

JOURNAL OF THE FLORIDA SENATE

Tuesday, December 7, 1971

The Senate was called to order by the President at 9:00 a.m.
A quorum present—47:

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

Excused: Senator Deeb until 2:30 p.m.

Prayer by Bob Ryan:

This is the beginning of a new day. God has given us this day to use as we will. We can waste it or use it for some good purpose. But what we do with this day is important because we have exchanged a day of our life for it. When tomorrow comes, today will be gone forever. We hope we will not regret the price we paid for it. Amen.

The Journal of December 6 was corrected and approved.

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics recommends that the following bills do not fall within the purview of the call of the Governor but should be considered during this special session: SCR 30-D, SB 36-D, SB 37-D, HB 13-D

Respectfully submitted,
SENATOR GEORGE L. HOLLAHAN, JR.
Chairman

The Honorable Jerry Thomas
President, The Florida Senate
The Capitol

December 7, 1971

Dear Mr. President:

In response to your directive the Committee on Rules, Calendar, Privileged Business and Ethics recommends and advises as follows:

That an amendment to a report promulgated by the Committee concerning the Rules of the Senate may be amended by the Senate only upon 2/3 vote of the members present.

In this regard the Committee recommends the adoption of the attached proposed rule.

With kind regards, I am,

Sincerely,
GEORGE L. HOLLAHAN, JR.
Chairman

Rule 11.3, Page 68:

All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules, Calendar, Privileged Business and Ethics, which shall report as soon as practicable thereafter. Consideration of such a report shall always be in order. The Committee on Rules, Calendar, Privileged Business and Ethics may originate reports and resolutions dealing with these Rules and the Order of Business, and such power shall be exclusive, *provided, however, that any report made pursuant to this Rule may be amended by a two-thirds (2/3) vote of the members present.*

On motion by Senator Hollahan, the foregoing rule was adopted.

Senator Horne placed in nomination the name of John Melton to be Sergeant at Arms of the Senate. Senator Karl deferred to Senator Barrow who seconded the nomination. Senator Lane further seconded the nomination and moved that the nominations cease and a unanimous ballot be cast for John Melton to be Sergeant at Arms. The question was put on the election of John Melton and the vote was: Yeas—43 Nays—None

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

John Melton was unanimously elected Sergeant at Arms of the Senate. The President appointed Senators Pope, Lane and Karl to escort John Melton to the well of the Senate where the oath of office was administered to him by Elmer O. Friday, Secretary of the Senate. The President introduced to the Senate Mrs. John Melton and Gene Brown, wife and stepson of the newly elected Sergeant at Arms.

INTRODUCTION

By Senator Sayler—

SJR 42-D—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial branch of the government.

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

By Senators Haverfield and Graham—

SB 43-D—A bill to be entitled An act implementing the provisions of Article VII, Section 15, of the Florida constitution upon ratification thereof by the electors; creating a student loan trust fund; authorizing the issuance of revenue bonds to finance the establishment of the fund subject to the provisions of Article VII, Section 15, and the state bond act; providing that the department of general services, division of bond finance, shall determine the amount of such revenue bonds to be issued, not to exceed \$40,000,000; providing for fees in the student financial aid trust fund to be pledged as security for such bonds; revising section 8 of chapter 71-372, Laws of Florida, acts of 1971; authorizing loans from the fund to students admitted to attend private or public institutions of higher learning, junior colleges, professional nursing diploma schools, or public vocational training centers; providing that the loans to be made with the proceeds of the fund shall be determined and approved by the department of education; providing for the administration and operation of the student loan trust fund; authorizing the execution of loan agreements; providing for the term of loans from the fund and for interest and other charges thereon; providing for the department of education to contract with insurance companies for insurance as security in the event of death or disability of the student borrower; providing for participation in the federally insured student loan program; providing that the provisions of this act shall be in addition to the other provisions of chapter 239, Florida Statutes; providing that the provisions hereof shall be separable; providing an effective date; providing that this act shall be null and void if said section 15 is rejected by the electors.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

On motion by Senator Weissenborn, SB 37-D was admitted for introduction and consideration by the required two-thirds vote of the membership. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senators Daniel and Myers were recorded as voting yea.

By Senators Weissenborn, Lewis (33rd) and Lane—

SB 37-D—A bill to be entitled An act relating to farm labor; amending subsection (3) of section 5, chapter 71-234, Laws of Florida, providing that the payment of the required twenty-five dollar (\$25.00) registration fee from the farm labor contractor to the farm labor and rural manpower service shall be deposited in a trust fund in the state treasury and utilized for administration of the act.

—was read the first time by title and referred to the Committee on Agriculture.

On motion by Senator Weissenborn, by two-thirds vote, SB 37-D was withdrawn from the Committee on Agriculture and placed on the Calendar.

On motions by Senator Weissenborn, by two-thirds vote, SB 37-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

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

Nays—None

By unanimous consent Senator Daniel was recorded as voting yea.

MESSAGE FROM THE GOVERNOR

Honorable Jerry Thomas
President, The Florida Senate
The Capitol
December 6, 1971

Dear Mr. President:

It has come to my attention that a question has been raised concerning the interpretation of Subsection 2(d) of the Proclamation dated November 24, 1971, as amended. The purpose of this letter is to clarify my intention with regard to that subsection.

By the use of the word "repeal" in that subsection, I did not intend to exclude from the call of the Special Session, legislation relating to the amendment of the Florida law relating to the dealer's credit for collecting sales tax. It is my request, therefore, that subsection 2(d) be interpreted as if it read: "legislation relating to . . . (d) Repeal or amendment of the dealer's credit for collecting sales tax."

Sincerely,
REUBIN ASKEW
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate
December 6, 1971

Sir:

I am directed to inform the Senate that the Speaker of the House of Representatives has appointed Representatives Turlington, Harris, Ogden, Spicola, Tyrrell, Caldwell and Trombetta as House conferees on CS for HB 16-D.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate
December 6, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required constitutional three-fifths vote of the membership of the House—

By the Committee on Judiciary—

HJR 11-D—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial branch of the government.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HJR 11-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time and referred to the Committee on Judiciary—Civil A.

On motion by Senator Graham, by two-thirds vote, the Senate reverted to—

INTRODUCTION

On motion by Senator Graham, SB 36-D was admitted for introduction and consideration by the required two-thirds vote of the membership. The vote was:

Yeas—40

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

Nays—None

By unanimous consent Senator Weissenborn was recorded as voting yea.

