

JOURNAL OF THE FLORIDA SENATE

Wednesday, February 2, 1972

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Knopke—

SB 524—A bill to be entitled An act relating to environmental protection; providing implementation of the provisions of Section 7, Article II of the State Constitution as the policy of the state, which provisions are not self-executing; declaring legislatively the policy of the state regarding environmental protection; providing for liberal construction of such policy; requiring consideration of the impact of state action on the environment; providing procedures for state project review and environmental impact statement preparation; providing an effective date.

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

By Senator Johnson (34th)—

SB 525—A bill to be entitled An act relating to school personnel, continuing contracts; amending §231.36(3)(d), Florida Statutes, to allow school boards to issue continuing contracts to new teachers previously employed within the state; providing an effective date.

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

By Senator Horne—

SB 526—A bill to be entitled An act relating to acquisitions by corporations of all the capital stock of banks and trust companies; approval of such acquisitions by the Department of Banking; and stockholders' rights; amending chapter 661, Florida Statutes, by adding section 661.071, Florida Statutes; providing an effective date.

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

By Senator Horne—

SB 527—A bill to be entitled An act relating to the creation of banking corporations for the purpose of merging or consolidating with a resulting state bank; amending section 659.01, Florida Statutes; amending section 659.03, Florida Statutes, and adding thereto subsection (3); amending section 659.04, Florida Statutes, by adding subsection (5); permitting stocks, bonds, notes or cash of any other corporation to be exchanged for shares of constituent banks in a merger or consolidation resulting in a state bank, amending subsection (3) of section 661.03, Florida Statutes; providing an effective date.

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

By Senator McClain—

SB 528—A bill to be entitled An act relating to law enforcement officers; amending §90.141, Florida Statutes, to provide certain mileage allowance for off-duty law enforcement officers; providing an effective date.

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

By Senator Poston—

SB 529—A bill to be entitled An act relating to maps and plats; amending §177.041 to require a certificate of apparent title as a prerequisite to the recordation of a plat; providing an effective date.

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

By Senator Knopke—

SB 530—A bill to be entitled An act relating to periodic reexamination of all drivers; amending section 322.121(1), Florida Statutes, requiring additional reexamination measures before renewal of drivers' licenses; requiring successful completion of defensive driving course as condition precedent to renewal of license requiring the department of highway safety and motor vehicles to make rules and regulations; requiring the department to promulgate a list of authorized agents; providing an effective date.

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

By Senator Pope—

SB 531—A bill to be entitled An act relating to sterilization of certain mentally retarded persons; providing definitions; providing a civil procedure for involuntary sterilization; providing petition requirement; providing legal counsel for indigents; providing protection of civil rights; providing investigation by physicians; providing for hearings; providing for entry of court order; providing for right of appeal and stay of sterilization order; providing rules of procedure for performance of the sterilization; providing prohibitions; providing civil and criminal immunity; providing certain rights; providing an effective date.

—was read the first time by title and referred to the Committees on Health, Welfare and Institutions and Judiciary—Civil B.

The Senate recessed at 8:32 a.m.

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

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

Excused: Senator Brannen.

Prayer by Senator Broxson:

Almighty God, author of all good, Heaven is thy throne and earth is thy footstool; thou are king over all the earth, yet we know that you are mindful of even the sparrow that falls.

Teach us to pray as is recorded in your holy word:

“Our Father, who art in heaven, hallowed be thy name, thy kingdom come, thy will be done, on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil, for thine is the kingdom and the power and the glory, forever and ever. Amen.

The Journal of February 1 was corrected and approved.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Haverfield, the rules were waived and the Committee on Universities and Community Colleges was granted permission to consider SB 455 at a scheduled meeting this day.

On motions by Senator Broxson, SB 181 was withdrawn from the Committees on Public Schools and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Gunter, SB 37 was removed from the calendar and from further consideration of the Senate.

On motion by Senator Gunter, SB 84 was withdrawn from the Committee on Judiciary—Criminal by two-thirds vote and from further consideration of the Senate.

On motion by Senator Deeb, SB 58 was withdrawn from the Committee on Rules, Calendar, Privileged Business and Ethics by two-thirds vote and from further consideration of the Senate.

