

JOURNAL OF THE SENATE

Thursday, February 4, 1971

The Senate was called to order by the President at 9:00 a.m.
A quorum present—46:

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

Excused: Senator Lane for the morning session, Senator Plante.

Prayer by Senator Beaufort:

Our Father and our God, we come to thee this morning with humble hearts. We come before thee, O Lord, knowing that we have finite minds, that we are unworthy of thy love and thy grace. We are limited in our abilities, but, O Lord, we throw ourselves at thy feet, we ask for thy help, we ask for thy forgiveness. Watch over us this day as we seek to serve thee by serving others. Guide us, O Lord, in our deliberations that we might serve thy people in this state. Now, O Lord, if thy wilt, with thy everlasting arms enfold us, guide us, direct us and keep us and as we go from this place to our homes. Watch over us, O Lord, for we make our prayer in the Master's name. Amen.

The Journal of February 3 was corrected and approved as follows:

Page 68, counting from the bottom of column 1, lines 21 and 22, strike "Stolzenburg" and insert Weber

Page 67, counting from the bottom of column 1, line 3, strike "Senate Joint Resolution No. 9-B" and insert House Joint Resolution No. 7-B

Page 67, counting from the bottom of column 2, line 20, strike "Deeb"

Page 67, counting from the bottom of column 2, line 7, strike "Senate Joint Resolution No. 9-B" and insert: House Joint Resolution No. 7-B

The Journal of February 2 was further corrected and approved as follows:

Page 66, counting from the bottom of column 2, line 8, strike "Senate Joint Resolution No. 9-B" and insert House Joint Resolution No. 7-B

The Journal of January 27 was further corrected and approved as follows:

Page 3, column 2, line 1, strike "Senate Joint Resolution No. 9-B" and insert House Joint Resolution No. 7-B

REPORTS OF COMMITTEES

The Committee on Public Schools recommends the following pass: SJR 25-B, SB 26-B.

The bills were placed on the Calendar.

This is to advise that the Senate Committee on Rules, Calendar, Privileged Business and Ethics having met this date, does recommend as follows:

1. The joint resolution dealing with tax on estates and inheritance tax not be introduced, during this special session of the legislature inasmuch as it does not fall within the purview of the Governor's call.

2. The bill relative to the minimum foundation law be introduced during this special session of the legislature inasmuch as it does fall within the purview of the Governor's call.

George L. Hollahan
Chairman

INTRODUCTION

By Senators Broxson and Boyd—

SB 27-B—A bill to be entitled An act relating to school district millage elections; amending §236.32(3), Florida Statutes, as amended by chapter 70-401, Laws of Florida, to remove requirement that electors voting in school district millage elections be freeholders; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Public Schools.

On motion by Senator Broxson, by two-thirds vote, SB 27-B was withdrawn from the Committee on Public Schools and placed on the Calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Sayler, by two-thirds vote, prefiled SJR 129 was withdrawn from the Committee on Judiciary—Civil A and from further consideration of the Senate; and prefiled SB 32 was withdrawn from the Committee on Judiciary—Criminal and from further consideration of the Senate.

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed with the Office of the Secretary of State SB 22-B which he had approved.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

February 3, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed CS for SB 14-B.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill contained in the above message was ordered enrolled.

SECOND READING

SJR 25-B—A joint resolution proposing an amendment to section 9 of Article VII of the State Constitution to remove the provision which requires that certain ad valorem tax levies be subject to the approval of only those electors who are the owners of freeholds not wholly exempt from taxation.

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

That the following amendment to section 9 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the General Election to be held in November 1972, or, if authorized by three-fourths of the membership of each House of the Legislature, at an earlier Special Election.

Section 9. Local taxes.—

(a) Counties, school districts and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) *From and after December 31, 1971, ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the those electors qualified to vote within the area under the jurisdiction of the taxing authority, who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes ten mills; for all municipal purposes ten mills; for all school purposes ten mills; and for special districts a millage authorized by law approved by vote of the those electors qualified to vote within such special tax district who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.*

On motion by Senator Broxson, was read the second time.