By Senators Graham and Horne—

SB 36-D—A bill to be entitled An act relating to corporations; prohibiting a corporation during the period it is a private foundation under the Internal Revenue Code, 26 U.S.C., as in effect on the effective date of this act, from engaging in any act of self-dealing, from retaining any excess business holdings, from making any investment which would jeopardize the carrying out of any of the exempt purposes of the corporation, and from making any expenditure which gives rise to federal income taxation; requiring the corporation to make certain distributions to avoid liability for tax; providing limited application of this act upon judicial determination that same is contrary to a corporation's governing instruments; providing the rights and powers of the courts and of the department of legal affairs are not impaired; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary—Civil B.

On motion by Senator Graham, by two-thirds vote, SB 36-D was withdrawn from the Committee on Judiciary—Civil B and placed on the Calendar.

On motions by Senator Graham, by two-thirds vote, SB 36-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—40

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

Nays—None

By unanimous consent Senator Pope was recorded as voting yea.

Senator Bishop moved that the rules be waived and SJR 41-D be withdrawn from the Committee on Judiciary—Civil A and placed on the calendar and the motion failed.

Senator Barron announced that the Committee on Judiciary—Civil A would meet at 10:30 a.m. in Room 31.

On motion by Senator Hollahan, the Senate recessed at 9:54 a.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—48:

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

By permission the following report was received:

REPORT OF COMMITTEE

The Committee on Judiciary—Civil A recommends the following pass: HJR 11-D, with 7 amendments

The bill was placed on the Calendar.

Senator Hollahan announced that the Committee on Rules, Calendar, Privileged Business and Ethics would meet in Room 31 immediately upon adjournment this day.

On motion by Senator Barron, unanimous consent was obtained to take up—

HJR 11-D—A joint resolution proposing a revision of Article V of the State Constitution relating to the judicial branch of the government.

—which, on motion by Senator Barron, by two-thirds vote, was read the second time.

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 1—On page 1 after line 9 strike everything after the resolving clause and insert the following:

That the following proposed revision of Article V 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 a special election to be held March 14, 1972.

(Substantial rewording of Article. See Article V, State Constitution, for present text.)

ARTICLE V

JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Administrative officers or bodies or commissions established by law may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be reviewed as provided by general law.

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. These rules may be changed by general law enacted by the affirmative vote of two-thirds of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court. He shall be the chief administrative officer of the judicial system. He shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in his respective circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit.

SECTION 3. Supreme Court.—

(a) **ORGANIZATION.**—The supreme court shall consist of seven justices. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision, except where recusals for cause would prohibit the court from convening because of the requirements of this section.

(b) **JURISDICTION.**—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) When provided by general law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or final judgments entered in proceedings for the validation of bonds or certificates of indebtedness.

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers,

that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter, which upon final judgment would be directly appealable to the supreme court.

(4) May issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(5) May issue writs of mandamus and quo warranto to state officers and state agencies.

(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(7) Shall have the power of direct review of administrative action prescribed by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 4. District Courts of Appeal.—

(a) ORGANIZATION.—There shall be a district court of appeal serving each appellate district. Each district court of appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided in rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(c) CLERKS AND MARSHALS.—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 5. Circuit Courts.—

(a) ORGANIZATION.—There shall be a circuit court serving each judicial circuit.

(b) JURISDICTION.—The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals from county courts when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit courts shall be uniform throughout the state. They shall have the power of direct review of administrative action when prescribed by general law.

SECTION 6. County Courts.—

(a) ORGANIZATION.—There shall be a county court in each county. There shall be one or more judges for each county court as prescribed by general law.

(b) JURISDICTION.—The county courts shall exercise the jurisdiction prescribed by general law. Such jurisdiction shall be uniform throughout the state.

SECTION 7. Specialized Divisions.—All courts except the supreme court may sit in divisions as may be authorized by general law.

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless he is an elector of the state and resides in the territorial jurisdiction of his court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which he has served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is, and has been for the preceding ten years, a member of The Florida Bar. No person is eligible for the office of circuit judge unless he is, and has been for the preceding five years, a member of The Florida Bar. Unless otherwise provided by general law, a county court judge must be a member of The Florida Bar.

SECTION 9. Determination of number of judges.—Appellate district and judicial circuits may be increased, decreased or redefined, and the number of judges of any court except the supreme court may be increased or decreased by law consistent with this article, but only after the supreme court certifies to the legislature its finding that there exists a need for such action based on workload and other pertinent factors. The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges or the desirability for decreasing the number of judges. A decrease in the number of judges shall be effective only at the expiration of a term of office.

SECTION 10. Election and Terms.—

(a) ELECTION.—All justices or judges shall be elected as provided by general law.

(b) TERMS.—The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be six years. The terms of judges of county courts shall be four years.

SECTION 11. Vacancies.—

(a) The governor shall fill each vacancy in judicial office by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election, one of not fewer than three persons nominated by the appropriate judicial nominating commission. The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. If the governor fails to make the appointment within sixty days after the nominations have been certified to him, the chief justice shall make the appointment from those nominated.

(b) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit.

SECTION 12. Discipline; removal and retirement.—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

(2) Two electors who reside in the state, who are members of The Florida Bar, and who shall be chosen by the governing body of The Florida Bar; and

(3) Three electors who reside in the state, who have never held judicial office or been members of The Florida Bar, and who shall be appointed by the governor.

(b) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a justice or judge shall be eligible for state judicial office so long as he is a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or, except as provided herein,

participate in any campaign for judicial office or hold public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings of the commission, the filling of vacancies by the appointing authorities and the temporary replacement of disqualified or incapacitated members. After a recommendation of removal of any justice or judge, the record of the proceedings before the commission shall be made public.

(d) Upon recommendation of two-thirds of the members of the judicial qualifications commission, the supreme court may order that the justice or judge be disciplined by private reprimand, or be removed from office with termination of compensation for willful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary, or be involuntarily retired for any permanent disability that seriously interferes with the performance of his duties. After the filing of a formal proceeding and upon request of the commission, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(e) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment and to the power of suspension by the governor and removal by the senate.

SECTION 13. Prohibited activities.—All justices and judges shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party.

SECTION 14. Judicial salaries.—All justices and judges shall be compensated only by state salaries fixed by general law. The judiciary shall have no power to fix appropriations.

SECTION 15. Attorneys; admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

SECTION 16. Clerks of the circuit courts.—There shall be in each county a clerk of the circuit court who shall be elected by the qualified electors of the county.

SECTION 17. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years. He shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall have been a member of The Florida Bar for the preceding five years. He shall devote full time to his duties, and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law. The salaries of state attorneys and assistant state attorneys shall be fixed by general law.

SECTION 18. Public defenders.—In each judicial circuit a public defender shall be elected for a term of four years. He shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall have been a member of The Florida Bar for the preceding five years. He shall devote full time to his duties and shall not engage in the private practice of law. Public defenders shall appoint such assistant public defenders as may be authorized by law. The salaries of public defenders and assistant public defenders shall be fixed by general law.