On motion by Senator McClain, SM 127 was withdrawn from the Committee on Public Schools by two-thirds vote and from further consideration of the Senate.

On motion by Senator McClain, SB 192 was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and from further consideration of the Senate.

On motions by Senator Bell, Senate Joint Resolutions 118 and 120 were withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Bell, SB 119 was withdrawn from the Committee on Governmental Efficiency by two-thirds vote and from further consideration of the Senate.

On motion by Senator Sayler, SJR 98 was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and from further consideration of the Senate.

On motion by Senator Gunter, SCR 475 was withdrawn from the Committee on Judiciary—Civil B by two-thirds vote and placed on the calendar.

On motion by Senator Gunter, unanimous consent was obtained to take up out of order—

SCR 475—A concurrent resolution proposing that the Florida legislature designate the day of March 7, 1972 as "Project 7th of March Day in Florida," and urging that the governor issue a proclamation.

WHEREAS, Student Government leaders at Florida Technological University have announced plans for a statewide College Student Primary one week prior to the Florida Presidential Preferential Primary; and

WHEREAS, the project is designed to duplicate the March 14 primary process on each university, college and community college campus in the state, with student leaders pointing out that the primary could become a "viable political lobbying force" due to the 300,000 student votes in Florida; and

WHEREAS, Presidential aspirants might tend to concentrate more time and effort on the college campuses if they knew this major poll would be published just before the actual primary; and

WHEREAS, by organizing political campaigns on the various campuses, not only do the students tend to gain additional insight into the political process, but perhaps voter apathy will be significantly reduced; and

WHEREAS, this activity offers the opportunity to show the true spirit of Florida college students working together within the system and demonstrates to all concerned that they are willing to organize behind sound goals and ideals; and

WHEREAS, "Project 7th of March" will tend to stimulate successful campus voter registration, in that only eligible registered voters will be permitted to participate in the project; NOW, THEREFORE,

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

That the day of March 7, 1972 be designated "Project 7th of March Day in Florida" in keeping with the splendid spirit being shown by Florida student leaders throughout the state.

BE IT FURTHER RESOLVED that the governor is hereby urged to issue a proclamation declaring March 7, 1972 "Project 7th of March Day in Florida."

—which was read the second time in full. On motion by Senator Gunter, SCR 475 was unanimously adopted and certified to the House.

On motions by Senator Knopke, SB 182 was withdrawn from the Committees on Natural Resources and Conservation and Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Knopke, SB 232 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and from further consideration of the Senate.

On motions by Senator Knopke, SB 139 was withdrawn from the Committees on Commerce and Governmental Efficiency by two-thirds vote and from further consideration of the Senate.

On motion by Senator Myers, SB 359 was withdrawn from the Committee on Health, Welfare and Institutions by two-thirds vote and re-referred to the Committee on Commerce.

On motions by Senator Poston, Senate Bills 250 and 251 were withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and from further consideration of the Senate.

The President announced the appointment of Senators Johnson (29th) and Plante as members of the Committee on Rules, Calendar, Privileged Business and Ethics.

RESOLUTIONS

SCR 134—A concurrent resolution designating the West Panama City Beach Wayside Park as the S. D. Hall Wayside Park.

WHEREAS, S. D. Hall was a lifetime employee of the department of transportation and served the department for more than forty years, and

WHEREAS, S. D. Hall was instrumental in establishing wayside parks in the State of Florida, and

WHEREAS, he has served the people in the Panama City area and has demonstrated his unselfishness by his dedication to promote the wayside park system, and

WHEREAS, he has consistently championed the preservation of the image of the wayside parks, and

WHEREAS, in naming the West Panama City Beach Wayside Park for S. D. Hall, the citizens of this state will be reminded of his leadership and dedication throughout his long career of unselfish service, NOW, THEREFORE,

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

That out of gratitude for a long and distinguished career in the department of transportation of the State of Florida and in recognition of S. D. Hall's contribution to the state, the West Panama City Beach Wayside Park is designated as S. D. Hall Wayside Park.

BE IT FURTHER RESOLVED that copies of this resolution under the Great Seal of the State of Florida shall be forwarded to Mrs. S. D. Hall and to Reubin O'Donovan Askew, Governor, State of Florida.

