Poor or unreasonably small markings, hidden devices or disguised enforcement personnel which are calculated to deceive the driver;

C. Patrol and enforcement activities that constitute over-emphasis, all traffic conditions being considered;

D. Discriminatory practices in arrests with emphasis being on the arrest of non-resident motorists most likely to estreat cash bonds.

In this matter we see a Constable and a Justice of the Peace, inexperienced and untrained, who are duly elected and charged with the responsibility of operating their respective offices on the fee system and without adequate supervision. They made mistakes, of a clerical and administrative nature; the Constable's car (purchased with his own funds) was marked, but not with a typical traffic patrolman's markings; the Constable wore no uniform save his badge and gun; the Justice of the Peace conducted court in a room in his automobile garage where one witness testified she got grease on her dress; and they made almost 400 traffic arrests during their tenure. All of this shows what can happen under existing laws that preserve the constable system and keep them under a financial arrangement that requires that they make arrests in order to be paid.

But does the evidence show that they conducted a "speed trap" operation that constitutes grounds for removal?

The two places where most arrests were made along highway 301 were a school zone and an intersection where a motorist southbound on US 301 is required to stop before making a 90° turn to the left through a four-way intersection. The school zone was clearly marked, the speed limits were not unreasonable, arrests were made there during hours when children were coming and going. As one approaches the intersection in question, there are warnings, the word "stop" is painted in 5' letters on the road, there is a "stop sign", a blinking red light and a painted line marking the place where one must stop. There is no reason for anyone to be surprised or deceived. A stop is clearly desirable at that corner for safety reasons, and it is clearly required by the signs, etc. Nothing in either situation seemed calculated to deceive the motorist.

Discriminatory arrest practices are charged by the Governor, but we found no real evidence of it. The two witnesses who appeared admitted violating the traffic regulations and both were Florida residents. A great many arrests were of out-of-state residents, but 301 is a federal highway and much of the traffic is from out of state.

The question of overemphasis is a difficult and subjective one. When does a law enforcement officer overemphasize law enforcement? Or stated another way. How many arrests does a traffic officer have to make before he ceases doing his duty and begins operating a "speed trap"? The Committee considered all of the evidence presented and reached the conclusion that the number of arrests here was not unreasonable under the circumstances.

The new Chief of Police of Coleman testified and told of the traffic arrests he has made in and around the same locations. It is apparent that even if the Constable and Justice of the Peace are removed the motorists who speed through the school zone or fail to stop at the stop sign in Coleman, Florida, are going to be arrested.

The Committee is of the opinion that U.S. Highway 301 in Coleman is overdue for attention. If it was as modern as other principal highways in our state no problem would exist there.

We are also of the opinion that the Constable has the legal authority to "work traffic" on the fee system, but we question the wisdom of allowing that law to continue unchanged. The

Florida Highway Patrol, the Sheriff of Sumter County, through his deputies, and the Police Department in Coleman all have jurisdiction in traffic cases in Coleman. No reason exists for the continuation of the present system.

The traffic control situation in Coleman is an unhappy one and should be corrected. But removing the Constable and the Justice of the Peace from an office to which they were duly elected without substantial, competent proof of acts that constitute one of the constitutional grounds is simply not the way to correct it.

Accordingly, we find that the Governor has failed to sustain the charges made and it is recommended to the Senate that H. E. Davis not be removed as Justice of the Peace, District 9, Sumter County and that Eldon Stokes not be removed as Constable, District 9, Sumter County and that each be reinstated in his respective office. We do not recommend a reimbursement of attorney's fees or costs.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE
C. S. REUTER
J. H. WILLIAMS

FOR	AGAINST	
X		
X		
X		
X		
	X	
X		

SELECT COMMITTEE ON EXECUTIVE
SUSPENSIONS

Senator Karl moved the adoption of the Report as to H. E. Davis and that pursuant thereto the aforesaid H. E. Davis not be removed from the office of Justice of the Peace, District 9, Sumter County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—41

Mr. President	de la Parte	Johnson (34th)	Saunders
Arnold	Ducker	Karl	Sayler
Barron	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weissenborn
Brannen	Henderson	Myers	Williams
Brantley	Hollahan	Ott	
Childers	Horne	Plante	
Daniel	Johnson (29th)	Pope	

Nays—3

Deeb	Reuter	Wilson
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By unanimous consent, Senator Broxson was recorded as voting Nay.