SECTION 19. Schedule.—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(c) After this article becomes effective, and until changed by general law consistent with this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts involving violations of municipal or county ordinances, except those appeals which may be taken directly to the supreme court. They shall have exclusive original jurisdiction in all actions at law not cognizable by the county court: of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment, or toll; in actions of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. The judicial circuits shall be those in existence on the date of the adoption of this article.

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit court, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand dollars (\$2,000.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit court. Judges of county courts shall be committing magistrates. The county court shall have the jurisdiction now exercised by the county judge's court other than that vested in the circuit court by subsection (c) (3) hereof, the jurisdiction now exercised by the county court, the claims court, the small claims court, the small claims magistrates court, the magistrates court of Brevard county, the magistrates court of Hillsborough county, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

(5) Each judicial nominating commission shall consist of nine members appointed as follows:

(a) Three members appointed by the governor from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit;

(b) Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit; and

(c) Three members who shall be citizens of this state and residents of the territorial jurisdiction of the affected court, district or circuit and who shall be appointed by a majority vote of the six members appointed pursuant to paragraphs (5)(a) and (5)(b) hereof.

(6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than a judicial office. No member shall be eligible for appointment to state judicial office so long as he is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(7) The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:

(a) The terms of one member of category (a) (b) and (c) in subsection (c) (5) hereof shall expire on July 1, 1974;

(b) The terms of one member of category (a) (b) and (c) in subsection (c) (5) hereof shall expire on July 1, 1975;

(c) The terms of one member of category (a) (b) and (c) hereof shall expire on July 1, 1976.

(8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of

the court, and deposited in a special trust account. Two-thirds of all fines and forfeitures received from violations of county ordinances committed within a county and municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. The remaining one-third of the fines and forfeitures shall be paid into the general revenue fund of the state of Florida. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida.

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for permission for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers. Upon determination that it would be in the best interest of the citizens of the county for the county court to sit in a location, the chief judge may direct the court to sit in the designated location. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

(10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

(11) A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of The Florida Bar.

(12) Municipal prosecutors may prosecute violations of municipal ordinances.

(d) When this article becomes effective:

(1) All courts not herein authorized, shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d) (6) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota, and county judge's courts and separate juvenile courts in counties having a population in excess of 300,000 according to the 1970 federal census.

(3) Judges holding elective office in all other courts abolished by this article whose terms do not expire in 1973 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, such judicial office shall not continue to exist thereafter.

(4) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.

(5) County judges of existing county judge's courts who are not members of The Florida Bar shall be eligible to seek election as county court judges of their respective counties in the 1972 election.

(6) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless he has been a member of The Florida Bar for the preceding five years.

(7) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

(8) The clerk of the circuit court shall continue to serve as clerk of the circuit court and shall also assume the duties of

clerk of the county court. The office of all other clerks of court shall stand abolished.

(9) Clerks, serving in an elective office as clerk of a court abolished by this article, having countywide territorial jurisdiction, shall become deputy clerks of the circuit court of their respective counties and shall serve as such for the remainder of the terms for which they were elected or appointed at a rate of compensation not less than that received immediately before the effective date of this article, any provision of any civil service law or regulation to the contrary notwithstanding. The clerks of all other courts abolished by this article shall have no further powers and duties and shall cease to hold office.

(10) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situated for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.

(e) Limited operation of some provisions.—All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain his office for the remainder of his term.

(f) Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county court.

(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.

(h) The requirements of section 14, relative to all county court judges being compensated by state salaries, shall not apply prior to January 4, 1977, unless otherwise provided by general law.

(i) The legislature shall have power, by concurrent resolution, to delete from this article any subsection of section 19, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

(j) Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.

The Committee on Judiciary—Civil A offered the following amendment which was moved by Senator Barron:

Amendment 2—On page 18, line 4 after the word "courts" add: justices of the peace

The amendment was adopted by the following vote:

Yeas—22

Mr. President	Brannen	Karl	Stolzenburg
Arnold	Brantley	Knopke	Trask
Barron	Childers	Lewis (43rd)	Weber
Barrow	Daniel	Myers	Williams
Beaufort	de la Parte	Pope	
Boyd	Hollahan	Scarborough	

Nays—16

Bell	Henderson	Lewis (33rd)	Saunders
Ducker	Johnson (29th)	McClain	Ware
Gong	Johnson (34th)	Ott	Weissenborn
Gunter	Lane	Plante	Wilson

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 3—On page 18, line 6 strike the words "in the 1972 election." and insert a period after the word "counties"

Senator Deeb was recorded present.

The Committee on Judiciary—Civil A offered the following amendment which was moved by Senator Barron:

Amendment 4—On page 2, line 16 strike lines 16 through 18 and insert: sought. These rules may be rejected by general law.

Senators Horne and Ott offered the following substitute amendment which was moved by Senator Horne:

Amendment 5—On page 2, line 16 strike all after the period and lines 17 and 18 and insert: Such rules as adopted by the supreme court shall be filed with both houses of the legislature and the same shall become effective thirty days after adjournment of the next regular or special session unless rejected by a two-thirds vote of the members of each house of the legislature.

On motion by Senator Bell the following amendment to the substitute amendment was adopted:

Amendment (a) to amendment 5—In line 5 strike: "or special"

On motion by Senator Pope the following amendment to the substitute amendment was adopted:

Amendment (b) to amendment 5—In line 6 strike "two-thirds" and insert majority.

Substitute Amendment 5 as amended was adopted by the following vote:

Yeas—22

Mr. President	Brantley	Lane	Saunders
Barron	Childers	Lewis (33rd)	Scarborough
Beaufort	Daniel	McClain	Ware
Bell	Gunter	Myers	Williams
Boyd	Horne	Ott	
Brannen	Karl	Pope	

Nays—12

Arnold	Gong	Hollahan	Trask
Deeb	Graham	Knopke	Weissenborn
Ducker	Haverfield	Lewis (43rd)	Wilson

By unanimous consent Senator Broxson was recorded as voting yea.

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator McClain:

Amendment 6—On page 17, strike line 16 and insert: the civil and criminal court of record of Pinellas county, and county judge's courts and separate juvenile

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 7—On page 2, line 4, strike ", and their orders shall be reviewed as provided by general law." and insert: (.)

The Committee on Judiciary—Civil A offered the following amendment which was adopted on motion by Senator Barron:

Amendment 8—On page 4, line 5, strike (.) and insert: ; and may issue writs of certiorari to commissions established by general law having statewide jurisdiction.

Senator Karl moved the following amendment which was adopted:

Amendment 9—On page 6, line 29, after the period (.) insert: A circuit or county court may hold civil and criminal jury trials and hearings in chambers in any place within the territorial jurisdiction of the court designated by the chief judge of the circuit.

Senator Lewis (33rd) presiding.