—was read the second time in full. On motion by Senator Barron, SCR 134 was unanimously adopted and certified to the House.

SCR 177—A concurrent resolution designating an appropriate wayside park within the State of Florida as the W. Guy Stovall Wayside Park.

—was read the second time.

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

Amendment 1—On page 2, line 1 after comma (,) insert: who is now deceased,

SCR 177 as amended was read in full as follows:

SCR 177—A concurrent resolution designating an appropriate wayside park within the State of Florida as the W. Guy Stovall Wayside Park.

WHEREAS, W. Guy Stovall has served the people of the state for almost half a century, and

WHEREAS, W. Guy Stovall, a native of Georgia, who moved to this state in his youth and became an outstanding individual in instituting the state wayside park system, and

WHEREAS, during his service to the department of transportation he exemplified progressive ideas for the development of the state road program, and

WHEREAS, he was instrumental in promoting W. J. "Fingy" Conners to construct the toll road from West Palm Beach to Pahokee, known as Conners' Highway, and

WHEREAS, he also originated the idea for the Alligator Alley project and helped promote many other road and bridge projects, and

WHEREAS, he was active in beautification of highways, including the Florida Turnpike, particularly in using Brazil Oaks and Australian Pines, and

WHEREAS, he built the first wayside park and was instrumental in building approximately twenty other wayside parks, and

WHEREAS, in naming an appropriate wayside park for W. Guy Stovall, who is now deceased, the citizens of the state will be reminded of his leadership and dedication throughout his long career of unselfish service to the department of transportation, NOW, THEREFORE,

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

That out of gratitude for a long and distinguished career of service to the state and recognition of W. Guy Stovall's contribution to the state, an appropriate wayside park within the state be designated as the W. Guy Stovall Wayside Park.

BE IT FURTHER RESOLVED that copies of this resolution under the Great Seal of the State of Florida be forwarded to Mrs. W. Guy Stovall and to Reuben O'Donovan Askew, Governor, State of Florida.

On motion by Senator Stolzenburg, SCR 177 as amended was unanimously adopted and was ordered engrossed.

SCR 190—Memorializing the President of the United States that the United States Post Office issue a commemorative stamp honoring the United Spanish War Veterans.

WHEREAS, The Spanish-American War was the dawn of this Nation's leadership among the nations of the world, and it marked the last great conflict between the people of a free, self-governing republic and that of an absolute monarchy; and

WHEREAS, It was this country's first war for humanity, and the only one hundred percent volunteer army the world has ever known. Twenty thousand volunteers were called, and two million answered those calls. Four hundred and eighty-three thousand served, and one million five hundred and seventeen thousand were not needed. The men came from all parts of our country, the North, the South, the East, and the West. These soldiers wiped out sectionalism, and healed the wounds of civil strife, marking the rebirth of a Nation; and

WHEREAS, The Spanish War Veteran received no bonus, no war risk insurance, no adjusted compensation, no vocational training and no hospitalization until 1922, twenty years after the Spanish War was over; and

WHEREAS, The veterans of all our wars have been brave and worthy sons of America. Millions went to war before the Spanish-American soldier and millions have gone since, yet, he stands unique, distinctive, one who deserves the admiration of all mankind; and

WHEREAS, the issuance of a commemorative postage stamp would be a fitting acknowledgement that this country has not forgotten those men; NOW THEREFORE,

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

That the Florida Legislature urges the President of the United States and the United States Post Office authorities to issue a stamp or stamps commemorating the unique history written by the deeds of the Spanish-American War Soldier, and honoring the United Spanish War Veterans; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to President Nixon, the Postmaster General, Senators Gurney and Chiles, to each member of the Florida delegation in the House of Representatives, and to the Speaker of the House and President of the Senate.

—was read the second time in full. On motion by Senator Henderson, SCR 190 was unanimously adopted and certified to the House.

SCR 317—A concurrent resolution for consumer education in the State of Florida.