Senator Graham moved the following amendment:

Strike lines 20—26, page 1; lines 1—20, page 2 (all of sub A and B of Section 9) and insert the following: (a) From and after December 31, 1971, ad valorem taxes, exclusive of taxes for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of those electors qualified to vote within the area under the jurisdiction of the taxing authority, shall not be levied in excess of the aggregate millage of ten mills for all county purposes, ten mills for all municipal purposes, ten mills for all school purposes and, for special districts, a millage authorized by law and approved by vote of those electors qualified to vote within such special tax district. The allocation of millages for county, municipal and school purposes may be adjusted within a county by general law adopted by three-fifths vote of the membership of each house but shall not exceed the aggregate of the millage authorized herein for such purposes and allowed by Article XII, sections 2 and 15.

(b) Counties, school districts, municipalities and special districts may be authorized by general law to levy other taxes not prohibited by this constitution. Nothing contained in this constitution shall authorize ad valorem intangible personal property taxes to be levied by any governmental unit other than the state.

Senator Brantley moved the following amendment to the amendment, which failed:

Line 11, strike "general law" and insert the following: law of general application

Senator Scarborough moved that the Senate reconsider the vote by which the amendment to the amendment failed. The motion was adopted.

The question recurred on the amendment to the amendment, which was adopted.

The amendment as amended failed.

On motion by Senator Broxson, by two-thirds vote, SJR 25-B was read the third time.

Senator Saylor moved the following amendment which failed:

On page 2, line 18, section 9, add after the period: The millage limitations herein shall be subject to Art. XII, Sections 2 and 15

Senator Wilson moved the following amendment which failed:

On page 1, line 20, strike "Counties, school districts and municipalities shall, and special districts may," and insert the following: Counties, school districts, municipalities, and special districts may

The Secretary called the roll and SJR 25-B failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—28

Mr. President	Brantley	Henderson	McClain
Arnold	Broxson	Hollahan	Pope
Barron	Childers	Horne	Saunders
Barrow	Daniel	Karl	Scarborough
Beaufort	de la Parte	Knopke	Trask
Bishop	Gunter	Lewis (33rd)	Ware
Brannen	Haverfield	Lewis (43rd)	Williams

Nays—17

Bell	Gong	Poston	Weissenborn
Boyd	Graham	Reuter	Wilson
Deeb	Johnson (29th)	Saylor	
Ducker	Johnson (34th)	Stolzenburg	
Fincher	Myers	Weber	

Senator Broxson moved that the Senate reconsider the vote by which SJR 25-B failed to pass. The motion was adopted by the following vote:

Yeas—32

Mr. President	Broxson	Horne	Pope
Arnold	Childers	Johnson (34th)	Saunders
Barron	Daniel	Karl	Saylor
Barrow	de la Parte	Knopke	Scarborough
Beaufort	Gunter	Lewis (33rd)	Trask
Bishop	Haverfield	Lewis (43rd)	Ware
Brannen	Henderson	McClain	Williams
Brantley	Hollahan	Ott	Wilson

Nays—12

Bell	Fincher	Johnson (29th)	Stolzenburg
Boyd	Gong	Myers	Weber
Ducker	Graham	Poston	Weissenborn

By unanimous consent Senator Reuter was recorded as voting yea.

A motion by Senator Wilson that the Senate do now adjourn to reconvene at 1:00 p.m. this day failed.

The question recurred on the passage of SJR 25-B. The Secretary called the roll and SJR 25-B passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—32

Mr. President	Broxson	Hollahan	Ott
Arnold	Childers	Horne	Pope
Barron	Daniel	Johnson (34th)	Saunders
Barrow	Deeb	Karl	Sayler
Beaufort	de la Parte	Knopke	Scarborough
Bishop	Gunter	Lewis (33rd)	Trask
Brannen	Haverfield	Lewis (43rd)	Ware
Brantley	Henderson	McClain	Williams

Nays—14

Bell	Gong	Poston	Weissenborn
Boyd	Graham	Reuter	Wilson
Ducker	Johnson (29th)	Stolzenburg	
Fincher	Myers	Weber	

SB 26-B—A bill to be entitled An act relating to education; amending section 2 of chapter 70-94, Laws of Florida, by adding a new paragraph (c) to section 236.07(5), Florida Statutes, providing a procedure for the disbursement of funds to school districts for 1970-71 and 1971-72 fiscal years; amending section 4 of chapter 70-94, Laws of Florida, by adding a new provision in section 236.07(9)(a), Florida Statutes, relating to the required local effort of the school districts for participation in the minimum foundation program; amending section 236.02(8), Florida Statutes, directing district school boards to levy a minimum tax and providing a ceiling for school taxes for operating purposes, for the 1971-72 fiscal year and each year thereafter; repealing section 236.07(5)(b), Florida Statutes, effective July 1, 1971, and section 236.07(5)(c), Florida Statutes, effective June 30, 1972; and repealing section 236.251, Florida Statutes, as amended by chapter 70-94, Laws of Florida; and providing an effective date.