Senators Weissenborn and Horne offered the following amendment which was adopted on motion by Senator Weissenborn:

Amendment 10—On page 6, line 10, after "law." and before "They" insert: They shall have exclusive jurisdiction over all capital felonies.

The President presiding.

Senators Scarborough and Brantley offered the following amendment which was moved by Senator Scarborough:

Amendment 11—On page 7, after line 14, following section 8 between lines 14 and 15 insert the following:

SECTION 8A.—Courts of Justices of the Peace.—

(a) DISTRICTS AND PRESIDING OFFICER. There shall be not more than five justice districts in each county, and there shall be elected one justice of the peace for each justice district, who shall hold office for four years. Existing justice districts are hereby recognized, but the legislature may, by special act, from time to time change the boundaries of any such district now or hereafter established, and may establish new or abolish any such district now or hereafter existing. Provided, however, that any such changes shall be submitted to the people of any county so affected, by referendum at the next ensuing general election.

(b) JURISDICTION. The justices of the peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed \$100.00, and in which the cause of action accrued or the defendant resides in his district; and in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies and misdemeanors not within his jurisdiction to try, and make the same returnable before himself or the county judge for examination, discharge, commitment or bail of the accused. Justices of the peace shall have the power to hold inquests of the dead. Appeal from justices of the peace courts in criminal cases may be tried de novo under such regulations as the legislature may prescribe.

(c) CONSTABLES. A constable shall be elected by the registered voters in each justice's district, who shall perform such duties, and under such regulations as may be prescribed by law.

On motion by Senator Pope, the following amendment to amendment 11 was adopted:

Amendment (a) to Amendment 11—Strike period at the end of the amendment and insert: , providing no Justice of Peace Courts or constables shall be created that do not now exist.

Amendment 11 as amended failed.

Senator Weissenborn moved the following amendment which was adopted:

Amendment 12—On page 2, lines 8 and 9 strike all of lines 8 and 9 and insert: (a) The supreme court shall adopt procedural rules for the practice in all courts including

Senator Weissenborn moved the following amendment which was adopted:

Amendment 13—On page 12, line 9 strike all of lines 9 through 11 and insert: (c) After this article becomes effective, and until changed by general law consistent with sections 1 through 18 of this article:

Senator McClain moved the following amendment which failed:

Amendment 14—On page 7, strike lines 30 and 31 and insert: (a) Election.—All justices or judges shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts in nonpartisan elections.

Senator Bell moved the following amendment:

Amendment 15—On page 6, line 17 (a) insert the following: (c) Circuit Judges. The legislature shall provide for one circuit judge in each circuit for each twenty-five thousand inhabitants or major fraction thereof according to the last census authorized by law. In circuits having more than one judge the legislature may designate the place of residence of any such additional judge or judges.

Senator Childers presiding.

Senator Ware moved the following amendment to amendment 15 which failed:

Amendment (a) to Amendment 15—On page 1, line 2 strike '25,000' and insert: 35,000

The President presiding.

Amendment 15 failed by the following vote:

Yeas—20

Barrow	Daniel	Johnson (34th)	Sayler
Bell	Deeb	Lane	Scarborough
Bishop	Ducker	Ott	Stolzenburg
Brannen	Henderson	Pope	Trask
Brantley	Johnson (29th)	Poston	Ware

Nays—20

Mr. President	Fincher	Lewis (33rd)	Reuter
Arnold	Gong	Lewis (43rd)	Saunders
Barron	Hollahan	McClain	Weber
Broxson	Karl	Myers	Williams
Childers	Knopke	Plante	Wilson

Senator Poston raised a point of order that pursuant to Rule 4.6, all bills carrying or affecting appropriations shall be referred to the Committee on Ways and Means, and HJR 11-D, if passed, would affect revenues and expenditures and, under the rule, should be referred to the Committee on Ways and Means.

The President referred the question to a select committee consisting of Senators Hollahan, Wilson, Horne and de la Parte.

Senator Plante moved the following amendment:

Amendment 16—On page 1, strike everything after the resolving clause and insert the following:

ARTICLE V
JUDICIARY

SECTION 1. Supreme Court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision, except where recusals for cause would prohibit the court from convening because of the requirements of this section.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) When provided by general law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or final judgments entered in proceedings for the validation of bonds or certificates of indebtedness.

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter, which upon final judgment would be directly appealable to the supreme court.

(4) May issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(5) May issue writs of mandamus and quo warranto to state officers and state agencies.

(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof.

(7) Shall have the power of direct review of administrative action prescribed by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 2. Other Courts.—All other courts shall be established by general law. The jurisdiction of such courts shall be uniform throughout the state.

SECTION 3. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. These rules may be changed by general law enacted by the affirmative vote of two-thirds of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court. He shall be the chief administrative officer of the judicial system. He shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in his respective circuit.

SECTION 4. Schedule.—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(c) After this article becomes effective, and until changed by general law consistent with this article:

SECTION 5. Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M. Eastern Standard Time, January 1, 1973.

Senator Scarborough moved the following amendment to amendment 16 which failed:

Amendment (a) to Amendment 16—On page 1, line 6 insert: no term of any judge or justices shall exceed four years.

Amendment 16 was adopted by the following vote:

Yeas—24

Barrow	Daniel	Johnson (34th)	Sayler
Bell	Deeb	Lane	Scarborough
Bishop	Ducker	Plante	Stolzenburg
Brannen	Gunter	Pope	Trask
Brantley	Henderson	Poston	Ware
Childers	Johnson (29th)	Reuter	Weber

Nays—21

Mr. President	Gong	Lewis (33rd)	Weissenborn
Arnold	Haverfield	Lewis (43rd)	Williams
Barron	Hollahan	McClain	Wilson
Beaufort	Horne	Myers	
Broxson	Karl	Ott	
Fincher	Knopke	Saunders	

By unanimous consent Senator Brannen changed his vote from yea to nay.

On motion by Senator Horne, by two-thirds vote, HJR 11-D as amended was read the third time in full.

Senator Poston moved that the Senate reconsider the vote by which HJR 11-D was placed on third reading and the Senate reconsidered by the following vote:

Yeas—29

Mr. President	Fincher	Lewis (33rd)	Trask
Arnold	Gong	Lewis (43rd)	Ware
Barron	Graham	McClain	Weissenborn
Beaufort	Haverfield	Myers	Williams
Boyd	Hollahan	Ott	Wilson
Brannen	Horne	Poston	
Broxson	Karl	Saunders	
de la Parte	Knopke	Scarborough	

Nays—17

Barrow	Deeb	Lane	Stolzenberg
Bell	Ducker	Plante	Weber
Brantley	Henderson	Pope	
Childers	Johnson (29th)	Reuter	
Daniel	Johnson (34th)	Saylor	

Senator Poston moved that the Senate reconsider the vote by which Amendment 16 was adopted this day and the Senate reconsidered.