WHEREAS, in today's marketplace the consumer often finds himself confronted with what seems an impenetrable complexity in many consumer goods resulting in a degree of confusion that often confounds the unwary, and too easily can be made to favor the unscrupulous; and

WHEREAS, the members of the Florida legislature have noted the need for consumer knowledge regarding products and services in the marketplace; and

WHEREAS, it is further recognized that knowledge and information are not only the best protection against fraud but also are safeguards to our free enterprise system; and

WHEREAS, the increased number of legislative proposals designed to delineate the role and responsibilities of buyers and sellers in our economy indicates that more emphasis should be placed on disseminating available information that would help the consumer perform his function more effectively in the marketplace; and

WHEREAS, legislative remedies and improved enforcement procedures are powerful weapons, they are only as effective as an aware and an informed public make them.

NOW, THEREFORE,

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

That all state departments undertake and develop methods that will foster and emphasize consumer education to the extent that all Florida residents are more adequately prepared to intelligently shop in the marketplace.

—was read the second time in full. On motion by Senator Weber, SCR 317 was unanimously adopted and certified to the House.

SR 258—A resolution relating to recycled paper; directing all agencies under the authority of the Senate of the State of Florida to use recycled paper whenever possible in the interests of environmental conservation and pollution control, and further requesting other public agencies to adopt a similar policy.

WHEREAS, every year millions of acres of forest are consumed to supply our nation with paper products, and

WHEREAS, this consumption of our natural resources also contributes to our litter and air pollution problem, and

WHEREAS, the increased use of recycled waste paper products would be a significant step in the effort to reduce this problem, and

WHEREAS, it is the responsibility of government to provide the leadership to bring about this desired goal, NOW, THEREFORE,

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

That all agencies under the control of the Senate of the State of Florida are directed to effectuate the change from the current usage of paper products to recycled paper products as quickly as possible wherever practical to do so.

BE IT FURTHER RESOLVED that all state, county and municipal government agencies are hereby encouraged to adopt this same policy.

—was read the second time in full. On motion by Senator Ducker, SR 258 was unanimously adopted.

On motion by Senator Hollahan, the President appointed Senators Brantley, Arnold, Scarborough and Beaufort as a committee to escort Robert Feagan, president, Florida Publishing Company, and John Walters, executive editor of the Florida Times Union and Jacksonville Journal to the rostrum.

The President introduced Florida Times Union staff members Hank Drane, political editor; Foster Marshall, chief photographer; and Sev Sunseri, Capitol bureau photographer. Allen Morris, Clerk of the House, historian, author, and former newspaperman, was invited by the President to the rostrum.

Mr. Feagan, on behalf of the Florida Times Union, presented the following Allen Morris legislative awards to outstanding members of the Senate for the 1971 session:

Most Effective in Committee: Tie—Senator Frederick Karl and Senator Louis de la Parte

Most Effective in Debate: Senator Dempsey Barron

Most Valuable—Second Runnerup: Senator Frederick Karl

Most Valuable—First Runnerup: Senator Mallory Horne

Most Valuable—Senator Jerry Thomas

SECOND READING

SB 114—A bill to be entitled AN ACT relating to motor vehicle license plates for the paraplegic; amending Chapter 320, Florida Statutes, by adding section 320.0842; providing for the paraplegic to be issued a motor vehicle license plate stamped with the wheelchair user symbol; providing an effective date.

—was read the second time by title. On motion by Senator Bell, by two-thirds vote SB 114 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

By unanimous consent Senators de la Parte, Weissenborn, Daniel, Williams, Reuter, Pope and Gong were recorded as voting yea.

SB 113—A bill to be entitled An act relating to motor vehicle license plates for the wheelchair using veteran; amending Chapter 320, Florida Statutes, by adding section 320.0841; providing for veterans who are paraplegic to be issued upon request a free license plate similar to that issued other veterans, but having the "DV" designation replaced by the internationally accepted wheelchair symbol; provides for the department to issue a designation plate to be displayed on the front of the vehicle; providing an effective date.

—was read the second time by title. On motion by Senator Bell, by two-thirds vote SB 113 was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

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

Nays—None

By unanimous consent Senators Daniel, Pope and Reuter were recorded as voting yea.