On motion by Senator Broxson, was read the second time by title.

Senators Ware and Wilson offered the following amendment which was moved by Senator Ware:

On page 8, line 15, Section 2, after the period insert the following new paragraph:

Notwithstanding the ratio studies the minimum required effort for each school district to participate in the minimum foundation program shall be computed as four (4) mills of tax multiplied by 95% on the 1969 calendar tax roll of the district as certified by the revenue commission.

Pending further consideration of the foregoing amendment, Senator Hollahan announced a meeting of the Committee on Rules, Calendar, Privileged Business and Ethics in Senate Room 31 at 1:40 p.m.

On motion by Senator Hollahan, the Senate recessed at 12:20 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—44:

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

Excused: Senator Fincher at 2:00 p.m. because of illness.

The President announced the appointment of Senator Ware to the Committee on Personnel, Retirement and Claims replacing

Senator Reuter; and the appointment of Senator Reuter to the Committee on Agriculture replacing Senator Ware.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

February 4, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to HJR 7-B by the required Constitutional three-fifths vote.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

February 4, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 4-B.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill contained in the above message was ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

February 4, 1971

Sir:

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

By Representative Chapman and others—

HCR 33-B—A concurrent resolution expressing continued support for the minimum foundation program for local law enforcement officers.

WHEREAS, by the passage of Committee Substitute for Senate Bill No. 24 during the 1970 regular session of the Legislature, this body established the minimum foundation program for local law enforcement officers, and

WHEREAS, recent action by the State Cabinet has resulted in the holding back of funds appropriated by the Legislature for the implementation of said program, and

WHEREAS, this body is seriously concerned with the strengthening of local law enforcement in Florida, and with attracting into the service thereof highly qualified career personnel, NOW, THEREFORE,

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

That the Florida Legislature hereby reaffirms and emphasizes its sincere intent with respect to the establishment of the minimum foundation program for local law enforcement officers provided for by chapter 70-200, Laws of Florida.

BE IT FURTHER RESOLVED that the Legislature intends to provide continuing effort toward the implementation of this program and urges the State Cabinet to do the same.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Barron, by the required constitutional two-thirds vote of the Senate, the foregoing concurrent resolution was admitted for introduction and consideration.

HCR 33-B was read the first time in full. On motion by Senator Barron, the rules were waived and HCR 33-B was placed on the Calendar.

On motions by Senator Barron, unanimous consent was obtained to take up HCR 33-B out of order and by two-thirds vote, HCR 33-B was read the second time by title, adopted and certified to the House. The vote was:

Yeas—33

Arnold	Childers	Johnson (29th)	Sayler
Barron	Daniel	Johnson (34th)	Trask
Barrow	Ducker	Karl	Ware
Beaufort	Fincher	Lewis (33rd)	Weissenborn
Bell	Graham	Lewis (43rd)	Williams
Bishop	Haverfield	McClain	Wilson
Boyd	Henderson	Myers	
Brannen	Hollahan	Poston	
Brantley	Horne	Reuter	

Nays—1

Mr. President

By unanimous consent Senator de la Parte was recorded as voting nay and Senator Gunter, yea.

Senator Poston was excused due to the illness of his mother.

Senator Arnold presented for the information of the Body the content of prefiled SB 268 relating to earmarking of a portion of fines levied against traffic offenders, with reference to seeking introduction in the special session. Following same, he moved that it be received for introduction despite being outside the purview of the Governor's call. The motion failed.

On motion by Senator Karl, the following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT ON HB 4-B

Honorable Jerry Thomas
President of the Senate

Tallahassee, Florida
February 4, 1971

Honorable Richard A. Pettigrew
Speaker of the House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendment to House Bill No. 4-B, same being—

A bill to be entitled

An act relating to insurance; amending sections 627.031 and 627.062, Florida Statutes; adding new sections 627.080, 627.081, 627.082, 627.083, 627.084, Florida Statutes, to provide for suspension of the so-called California Plan as to motor vehicle insurance, and the reinstatement of prior approval of rates on motor vehicle insurance; adding new section 627.070, Florida Statutes, to define motor vehicle insurance; providing for implementation; providing for regulation of motor vehicle insurance; providing for posting of guarantee and refunding of premiums; providing for payment of interest; providing for repeal of sections two through ten of this act on July 1, 1971, providing an effective date.