Senator Karl moved the adoption of the Report as to Eldon Stokes and that pursuant thereto the aforesaid Eldon Stokes not be removed from the office of Constable, District 9, Sumter County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—42

Mr. President	de la Parte	Johnson (34th)	Saunders
Arnold	Ducker	Karl	Sayler
Barron	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Lewis (43rd)	Ware
Boyd	Haverfield	McClain	Weber
Brannen	Henderson	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Childers	Horne	Plante	
Daniel	Johnson (29th)	Pope	

Nays—3

Deeb	Reuter	Wilson
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By unanimous consent, Senator Broxson was recorded as voting Nay.

Senator Karl, Chairman of the Select Committee, read the following Reports:

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Noah J. Carter, Constable, District 9, St. Johns County.

The Committee received a copy of the verdict presented by a jury in St. Johns County finding the defendant guilty of the felony of accepting a bribe as charged in the indictment.

Article VI, Section 4 of the Florida Constitution and Section 112.01 Florida Statutes disqualify a convicted felon from holding office.

In view of the above, no Senate action is necessary.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE

C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON

SELECT COMMITTEE ON EXECUTIVE
SUSPENSIONS

On motion by Senator Karl, the Report of the Committee was adopted.

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Harold A. Greene, Member, Board of County Commission, Metropolitan Dade County.

It has been brought to the attention of the Select Committee on Executive Suspensions that an Executive Order dated July 28, 1970, has been entered by the Governor withdrawing the Order of Suspension and reinstating Mr. Greene.

In view of the above, no Senate action is necessary.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE

C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON

SELECT COMMITTEE ON EXECUTIVE
SUSPENSIONS

On motion by Senator Karl, the Report of the Committee was adopted.

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. John W. Gilbert, Constable, District 1, Dade County.

It has been brought to the attention of the Select Committee on Executive Suspensions that an Executive Order dated November 9, 1970, has been entered by the Governor withdrawing the Order of Suspension and reinstating Mr. Gilbert.

In view of the above, no Senate action is necessary.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE

C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON

SELECT COMMITTEE ON EXECUTIVE
SUSPENSIONS

On motion by Senator Karl, the Report of the Committee was adopted.

Senator Jerry Thomas
President, The Florida Senate
The Capitol

November 16, 1970

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. Earl Jackson Carroll, Member, Board of County Commission, Metropolitan Dade County.

It has been brought to the attention of the Select Committee on Executive Suspensions that an Executive Order dated July 28, 1970, has been entered by the Governor withdrawing the Order of Suspension and reinstating Mr. Carroll.

In view of the above, no Senate action is necessary.

Respectfully submitted,
FREDERICK B. KARL, Chairman C. S. REUTER
C. W. BEAUFORT J. H. WILLIAMS
W. E. BISHOP HAROLD S. WILSON
KENNETH PLANTE

SELECT COMMITTEE ON EXECUTIVE SUSPENSIONS

On motion by Senator Karl, the Report of the Committee was adopted.

On motion by Senator Pope, the Senate accorded Senator Frederick B. Karl, Chairman, and the members of the Select Committee a rising vote of thanks for the long and arduous hours spent in hearings and for the excellent presentation of the results of their labors.

On motion by Senator Hollahan, the Senate recessed at 12:26 p. m. to reconvene at 2:00 p. m. for an orientation meeting for the information of the members of the Senate.

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

The President announced that on November 17 at the organization session, membership of the standing committees and subcommittees would be announced and a list thereof placed on each Senator's desk. He further stated that consideration would be given to the repeal of statutes providing for committees found to be no longer necessary.

A seniority listing of the Senators was distributed which the President stated would be used in matters of protocol, committee membership listing, office selection, parking space assignments and in similar instances. He urged the filing of bills as early as possible.

Senator Hollahan requested each member to study the proposed rules of the Senate, to propose any changes deemed necessary, and stated that the main changes occurred in Rule 2 governing committee procedure. He, on the part of the Committee on Rules, commended Senator Horne, as the chief architect of the changes; and Bebe Windham, Irene Middleton, Edward Jaffry and John Melton for their assistance in drafting the rules.

Changes in the rules were discussed by Senator Horne who encouraged the Senators to dispose of all questions concerning the contents of the proposed new Senate rules prior to the organization session on November 17 when they would be officially adopted. The rules as presented were approved with two minor amendments.

Senator Hollahan discussed budget and personnel matters and stated that the committee chairmen had been requested to submit budgets to the President who had appointed an ad hoc committee to examine and approve the budgets during the interim.