SB 108—A bill to be entitled An act relating to shipment of motor vehicles; amending §§1 and 2 of chapter 70-289, Laws of Florida, appearing as §814.07, Florida Statutes, 1970 Supplement; prohibiting any person, vessel or aircraft from accepting at ports or airports in this state any motor vehicle for shipment to a point outside the United States without requiring the presentation of a certificate of possession; providing for application for such certificate; prescribing the requirements for and providing for the issuance of certificates of possession by the department of highway safety and motor vehicles; prohibiting certain acts relative to the falsification of such certificates; prescribing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 108 was read the third time by title, passed and certified to the House. The vote was:

Yeas—42

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

Nays—None

By unanimous consent Senators Daniel, Pope and Reuter were recorded as voting yea.

SB 83—A bill to be entitled An act relating to restricted drivers' licenses; amending §322.12(1), Florida Statutes, exempting holders of restricted licenses from paying an additional fee for taking their first driving test when having the restrictions lifted; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote SB 83 was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

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

Nays—None

By unanimous consent Senators Pope and Reuter were recorded as voting yea.

SB 82—A bill to be entitled An act relating to drivers' licenses; amending §322.12(2), Florida Statutes, by adding a requirement to demonstrate the ability to operate a vehicle of the type or general class of vehicles to be licensed to drive; providing for examination to be given in county of residence or place adjacent thereto or reasonably convenient to applicant; further providing examination shall be given within thirty (30) days from date application is received; adding subsection (3) to §322.12, Florida Statutes, prescribing classifications; providing an effective date.

—was read the second time by title.

Senator Plante raised a point of order that SB 82 affects appropriations and should be referred to the Committee on Ways and Means pursuant to Rule 4.6. The President ruled the point well taken.

Senator Poston moved that SB 82 be retained on second reading when reported by the Committee on Ways and Means. The motion was adopted.

SB 81—A bill to be entitled An act relating to drivers' licenses; amending §322.18(2) and (4), Florida Statutes, to provide for an elective four (4) year driver's license upon examination; amending §322.21(1), Florida Statutes, to change the fees for drivers' licenses; providing an effective date.

—was read the second time by title.

Senator Poston raised a point of order that SB 81 affects appropriations and should be referred to the Committee on Ways and Means pursuant to Rule 4.6. The President ruled the point well taken.

Senator Poston moved that SB 81 be retained on second reading when reported by the Committee on Ways and Means. The motion was adopted.

Senator Gunter raised a point of order that Senate Bills 85 and 45 affect appropriations and should be referred to the Committee on Ways and Means pursuant to Rule 4.6. The President ruled the point well taken.

SB 86—A bill to be entitled An act relating to the disposal of evidence; providing for the destruction or sale of certain items of physical evidence held in excess of ten (10) years in the custody of clerks of the circuit court or of any civil or criminal court of record; providing an effective date.

—was read the second time by title. On motion by Senator Karl, by two-thirds vote SB 86 was read the third time by title, passed and certified to the House. The vote was:

Yeas—44

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

Nays—None

Unanimous consent was granted Senator Deeb to be recorded as voting yea.

Senator McClain raised a point of order that SB 80 affects appropriations and should be referred to the Committee on

Ways and Means pursuant to Rule 4.6. The President ruled the point well taken.

SB 69—A bill to be entitled An act relating to motor vehicles, repealing section 320.59 of Chapter 320, Florida Statutes, relating to the liability of an owner or operator of a motor vehicle to a guest or passenger transported without payment therefor; providing an effective date.

—was read the second time by title.

Senator Wilson moved that the rules be waived and SB 69 be read the third time by title. The motion failed to receive the necessary two-thirds vote and the vote was:

Yeas—27

Mr. President	Ducker	Knopke	Pope
Arnold	Graham	Lewis (33rd)	Reuter
Barron	Gunter	Lewis (43rd)	Saunders
Bell	Henderson	McClain	Ware
Daniel	Johnson (29th)	Myers	Weissenborn
Deeb	Johnson (34th)	Ott	Wilson
de la Parte	Karl	Plante	

Nays—15

Barrow	Fincher	Lane	Stolzenburg
Brantley	Gong	Poston	Trask
Broxson	Haverfield	Sayler	Williams
Childers	Hollahan	Scarborough	

By unanimous consent Senator Boyd was recorded as voting yea.