On motion by Senator Wilson Amendment 16 was temporarily deferred.

Senators Karl and Daniel offered the following amendment which was moved by Senator Karl:

Amendment 17— On page 11 after line 29 insert the following: Section 18. Judicial officers as conservators of the peace.—All judicial officers in this state shall be conservators of the peace. Renumber subsequent sections accordingly.

Senator Hollahan moved that debate on Amendment 17 and all following amendments be limited to 1 minute per side.

Senator Barrow moved as a substitute motion that debate on all amendments be limited to 2 minutes per side and the motion failed.

The motion by Senator Hollahan failed.

Amendment 17 was adopted by the following vote:

Yeas—30

Mr. President	Brantley	Hollahan	Ott
Arnold	Broxson	Horne	Poston
Barron	Daniel	Johnson (34th)	Saunders
Barrow	Deeb	Karl	Trask
Beaufort	Ducker	Knopke	Ware
Bishop	Fincher	Lewis (33rd)	Williams
Boyd	Gunter	Lewis (43rd)	
Brannen	Haverfield	McClain	

Nays—14

Bell	Henderson	Reuter	Weissenborn
Childers	Johnson (29th)	Scarborough	Wilson
Gong	Lane	Stolzenburg	
Graham	Pope	Weber	

Senator Weber moved the following amendment:

Amendment 18—On page 1, lines 27-29 strike "No other courts may be established by the state, any political subdivision or any municipality." and insert: After county courts: (comma) and such other courts as the Legislature shall establish by general law.

Senator Daniel moved the following amendment to Amendment 18 which was adopted:

Amendment (a) to Amendment 18—Strike period and insert: ; provided such courts are uniform throughout the state.

Senator Saylor moved the following amendment to Amendment 18 which failed:

Amendment (b) to Amendment 18—After "other" insert: municipal

Amendment 18 as amended failed by the following vote:

Yeas—17

Bell	Gong	Lane	Weber
Brantley	Gunter	Lewis (33rd)	Weissenborn
Childers	Henderson	Saylor	
Deeb	Johnson (29th)	Stolzenburg	
Ducker	Johnson (34th)	Ware	

Nays—25

Mr. President	Broxson	Knopke	Scarborough
Arnold	Daniel	Lewis (43rd)	Trask
Barron	de la Parte	McClain	Williams
Barrow	Graham	Ott	Wilson
Beaufort	Haverfield	Poston	
Boyd	Horne	Reuter	
Brannen	Karl	Saunders	

Senator Weber moved the following amendment which failed:

Amendment 19—On page 15, line 30, insert: New Sub-section (9)

Any municipality may apply to the chief judge of the circuit in which such municipality is situated for permission to continue its municipal court system wherein the interests of justice would best be served. Application for continuance of a municipal court system may be granted only if such court system complies with all provisions of this Article. Upon determination that it would be in the best interest of justice and the citizens of such municipality for continuance of its court system, the chief judge of the circuit may so direct that court to continue the administration of justice in the municipality. In the event the chief judge of the circuit would disallow any municipality's application for continuance of its municipal court, the municipality or the county court may appeal to the Supreme Court for an order directing the granting of such application.

Re-number subsequent sub-sections.

Senator Wilson moved the following amendment which was adopted:

Amendment 20—On page 8, line 12, after the period (.) insert: An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

Senator McClain moved that the Senate reconsider the vote by which amendment 15 failed.

On motion by Senator Hollahan, debate was limited to 1 minute per side.

The motion by Senator McClain failed.

Senator Wilson moved the following amendment which failed:

Amendment 21—On page 3, line 30, insert between "appeal" and "to": or it finds

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state official, that passes upon a question certified by a district court of appeal or it finds to be of great public interest, etc.

Senator Plante moved that the Senate do now adjourn to reconvene at 9:00 a.m., December 8.

Senator Horne moved as a substitute motion that time of adjournment be extended until final action on HJR 11-D, reading of the Governor's Proclamation and introduction of bills.

Senator Plante raised a point of order that the motion to adjourn instanter has precedence over any other motion.

The President ruled the point well taken and the motion by Senator Horne out of order.

The motion by Senator Plante failed.

Senator Ware moved the following amendment which was adopted:

Amendment 22—On page 2, line 27 strike the period (.) and insert: ; provided judges of the county court may not be assigned to duty in the circuit court.

Senator Ware moved the following amendment which was adopted:

Amendment 23—On page 8, lines 15-18 strike "If the governor fails to make the appointment within sixty days after the nominations have been certified to him, the chief justice shall make the appointment from those nominated."

Senator Lewis (33rd) moved the following amendment:

Amendment 24—On page 7, lines 8-11 strike all of lines 8 through and including line 11 and insert: appeal unless he or she is, and has been for the preceding ten years, a member of The Florida Bar. No person is eligible for the office of circuit judge unless he or she is, and has been for the preceding five years,

Amendment 24 was adopted by the following vote:

Yeas—21

Brannen	Gong	Plante	Stolzenburg
Brantley	Gunter	Pope	Trask
Broxson	Hollahan	Poston	Weissenborn
Childers	Johnson (29th)	Reuter	
Daniel	Lewis (33rd)	Sayler	
Deeb	McClain	Scarborough	

Nays—19

Mr. President	Bell	Haverfield	Ott
Arnold	Boyd	Karl	Saunders
Barron	de la Parte	Knopke	Ware
Barrow	Ducker	Lewis (43rd)	Wilson
Beaufort	Graham	Myers	

By unanimous consent Senators Thomas and Ware changed their votes from nay to yea.

On motion by Senator Trask the following amendment was adopted:

Amendment 25—On page 15, lines 17-25 strike lines 17-25 and insert: ited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs

On motion by Senator Lewis (33rd), the Senate reconsidered the vote by which Amendment 24 was adopted and the amendment failed.

Senator Pope moved the adoption of the following amendment:

Amendment 26—On page 7, line 20, after "article" insert a period, and strike remainder of sentence.

The amendment failed by the following vote:

Yeas—19

Arnold	Daniel	Plante	Scarborough
Bell	Deeb	Pope	Stolzenburg
Brannen	Fincher	Poston	Trask
Brantley	Lewis (33rd)	Saunders	Ware
Childers	Myers	Sayler	

Nays—22

Mr. President	de la Parte	Horne	Reuter
Barron	Ducker	Johnson (34th)	Weissenborn
Barrow	Graham	Karl	Williams
Beaufort	Gunter	Knopke	Wilson
Boyd	Haverfield	Lewis (43rd)	
Broxson	Hollahan	McClain	

By unanimous consent Senator Weissenborn changed his vote from nay to yea.

On motion by Senator Daniel the following amendment was adopted:

Amendment 27—On page 18, lines 15 through 18 following the words "circuit court" on line 15 strike "and" and all of lines 16, 17 and 18 and insert a period (.)