Senator Daniel discussed the organizational structure of, and services performed by offices of the Secretary and Sergeant at Arms, and distributed copies of the organization charts of these offices.

On motion by Senator Pope, the following remarks by Edwin G. Fraser, Secretary of the Senate, were spread upon the Journal:

MR. PRESIDENT: I now ask a former Senator, and one who has been most helpful to every person who has been privileged to serve in this body, to talk on a very delicate subject. Once he told me that he was retiring, I immediately handed him this chore, so no one would be offended. But, in all seriousness, he has a message and I hope you will give him your attention. Secretary of the Senate, Senator Fraser, on decorum.

MR. SECRETARY: Thank you, Mr. President. With much fear I respond to your invitation but hope that I may give some good suggestions. Recognizing this fear, I seek physical protection, Mr. President, under the wings of your influence. Ill feelings could stem from some because of some things I have to say about their conduct.

In the outset, let me say to Senator Daniel, that one's physical countenance is quite deceiving. Loss of hair reveals not that I feel great, physically strong, mentally ill at times, always willing to do that which I think best. May I say to the Senator, that I came to the Legislature in 1937 with a full crop of hair and that progression of time relieved me of this. I would say that concern or worry perhaps contributed more to the losing of hair rather than association with Legislators.

President Thomas requested me to say a few things about conduct, or behavior, as it relates to decorum which gives to us a residual image of dignity. I feel that I can speak authoritatively on this question as a former member and for the past 7 years as Secretary. These thoughts are derivatives of conduct that I have observed. I would invite your every consideration of these suggestions believing that they would help decorum and dignity in this Body.

The President of the Senate has a tremendous responsibility as your Presiding Officer. He is assigned a task quite difficult for anyone to cope with—establishment of respectful discipline. We should always sympathize with him and assist him to accomplish that order which is impressive. Failing to give obedience to instruction and rules makes his task more difficult. A member's behavior sometimes requires reprimand. This serves as a good tonic in restoring respect. Acclimate yourselves to the problems which confront our President and cultivate those procedures in such fashion enabling him to display a job well done.

I list a few thoughts believing that they are good for improvement to respectful behavior:

(a) Acquaint yourselves fully with the Senate rules. This suggestion rates top priority and lay not aside this thought. This will benefit you greatly in directing your travels in legislative labor. You have a copy—let it be a constant companion.

(b) Study Rules 1.20 through 1.23, Part Two—Senators. May I read Rule 1.20 on page 7. Please listen: "Every Senator shall be within the Senate Chamber during its sessions unless excused for just cause or necessarily prevented and shall vote on each question, except that no Senator shall be required or permitted to vote on any question immediately concerning his private rights as distinct from the public interest." Total obedience to this rule, would eliminate many of the problems that come to a Presiding Officer and to the staff of the Secretary's office. Your absence in voting invites many unnecessary labors for the President and our staff. This pollutes the decorum of this Body and helps create an image unbecoming the dignity of your position as a Senator.

(c) Prompt response to convening hour. Tardiness causes delay of procedure and spells injury to progress. I would not point a finger of accusation at any Senator, but we do have many violations of the rule relating to this. Some are prompt, others 5 or 10 minutes late, a few 15 or 20 minutes late. This conduct reminds me of church membership back home — their presence recognized following the passing of the “offering plate”. Be responsive, be prompt to the convening hour as set forth by the rules.

(d) Remain at your desk unless absolutely necessary to vacate your seat for a few minutes. I have observed many times the necessity of the President requesting the Sergeant at Arms to gather in Senators for a quorum. It may seem “offensive” to a Senator at times, but really, it is respect of obedience to the command of the President inviting your Chamber presence.

(e) Read Rule 5.2 relating to voting - “after the voting machine has been locked but prior to announcement of a roll call, notice shall be taken in the Journal of the request of any Senator to (1) change his vote or (2) vote. After the vote has been announced, a Senator with unanimous consent may change his vote or vote on the measure except that no such change of vote or vote shall be valid where such vote would alter the final passage of the measure”. This rule really should have total obedience. I have observed Senators examining their vote on particular proposals and sometimes they were found not recorded because of absence from Chamber. Post-recording of votes invites added expense and requires wasted labors for the staff. Further, this causes political injury to a Senator’s image “back home”. There comes a time in your legislative lives when you seek an extension of your legislative experience. You have to answer to your “constituency”. I respectfully invite your attention to this rule.