On motion by Senator Wilson, by two-thirds vote SB 69 was read the third time by title and passed. The vote was:

Yeas—28

Mr. President	Deeb	Johnson (29th)	Plante
Barrow	de la Parte	Johnson (34th)	Stolzenburg
Beaufort	Ducker	Knopke	Trask
Bell	Graham	Lewis (33rd)	Ware
Bishop	Gunter	Lewis (43rd)	Weber
Boyd	Hollahan	McClain	Weissenborn
Daniel	Horne	Myers	Wilson

Nays—12

Arnold	Childers	Haverfield	Reuter
Brantley	Fincher	Lane	Scarborough
Broxson	Gong	Poston	Williams

By unanimous consent, Senators Saunders and Karl were recorded as voting yea; Senator Pope, nay.

Senator Horne moved that the Senate reconsider the vote by which SB 69 passed this day.

On substitute motion by Senator Wilson, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 69—A bill to be entitled An act relating to motor vehicles, repealing section 320.59 of Chapter 320, Florida Statutes, relating to the liability of an owner or operator of a motor vehicle to a guest or passenger transported without payment therefor; providing an effective date.

—passed this day. The question recurred on the passage of SB 69 which passed and was certified to the House. The vote was:

2. The Order of Suspension dated February 26, 1971, relating to O. D. Huff, Jr., is hereby superseded.



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 20th day of September A. D. 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

REGISTERED—RETURN RECEIPT REQUESTED

Mr. Murray Meyerson October 4, 1971
900 West Avenue
Miami Beach, Florida 33139

Dear Mr. Meyerson:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated October 4, 1971.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) Dorothy W. Glisson
Director
Division of Elections

EXECUTIVE ORDER NUMBER 71-47

[Order of Suspension]

WHEREAS, Murray S. Meyerson is presently serving as Constable, District 5, Dade County, Florida, and

WHEREAS, Murray S. Meyerson is, and at all times material hereto, was a "county officer" within the meaning of Section 7, Article IV, Florida Constitution of 1968, and

WHEREAS, an investigation was made concerning complaints received from citizens of Dade County, Florida, relating to the conduct of Murray S. Meyerson, and

WHEREAS, on the 28th day of September, 1971, the Dade County Grand Jury indicted Murray S. Meyerson on certain criminal charges, to-wit: Grand Larceny, Conspiracy to Commit Grand Larceny, and Compounding a Felony, and

WHEREAS, on the 16th day of September, 1971, Murray S. Meyerson made a request by telephone call to the Office of the Governor that he (Murray S. Meyerson) be forthwith suspended from his public office, and

WHEREAS, based upon the investigation conducted by the Office of the Governor and in view of the request made by Murray S. Meyerson, I find that it is in the best interest of the citizens of the State of Florida that Murray S. Meyerson be immediately suspended from the Office which he now holds;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, pursuant to the Constitution and laws of the State of Florida do hereby find, determine and, for the purpose of Section 112.41, Florida Statutes, allege and specify:

A. That Murray S. Meyerson is, and at all times material hereto, was a "county Officer" within the meaning of Section 7, Article IV, Florida Constitution of 1968, to-wit: Constable, District 5, Dade County, Florida.

B. That on the 28th day of September A.D. 1971, the Grand Jurors of Dade County, Florida, impaneled and sworn in and for Dade County, Florida, in the name and by the authority of the State of Florida, returned a True Bill against, and did thus indict, the said Murray Meyerson (a/k/a Murray S. Meyerson)

for the crimes against the State of Florida as set forth and alleged in the Indictment, a true copy of which is attached hereto and the findings and allegations contained therein are made a part hereof.

C. That beginning on the 14th day of January, 1971, and continuing until the 17th day of September, 1971, in Dade County, Florida, Murray Meyerson and Sumner Spellman did agree, conspire and combine or confederate to commit grand larceny, and the said Murray Meyerson and Sumner Spellman did unlawfully and feloniously take, steal and carry away from the lawful possession of William Poelns certain property, to-wit: One Thousand Dollars (\$1,000.00), good and lawful money of the United States of America, in violation of Section 833.04, Florida Statutes.