On motion by Senator Daniel the following amendment was adopted:

Amendment 28—On page 10, following line 30 insert the following: add a new Section 17.

Section 17. Clerks of the county courts. There shall be in each county a clerk of the county court appointed by the court who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed as provided by general law.

renumber the succeeding sections accordingly.

Senator Poston requested the President to rule on the point of order previously raised by him that HJR 11-D should be referred to the Committee on Ways and Means pursuant to Rule 4.6.

The President announced he had received a unanimous recommendation from the select committee that the point of order was not well taken and having received that report ruled the point of order not well taken. The President stated that this ruling was not a precedent but the recommendation of the select committee was based on a ruling by a former presiding officer and other precedents.

On motion by Senator Barron, by two-thirds vote, HJR 11-D as amended was read in full. The Secretary called the roll and HJR 11-D passed with the required constitutional three-fifths vote of the membership and was certified by the House.

The vote was:

Yeas—35

Mr. President	Deeb	Horne	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Scarborough
Barrow	Fincher	Lewis (33rd)	Trask
Beaufort	Gong	Lewis (43rd)	Ware
Boyd	Graham	McClain	Weissenborn
Brannen	Gunter	Myers	Williams
Broxson	Haverfield	Ott	Wilson
Daniel	Hollahan	Poston	

Nays—13

Bell	Henderson	Plante	Weber
Bishop	Johnson (29th)	Pope	
Brantley	Johnson (34th)	Sayler	
Childers	Lane	Stolzenburg	

The President announced that in the event the House refused to concur in the Senate amendments to HJR 11-D and requested a conference committee be appointed to resolve the differences, the Senate conferees would be Senators Barron, Horne, Karl, Wilson, Lewis (43rd) and McClain.

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

MESSAGE FROM THE GOVERNOR

By direction of the President, the Secretary read the following Proclamation of the Governor:

PROCLAMATION

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

(Second Amendment to Proclamation dated November 24, 1971)

WHEREAS, on the 24th day of November, 1971, a Proclamation was issued convening a special session of the Florida Legislature commencing on the 29th day of November, 1971, and

WHEREAS, on the 29th day of November, 1971, a Proclamation was issued amending the Proclamation of November 24, 1971, and

WHEREAS, by letters dated December 3 and 6, 1971, and delivered to the respective presiding officers of the Florida Senate and House of Representatives, subparagraphs 2(m) and (d) of the Proclamation of November 24, 1971, as amended, were clarified, and

WHEREAS, it is necessary and in the best interest of the State to further amend the Proclamation of November 24, 1971, in order to expand the call of the special session so that the Legislature may consider the important legislative business set forth below.

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

1. That Paragraph 2 of the Proclamation of November 24, 1971, as amended, is further amended to read:

"2. That the Legislature is convened for the sole purpose of considering legislation relating to:

(a) Implementation, including necessary appropriations, of a tax on the net income of corporations and other artificial entities;

(b) Amendment of the law providing an allowance for compensation to agents affixing cigarette stamps and collecting state tax;

(c) Amendment of the law(s) providing discounts and credits on beverage taxes to wine manufacturers and distributors of malt beverages and beer, and providing an allowance to distributors of spirituous beverages;

(d) Repeal or amendment of the law providing the dealer's credit for collecting sales tax;

(e) Extension of existing municipal operating millages in excess of the constitutional and statutory 10 mill ad valorem tax limit;

(f) Providing an exemption from state sales and use taxes for sales of utilities to residential households;

(g) Providing an exemption from the state transient rentals tax for rentals of buildings intended primarily for lease or rent to persons as their principal or permanent place of residence;

(h) Repeal or amendment of the law(s) providing the motor vehicle fuels dealer discounts, reduction of the shrinkage allowance, and elimination or reduction of certain special fuels dealer discounts;

(i) Reduction of the occupational license tax imposed pursuant to Chapter 205, F.S., to one-third of the amount presently provided for therein, and imposition of a limit on municipal occupational licenses;

(j) Joint resolution relating to the revision of Article V of the Florida Constitution;

(k) Implementation and funding of a minimum foundation program for local law enforcement;

(l) Regulation of certain outdoor advertising and junkyards and such other matters as may be required to comply with the Highway Beautification Act of 1965 and Title 23, United States Code;

(m) Repeal or amendment of the law providing an ad valorem tax exemption of property leased from governmental units by non-governmental lessees;

(n) An appropriation to the Board of Trustees of the Internal Improvement Fund for a period from January 1, 1972, to June 30, 1972, to pay salaries or other operating expenses and to repay a loan for repairs to the Capitol;

(o) Repeal of Section 372.54(4)(a), Florida Statutes, relating to the cane pole fishing license and exempting, under prescribed conditions, state residents from obtaining fishing licenses;

(p) Correction of alleged constitutional defects of Chapter 70-20, Florida Statutes, "Florida Insurance Guaranty Association Act";

(q) Providing procedures to be used by tax assessors in assessing property;

(r) Providing standards for the assessment ratio study conducted by the auditor general;

(s) Amendment of Chapter 71-135, Laws of Florida, "Florida Uniform Traffic Control Law";

(t) Joint resolution amending or revising Article VII, Florida Constitution, to authorize the state to issue revenue bonds without a vote of the electors to finance or refinance an educational loan fund;

(u) Implementation subject to the approval by the electors of the amendment or revision referred to in "(t)" above, of a student loan program funded by revenue bonds issued pursuant to Article VII as amended or revised;

(v) Providing an emergency appropriation to the Governor of Florida for the purpose of preventing or alleviating drought conditions in Central and South Florida;

(w) Repeal of the law providing the ad valorem tax credit on the insurance premium tax allowed to insurance companies having regional home offices located in Florida;

(x) Providing for an increase in the level of payments for eligible medicaid recipients receiving nursing home services, and providing for an emergency appropriation;

(y) Amendment to Chapter 199, Florida Statutes, providing for the repeal of the intangible tax on "Class 'A'" intangibles;

(z) Providing for a special election for submission to the electors of Florida of the proposed amendment(s) and/or revision(s) of Article V and/or Article VII of the Florida Constitution."

2. Except as amended by this Proclamation and the Proclamation of the Governor dated November 29, 1971, and clarified by the above-described letters to the presiding officers of the Florida Senate and House, the Proclamation of the Governor dated November 24, 1971, is ratified and confirmed.



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 7th day of December, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State .

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

INTRODUCTION

By Senators Pope, Lane, Stolzenburg and Weber—

SR 44-D—A Resolution In Memoriam Frederick Mortimer (Ted) Cabot, Jr.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

On motion by Senator Hollahan, by two-thirds vote, SR 44-D was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics and placed on the Calendar.