—having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its amendment to House Bill No. 4-B;

2. That the Senate and House of Representatives adopt the Conference Committee Substitute for House Bill No. 4-B attached hereto, and by reference made a part of this report;
3. That the Senate and the House of Representatives pass Conference Committee Substitute for House Bill No. 4-B;
4. Finally, we recommend, but not as a condition of the acceptance of this report, the passage of Senate Bill 19-B, establishing the Governor's Commission on Insurance.

DEMPSEY J. BARRON

HAROLD G. FEATHERSTONE

C. WELBORN DANIEL

WILLIAM M. GILLESPIE

FREDERICK B. KARL

KENNETH H. MacKAY, JR.

CHARLES H. WEBER

ED S. WHITSON, JR.

Managers on the part
of the Senate

Managers on the part of the
House of Representatives

CCS for HB 4-B—An act relating to motor vehicle insurance; amending sections 627.031 and 627.062, Florida Statutes; adding new sections 627.080, 627.081, 627.082, 627.083, 627.084, to provide for repeal of the so-called California plan as to motor vehicle insurance, and the reinstatement of prior approval of rates on motor vehicle insurance; adding new section 627.070, to define motor vehicle insurance; providing for implementation; providing for regulation of motor vehicle insurance; providing for posting of guarantee and refunding of premiums; providing for payment of interest; authorizing group marketing of vehicle insurance to be effective July 1, 1971; providing for repeal of sections 5, 6, 8, 9 and 10 of this act on November 1, 1971; providing an effective date.

On motion by Senator Karl, the Conference Committee Substitute for HB 4-B was read the first time by title.

On motion by Senator Karl, the Conference Committee report was considered and by two-thirds vote, Conference Committee Substitute for HB 4-B was read the second time by title.

On motion by Senator Karl, the Conference Committee report was accepted.

On motion by Senator Karl, by two-thirds vote, the Conference Committee Substitute for HB 4-B was read the third time by title and placed on final passage.

PARLIAMENTARY INQUIRY BY SENATOR HORNE:

Mr. President, the report of your conference committee on the disagreeing votes of the two houses on the Senate amendment to House Bill No. 4-B, contemplates the receipt by the Senate of a committee substitute initiated by the conferees not in violation of the last sentence of Rule 13.6 or the last sentence of Rule 4.3. The question relates to the power of a conference committee as compared to that of standing committees of the Senate with respect to the power of the latter to recommend a substitute in lieu of the bill or bills over which it exercises jurisdiction. (See Rule 2.13).

The President ruled:

The Chair recognizes that Rule 2.13, in granting the power of substitution to a committee does so by reference to a "standing committee". The Chair further recognizes that the rule relating to conference committees does not deny it the power of reporting a substitute in lieu of an original bill or bills referred to it. In fact, except as to method of reporting and procedures relating to the receipt of such a report by the entire Senate, this Rule does not attempt to deny or restrict the procedural powers of a conference committee. A conference committee differs from any other committee of the Legislature only in two important particulars, viz.: (a) that its membership varies with the proposals referred to it usually

and, (b) that its membership is joint and not exclusive to either House. Recognizing the foregoing to be an accurate analysis of existing parliamentary law, the Chair rules that a conference committee does, in fact, possess the power of reporting a substitute in lieu of the original measure referred to it and that in so doing, the mechanical rules established in Rule 2.13 shall prevail. The effect of this ruling specifically does not abrogate the limitation of power imposed on such committee confining its report and the bill substituted to the differences existing between the two bodies.

Senator Horne posed an inquiry concerning the legislative intent as to the meaning of the word "secure" as used in Section 10(d), on page 14 of the bill now under consideration. The sentence reads "If, however, the insurer appeals the order of disapproval, it shall enter into a legally binding agreement with the department to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that in effect on July 1, 1970." The question is whether by the use of the word "secure" is meant "to obtain" or "bond or guarantee". Senators Karl and Barron, in responding, stated that the intent is synonymous with "guarantee". Whereupon the President posed the matter to the Body and, without dissent, the legislative intent was determined to be synonymous with the word "guarantee".

Conference Committee Substitute for HB 4-B passed and was certified to the House. The vote was: Yeas—40 Nays—None

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

By unanimous consent, Senators de la Parte, Scarborough, Reuter and Weber were recorded as voting yea.