(f) Remove those things from your midst that cause distraction and invite lack of attention. I was quite happy to know that President Thomas insisted on “no food or newspapers” in the Chamber. One of my few accomplishments as your Secretary was to remove the old “filthy” spittoons from this Chamber. Things like these may seem unimportant to good decorum, but progress of time spells better the result. Your conduct builds your image. The records of visitation in the Sergeant at Arms’ office reveals that close to 20,000 school students of all ages visited us last session. This does not include hundreds of adult visitors. What kind of impression do you leave upon them? These citizens come here to view you, Senators, in labor, to see you in floor action. These people render judgment as to your capability and image.

(g) Now listen to this one: Do not become involved in floor conferences while another Senator is speaking. When communication with another Senator seems absolutely necessary, may I suggest that you write a note and request a page to deliver it. Keep writing materials at your desk for this purpose. During the last session, I observed 12 floor conferences during a time when a Senator was speaking on a proposal. Now, we only have 48 Senators, after counting those involved in the 12 conferences, this left only 6 or 8 to listen to the speaking Senator. This is most disrespectful of the Senator and does cancerous injury to the image of a Senator.

(h) Refrain from inviting anyone upon the Senate floor after convening, unless authorized by the President as permitted by the rules. Caution your staff not to violate this procedure. Invitees foreign to Senate rules serve to detract from good decorum.

(i) Do not disturb the staff here at the Secretary’s desk unless inquiry is pertinent to the matter under consideration and requires immediate answer. The staff needs this consideration because their assignment requires total allegiance. These people are the composers and custodians of your conduct on this floor as a Senator and records progression of legislative proposals.

(j) Acquaint yourself well with the daily calendar and be prepared to present your amendments in proper form. One who does his “homework” is better prepared for floor consideration of bills. *Amendments improperly prepared cause unnecessary labor for our staff, delay in progression and requires additional cost.

(k) Never remove the original copy of any bill from the Clerk’s desk unless permitted during committee consideration during a session—ask our Bill Clerk for the duplicate copy. Even while in floor consideration, please never remove original bill from the Reading Clerk’s or from the Secretary’s desk. We have had to go outside the Chamber in two or three instances, to find the Senator with the original copy of the bill under consideration. Even though this sort of thing is unintentional, may we discourage it.

(l) Observe the daily order of business. You will note a printed copy of this under your desk glass. Look at it, learn its purpose, understand the different items of the daily order of business. You will save yourselves many problems, a lot of work for the President and the Secretary’s staff. Knowledge here qualifies you to properly offer motions relating to your interests.

(m) Address a member as “Senator.” May I here say to President Thomas that it was a good idea to inscribe the Senator’s district number on the name plates within the Roll Call Board. You can refer to the member as “Senator, 44th” or “Senator of the 12th”. This identifies the area geographically and helps the staff in correct Journal entry. We now have multiple members of the same name—Senators Johnson of the 29th and 34th and Senators Lewis of the 33rd and 43rd. Observance of this suggestion adds lustre to the dignity of and labels you as a member of the upper Body of our Legislature. The name “Senator” spells dignity to the responsibility of which you have been privileged to serve. May I say to you, this distinction comes to but few, only 48 persons in our state from the ranks of 6½ million citizens. You are the most exclusive and deliberative Body we have in public stewardship.

May I leave these suggestions with you as a constant guide of good behavior. Be obedient to them, because in so doing, you will help the President—you will help the staff—you will help yourselves. As a member of this Body in yonder years, I remember an instance that better describes what I have endeavored to say. Senator Amos Lewis, of Jackson County, served for many years in this Body and made many contributions to our state’s development. One day while considering a measure in which controversy developed, not anger, and somewhat as a reprimand to an ambitious young Senator, he said “Once a Senator, always a Senator”. Mr. President, as a departing thought to these Senators, may I say “Once a Senator, always a Senator”.

Distribution of material and explanation concerning the Duval County Committee meetings on November 18 and 19 was made by Herbert Cameron, Committee Coordinator.

Materials relative to the pay classification plan and personnel were distributed by Robert Ryon, Executive Assistant to the Secretary of the Senate.

Tom Wade, Director of the Fiscal Division of the Joint Management Committee, discussed expense vouchers, reimbursement for travel and intra-district expense.

On motion by Senator Hollahan, at the hour of 5:12 p.m., the President sounded the gavel and declared the Senate in 1970 Special Executive Suspensions Session adjourned sine die.