By Senators Broxson, Ott, Poston, Horne, Hollahan, Barrow, Childers, Gong, Myers, Wilson, Henderson and Weissenborn—

SB 45-D—A bill to be entitled An act relating to the law enforcement officers minimum foundation program financing; amending section 163.550, Florida Statutes, to provide the inclusion of section 163.562, Florida Statutes, in the short title; amending section 163.552, Florida Statutes, providing definitions; creating section 163.5331, Florida Statutes, providing for the financing of the program; providing restrictions for participation to law enforcement officers earning at least six thousand dollars (\$6,000); providing requirements for eligibility and participation; providing for certain educational criteria to be met to qualify for participation; providing that the maximum amount to be received under this act shall not exceed one hundred thirty dollars (\$130); providing that the police standards council shall set rules and regulations; providing restrictions on local units to prevent circumventing any local units present or currently planned normal pay increases; creating section 163.562, Florida Statutes, providing for a no strike provision; providing appropriations; repealing sections 163.553, 163.554, 163.555 and 163.556, Florida Statutes; 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 Committees on Judiciary—Criminal and Ways and Means.

By Senators Fincher, Hollahan, Horne and Haverfield—

SB 46-D—A bill to be entitled An act relating to the non-partisan election of certain justices and judges; amending §2 of chapter 71-49, Laws of Florida, to provide that the first and second nonpartisan elections shall be held at the time of the second primary election and the general election, respectively; providing an effective date.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senators Weissenborn and Lewis (43rd)—

SB 47-D—A bill to be entitled An act relating to the Florida presidential preference primary; amending section 103.101, Florida Statutes, as amended by chapter 71-236, Laws of Florida; providing for presidential candidates to submit affidavits signed by them stating their desire to be placed on the Florida presidential preference ballot, stating their party affiliation and affirming that they shall not campaign for the presidency under a different party designation or as an independent; dissolving the presidential candidate selection committee; repealing subsection (4) providing for the withdrawal of a candidate and re-numbering remaining subsections appropriately; providing an effective date.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Knopke—

SB 48-D—A bill to be entitled An act appropriating monies from the general revenue fund for the use and benefit of the internal improvement trust fund; providing for a reverter after December 31, 1971 of unexpended balances of appropriations from the internal improvement operating trust fund; providing an appropriation for shoreline survey and other mapping; adding subsection 253.02(6), Florida Statutes, to limit the use of the trust fund; and 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 Ways and Means.

By Senators Henderson, Daniel, Thomas, Fincher, Lane, Reuter, Johnson (34th), de la Parte, Scarborough, Plante, Horne and Bishop—

SR 49-D—A Resolution In Commendation Tina Porter Gunn

WHEREAS, time was when the toil of an arduous day among bills, amendments, resolutions and elocution being left behind, weary members of the Legislature's upper Body were wont to foregather for sustenance at Talquin Inn; and

WHEREAS, such occasions were brightened by the charm and grace of a favorite dispenser of gastronomic delights affectionately dubbed "Olive Oyl", whose lovely form 11-11-11, face and gracious manner endeared her to all such comers; and

WHEREAS, in the removal of her radiance from Tallahassee—the Capital of Florida has lost to the Capital of Wyoming—Olive Oyl has left in the hearts of these her former guests a feeling of utter loss and abysmal sadness; and

WHEREAS, we would express to her our deep appreciation for the time which was allotted us to bask in the pleasure of her exemplary service; wish for her and her family God speed in the chosen new abode; and permanently record our sorrow in the loss of her gracious presence at dinner, NOW, THEREFORE,

Be It Resolved By the Senate of the State of Florida:

That we hereby permanently record this expression to Olive Oyl of our profound regrets in this loss which has come to us; record her a profession of our eternal friendship together with the hope that she may some day return to our midst and brighten for us the evening dining atmosphere at Talquin Inn.

Be It Further Resolved that a copy of this Resolution duly attested under the Seal of the Florida Senate be forwarded to Mrs. Frank Gunn, Cheyenne, Wyoming.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

On motion by Senator Henderson, by two-thirds vote, SR 49-D was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics, read the first time by title and placed on the calendar.

On motion by Senator Henderson, by two-thirds vote SR 49-D was read the second time in full and adopted by the following vote:

Yeas—43

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

Nays—None

By Senator Henderson—

SB 50-D—A bill to be entitled An act relating to alcoholic beverages; amending §561.34(3)(g), Florida Statutes, as created by chapter 71-361, Laws of Florida, providing for tax to be imposed on vendors operating places of business for consumption for more than three (3) permanent locations within said premises and excluding therefrom service bars and temporary or portable bars; providing an effective date.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senators Thomas, de la Parte, Sayler, Henderson, Horne, Ware, Fincher, Lane, Knopke, Plante, Myers, Deeb, Daniel, Wilson, Karl, Hollahan, Poston, McClain, Scarborough, Bishop, Barrow, Lewis (33rd), Johnson (34th), Gunter, Beaufort,

Brannen, Reuter, Ott, Trask, Johnson (29th), Boyd, Lewis (43rd), Ducker, Broxson, Childers, Brantley, Bell, Stolzenburg and Barron—

SB 51-D—A bill to be entitled An act relating to intangible personal property taxes; amending §199.032, Florida Statutes, as created by chapter 71-134, Laws of Florida; repealing the intangible tax on money; 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 Ways and Means.

On motion by Senator de la Parte, by two-thirds vote, SB 51-D was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motions by Senator de la Parte, by two-thirds vote, SB 51-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House.

The vote was:

Yeas—40

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

Nays—4

Gong	Pope	Saunders	Weissenborn
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By unanimous consent, Senator Karl changed his vote from yea to nay; Senator Williams was recorded as voting nay.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

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

By the Committee on Finance & Taxation—

HB 59-D—A bill to be entitled An act relating to taxation; amending chapter 192, Florida Statutes, by creating new section 192.012, Florida Statutes, to provide that the assessment ratio study conducted by the auditor general shall be conducted only on real property; providing an effective date.

By the Committee on Finance & Taxation—

HB 60-D—A bill to be entitled An act relating to taxation; providing for procedures to be used by tax assessors in assessing property; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 59-D and 60-D, contained in the above message, were 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 Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

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

By the Committee on Rules & Calendar—

CS for HCR 34-D—A concurrent resolution commending the Miami Dolphins professional football team for their outstanding record and achievements.