Statement Pursuant to Rule 4.15

Although the enactment of Conference Committee Substitute for HB 4-B will not inure to my benefit and may well operate against my personal interest the undersigned nevertheless desires to again disclose that a company of which he is President, owns a subsidiary which has a subsidiary that is an insurance agency (see statement filed with Secretary of State pursuant to Standards of Conduct Law). At the time the so-called "California Plan" legislation passed the Senate the foregoing corporate affiliation did not exist and I voted against the legislation. My vote of today to repeal the "California Plan", therefore, is consistent with my prior vote of two years ago.

Jerry Thomas
35th District

The Senate resumed consideration of—

SB 26-B—A bill to be entitled An act relating to education; amending section 2 of chapter 70-94, Laws of Florida, by adding a new paragraph (c) to section 236.07(5), Florida Statutes, providing a procedure for the disbursement of funds to school districts for 1970-71 and 1971-72 fiscal years; amending section 4 of chapter 70-94, Laws of Florida, by adding a new provision in section 236.07(9)(a), Florida Statutes, relating to the required local effort of the school districts for participation in the minimum foundation program; amending section 236.02(8), Florida Statutes, directing district school boards to levy a minimum tax and providing a ceiling for school taxes for operating purposes, for the 1971-72 fiscal year and each year thereafter; repealing section 236.07(5)(b), Florida Statutes, effective July 1, 1971, and section 236.07, (5)(c), Florida Statutes, effective June 30, 1972; and repealing section 236.251, Florida Statutes, as amended by chapter 70-94, Laws of Florida; and providing an effective date.

The pending amendment by Senators Ware and Wilson was withdrawn on motion by Senator Ware.

On motion by Senator Broxson, by two-thirds vote, SB 26-B was read the third time by title, passed and certified to the House. The vote was: Yeas—37 Nays—None

Mr. President	Deeb	Karl	Saylor
Arnold	Ducker	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Ware
Bell	Gunter	McClain	Weissenborn
Boyd	Haverfield	Myers	Williams
Brannen	Henderson	Ott	Wilson
Brantley	Hollahan	Pope	
Broxson	Johnson (29th)	Reuter	
Childers	Johnson (34th)	Saunders	

By unanimous consent Senators de la Parte and Bishop were recorded as voting yea.

SB 27-B—A bill to be entitled An act relating to school district millage elections; amending §236.32(3), Florida Statutes, as amended by chapter 70-401, Laws of Florida, to remove requirement that electors voting in school district millage elections be freeholders; providing an effective date.

On motions by Senator Broxson, by two-thirds vote each, SB 27-B was read the second time by title and the third time by title.

On motion by Senator Myers, the following amendment was adopted by two-thirds vote:

On page 1, line 25, insert a new section 2 as follows: (and renumber the existing section 2 as section 3): Section 2. All levies and collections of ad valorem taxes made for the support of public schools and for the retirement of bonded debt prior to the effective date of this act are hereby approved, ratified and confirmed.

SB 27-B as amended passed and was ordered engrossed. The vote was:

Yeas—38

Mr. President	Deeb	Karl	Scarborough
Arnold	Ducker	Knopke	Stolzenburg
Barron	Gong	Lewis (33rd)	Trask
Barrow	Graham	Lewis (43rd)	Ware
Beaufort	Gunter	McClain	Weber
Bishop	Haverfield	Myers	Weissenborn
Brantley	Hollahan	Ott	Williams
Broxson	Horne	Pope	Wilson
Childers	Johnson (29th)	Reuter	
Daniel	Johnson (34th)	Saylor	

Nays—1

Bell

PAIR

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

I am paired with Senator Poston on SB 27-B. If he were present he would vote yea and I would vote nay.

David C. Lane
36th District

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

INTRODUCTION

By Senators Broxson and Thomas—

SB 28-B—A bill to be entitled An act providing for a special election to be held for the approval or rejection by the

electors of Florida of Senate Joint Resolution No. 25-B relating to an amendment to Section 9 of Article VII of the State Constitution; providing for an effective date.

Was read the first time by title. On motions by Senator Broxson, the rules were waived and the bill was placed on the Calendar and, by two-thirds vote, read the second time by title.

Senator Daniel presiding

Senator Broxson moved the following amendment:

On page 1, lines 15-16, section 1, strike "removing the exemption of corporations from state income taxes" and insert the following: to remove the provision which requires that certain ad valorem tax levies be subject to the approval of only those electors who are the owners of freeholds not wholly exempt from taxation.