WHEREAS, the Miami Dolphins have compiled the best record of games won and hold the longest winning streak in professional football this season, and

WHEREAS, the Miami Dolphins lead the National Football League in passing offense due to the leadership of their outstanding quarterback Bob Greise, and

WHEREAS, the Miami Dolphins have the leading point scorer in place kicker Garo Yepreimian and the leading rusher of the American Football Conference in Larry Csonka, and

WHEREAS, the Miami Dolphins have been extremely fortunate in having Mr. Joe Robbie as President and managing general partner, and

WHEREAS, Joe Robbie has proven himself to be a man of unmatched perspicacity, boundless determination and endless reservoir of strength and humor in the face of adversity, and

WHEREAS, the Miami Dolphins have made outstanding progress in just six seasons, have shown great achievement as a professional team and have conducted themselves in the highest professional manner, NOW THEREFORE,

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

That the Miami Dolphins professional football team is hereby recognized and commended for its outstanding performance this season, for the public praise and notice their achievements have brought Florida, and for their contribution to professional athletics, and Joe Robbie is also commended and congratulated for his contributions to the success of the team.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the Speaker of the House of Representatives and the President of the Senate, with the great seal of the State of Florida attached, be presented to the Miami Dolphins and further that a copy of the resolution be spread upon the pages of the Journals of the House of Representatives and the Senate as a tangible token of the appreciation of the people of Florida.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HCR 34-D, contained in the above message, was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

On motion by Senator Hollahan, by two-thirds vote, CS for HCR 34-D was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics, read the first time in full and placed on the calendar.

On motion by Senator Hollahan, unanimous consent was obtained to take up CS for HCR 34-D.

On motions by Senator Hollahan, by two-thirds vote, CS for HCR 34-D was read the second time by title, adopted and certified to the House.

The Honorable Jerry Thomas
President of the Senate

December 7, 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—

By the Committee on Appropriations—

HB 43-D—A bill to be entitled An act appropriating monies from the general revenue fund for the use and benefit of the internal improvement trust fund; providing for a reverter after December 31, 1971 of unexpended balances of appropriations from the internal improvement operating trust fund; providing an appropriation for shoreline survey and other mapping; adding subsection 253.02(6), Florida Statutes, to limit the use of the trust fund; and providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 43-D, contained in the above message, 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 Ways and Means.

The Honorable Jerry Thomas December 7, 1971
President of the Senate

Sir:

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

By the Committee on Finance & Taxation—

HB 30-D—A bill to be entitled An act relating to taxation and finance; repealing Articles III and IV of the Multistate Tax Compact, section 213.15, Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 30-D, contained in the above message, 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 Ways and Means.

The Honorable Jerry Thomas December 7, 1971
President of the Senate

Sir:

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

By Representative Ogden—

HB 2-D—A bill to be entitled An act relating to tax exemptions; amending subsections 196.012(5), 196.192(2) and 196.199(2) and (3), Florida Statutes, and adding subsection (7) to section 196.199, Florida Statutes, as created or amended by chapter 71-133, Laws of Florida; limiting the exemption for certain governmental leasehold interests; providing for procedures for taxation of certain interests created prior to June 1, 1971; providing that property used for predominantly exempt purposes be exempt to the extent that such use bears to the total use; providing exemption for governmental leasehold interests only when lessee thereof uses the property for governmental purposes or functions; repealing section 14 of chapter 71-133, Laws of Florida; providing for severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 2-D, contained in the above message, 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 Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment and has passed as amended **HB 8-D**.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The President determined the following bills to be within the purview of the expanded call received this day:

By Senators Haverfield and Graham—

SJR 32-D—A Joint Resolution Amending Article VII of the Constitution of the State of Florida by adding a new Section 15 thereto; permitting the issuance, when authorized by law, of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, or health related training institutions, or public vocational training centers; providing that such revenue bonds shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund; providing for the establishment of a reserve account from the proceeds of the revenue bonds sufficient to pay the debt service requirements in any ensuing state fiscal year; and, providing that moneys in such fund not needed for debt service or maintenance of the reserve account may be used for educational grants or other related purposes as provided by law.

—was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

By Senators Haverfield and Graham—

SB 35-D—A bill to be entitled An act relating to a special election to be held on March 14, 1972, pursuant to Section 5 of Article XI of the state constitution for the approval or rejection by the electors of Florida of a joint resolution permitting the issuance of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, health related training institutions, or public vocational training centers; providing an effective date.

—was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

On motion by Senator Haverfield, by two-thirds vote, **SJR 32-D** and **SB 35-D** were withdrawn from the Committee on Universities and Community Colleges.

By Senator Graham—

SB 38-D—A bill to be entitled An act relating to environmental protection; providing an emergency appropriation to the Governor of the State of Florida for the purpose of preventing and alleviating drought conditions in Central and Southern Florida; providing an effective date.

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

By Senator Poston—

SB 40-D—A bill to be entitled An act amending Chapter 316, Florida Statutes, as created by Chapter 71-135, Laws of Florida, the "Florida Uniform Traffic Control Law"; providing for provisions, maintenance and control of roads within local governments; providing for enactment of ordinances to vest jurisdiction of violations of this chapter in certain local courts; providing for certain traffic court systems; altering penalties; amending chapter 901, Florida Statutes, to provide for arrest by a peace officer for offenses under said Chapter 316 under certain conditions; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Senators Haverfield and Graham—

SB 43-D—A bill to be entitled An act implementing the provisions of Article VII, Section 15, of the Florida constitution upon ratification thereof by the electors; creating a student loan trust fund; authorizing the issuance of revenue bonds to finance the establishment of the fund subject to the provisions of Article VII, Section 15, and the state bond act; providing that the department of general services, division of bond finance, shall determine the amount of such revenue bonds to be issued, not to exceed \$40,000,000; providing for fees in the student financial aid trust fund to be pledged as security for such bonds; revising section 8 of chapter 71-372, Laws of Florida, acts of 1971; authorizing loans from the fund to students admitted to attend private or public institutions of higher learning, junior colleges, professional nursing diploma schools, or public vocational training centers; providing that the loans to be made with the proceeds of the fund shall be determined and approved by the department of education; providing for the administration and operation of the student loan trust fund; authorizing the execution of loan agreements; providing for the term of loans from the fund and for interest and other charges thereon; providing for the department of education to

contract with insurance companies for insurance as security in the event of death or disability of the student borrower; providing for participation in the federally insured student loan program; providing that the provisions of this act shall be in addition to the other provisions of chapter 239, Florida Statutes; providing that the provisions hereof shall be separable; providing an effective date; providing that this act shall be null and void if said section 15 is rejected by the electors.

—was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

Senator Barron announced that the conferees on HJR 11-D would meet in Room 12 at 8:00 a.m., December 8.

The President announced the following schedule for December 8: Committee on Rules, Calendar, Privileged Business and Ethics, 8:00 a.m.—9:00 a.m., Room 31; Committee on Ways and Means, 9:00 a.m.—10:30 a.m., Room 331, Holland Building; Senate convenes, 10:30 a.m.

On motion by Senator Hollahan, the Senate adjourned at 8:21 p.m. to reconvene at 10:30 a.m., December 8, 1971.