On motion by Senator Weissenborn the following substitute amendment was adopted:

On page 1, lines 15-16, section 1, strike "removing the exemption of corporations from state income taxes." and insert a period.

The President presiding.

On motion by Senator Broxson, by two-thirds vote, SB 28-B as amended was read the third time by title and failed to receive the required constitutional three-fourths vote of the membership. The vote was:

Yeas—33

Mr. President	Broxson	Henderson	Myers
Arnold	Childers	Hollahan	Pope
Barron	Daniel	Horne	Saunders
Barrow	Deeb	Johnson (34th)	Scarborough
Beaufort	de la Parte	Karl	Trask
Bishop	Gong	Knopke	Williams
Boyd	Graham	Lewis (33rd)	
Brannen	Gunter	Lewis (43rd)	
Brantley	Haverfield	McClain	

Nays—10

Bell	Lane	Ware	Wilson
Ducker	Reuter	Weber	
Johnson (29th)	Stolzenburg	Weissenborn	

On motion by Senator Hollahan, the Senate recessed at 4:26 p.m.

The Senate was called to order by the President at 4:42 p.m. A quorum present.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas February 4, 1971
President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report on HB 4-B and has adopted the Conference Committee Report in its entirety and has passed—

Conference Committee Substitute for HB 4-B—A bill to be entitled An act relating to motor vehicle insurance; amending sections 627.031 and 627.062, Florida Statutes; adding new sections 627.080, 627.081, 627.082, 627.083, 627.084, to provide

for repeal of the so-called California plan as to motor vehicle insurance, and the reinstatement of prior approval of rates on motor vehicle insurance; adding new section 627.070, to define motor vehicle insurance; providing for implementation; providing for regulation of motor vehicle insurance; providing for posting of guarantee and refunding of premiums; providing for payment of interest; authorizing group marketing of motor vehicle insurance to be effective July 1, 1971; providing for repeal of sections 5, 6, 8, 9 and 10 of this act on November 1, 1971; providing an effective date.

as contained in the message from the Senate.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill contained in the above message was ordered enrolled.

The Honorable Jerry Thomas
President of the Senate

February 4, 1971

Sir:

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

By Representative Dubbin—

HCR 36-B—A concurrent resolution for sine die adjournment.

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

Section 1. That the time for adjournment sine die of the Special Session convened on January 27, 1971, be and the same is hereby fixed at the hour of 5:00 P.M. Thursday, February 4, 1971.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 36-B, contained in the above message, was read the first time in full. On motion by Senator Hollahan, by two-thirds vote, HCR 36-B was read the second time by title, adopted and certified to the House.

Senator Myers moved that the Senate reconsider the vote by which HCR 33-B was adopted.

On motion by Senator Williams, the following remarks of Senator de la Parte, Chairman of the Committee on Ways and Means, were ordered spread upon the Journal:

Mr. President, I think in order to resolve this matter, let me announce that it is my impression as chairman of the Committee on Ways and Means, and after discussing it with other members, in the light of the action by the House of Representatives, I can only interpret that action, together with what we have done here today, to mean that we still are instructed to cut \$256,000,000. That being the case, Mr. President, I would like to request that the motion be withdrawn because the resolution has no effect. The Committee on Ways and Means is going to proceed and treat this appropriation exactly the way it treats the University in Jacksonville, the University in Miami, exactly the way it's going to treat the funding of the Minimum Foundation Program for Education, exactly the way it's going to treat the funding of Medicaid and all other programs. As far as the chairman is concerned this resolution does not carry any weight because of what happened subsequent to its passage.

Senator Myers withdrew the motion to reconsider.

By permission the following reports were received:

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred SB 10-B with 1 amendment and SB 27-B with 1 amendment reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred Senate Bills 5-B, 6-B, 23-B and CS for SB 14-B reports same have been enrolled,

signed by the required Constitutional officers and presented to the Governor on February 4, 1971.

ELMER O. FRIDAY
Secretary of the Senate

Your Enrolling Clerk to whom was referred SB 4-B, Conference CS for HB 4-B reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on February 4, 1971.

ELMER O. FRIDAY
Secretary of the Senate

Pursuant to HCR 36-B, the hour of 5:00 p.m. having arrived, the President sounded the gavel and declared the Senate in 1971 Special Session adjourned sine die.