D. That beginning on the 14th day of January, 1971, and continuing until the 17th day of September, 1971, in Dade County, Florida, Murray Meyerson and Sumner Spellman did unlawfully and feloniously take, steal and carry away from the lawful possession of William Poelns certain personal property, to-wit: One Thousand Dollars (\$1,000.00) good and lawful money of the United States of America, with intent to appropriate the said property to their own use in violation of Section 811.021, Florida Statutes.

E. That beginning on the 14th day of January, 1971, and continuing until the 17th day of September, 1971, in Dade County, Florida, Murray Meyerson and Sumner Spellman having knowledge of the commission of the felony of buying, receiving or concealing stolen property by Richard D. Poelns, the said stolen property being a credit card belonging to one Renee Newman, did, in the County and State aforesaid, take money in the amount of One Thousand Dollars (\$1,000.00) upon an agreement or understanding, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, in violation of Section 843.14, Florida Statutes.

F. That the allegations set forth in the above paragraphs result from actions or conduct of the said Murray S. Meyerson arising directly or indirectly out of or pertaining to his official conduct or duties as Constable, District 5, Dade County, Florida.

G. That the aforesaid allegations constitute malfeasance, misfeasance, neglect of duty or commission of a felony as used in Section 7(a) of Article IV, Florida Constitution.

H. That the interests of the citizens of Dade County, Florida and the State of Florida can best be served by the immediate suspension of Murray S. Meyerson as Constable, District 5, Dade County, Florida.

BEING FULLY ADVISED in the premises and in accordance with the Constitution and laws of the State of Florida, the following Executive Order is hereby promulgated, effective at 5 o'clock p.m. on October 4, 1971:

1. That Murray S. Meyerson be, and he is hereby suspended, as and from the public office which he now holds, to-wit: Constable, District 5, Dade County, Florida.

2. That Murray S. Meyerson be, and he is hereby prohibited from performing any official act, duty or function of any public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date of this order until further Executive Order or as provided by law.



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 4th day of October A. D. 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

DISTRIBUTION:

Justice of the Peace, District 5, Dade County
Auditor General of Florida
Department of Law Enforcement
State Attorney of the Eleventh Judicial Circuit
Foreman, Dade County Grand Jury

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR DADE COUNTY
SPRING TERM, 1971

THE STATE OF FLORIDA

INDICTMENT

VS.

MURRAY MEYERSON and
SUMNER SPELLMAN,

CONSPIRING TO COMMIT
GRAND LARCENY, GRAND
LARCENY and COMPOUND-
ING A FELONY

DEFENDANTS.

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

The Grand Jurors of the County of Dade, State of Florida, charge that beginning on the 14th day of January, 1971, and continuing until the 17th day of September, 1971, in the County and State aforesaid, Murray Meyerson and Sumner Spellman did agree, conspire, combine or confederate to commit Grand Larceny; and, in furtherance of said conspiracy, the said Murray Meyerson and Sumner Spellman, at the time and place aforesaid, did unlawfully and feloniously take, steal and carry away from the lawful possession of William Poelns certain property, to-wit: One Thousand Dollars (\$1,000.00), good and lawful money of the United States of America, in violation of Section 833.04 Florida Statutes.

COUNT TWO

The Grand Jurors of the County of Dade, State of Florida, charge that between the 14th day of January, 1971, and the 17th day of September, 1971, in the County and State aforesaid, Murray Meyerson and Sumner Spellman, did unlawfully and feloniously take, steal and carry away from the lawful possession of William Poelns certain personal property, to-wit: One Thousand Dollars (\$1,000.00) good and lawful money of the United States of America, with intent to appropriate the said property to their own use in violation of Florida Statutes 811.021 (1) (a).

COUNT THREE

The Grand Jurors of the County of Dade, State of Florida, charge that between the 14th day of January, 1971, and the 17th day of September, 1971, in the County and State aforesaid, Murray Meyerson and Sumner Spellman, having knowledge of the commission of the felony of buying, receiving or concealing stolen property by Richard D. Poelns, the said stolen property being a credit card belonging to one Renee Newman, did, in the County and State aforesaid, take money in the amount of One Thousand Dollars (\$1,000.00) upon an agreement or understanding, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, in violation of Section 843.14 Florida Statutes.

David H. Pearson
FOREMAN OF THE GRAND JURY

REGISTERED—RETURN RECEIPT REQUESTED

Honorable James A. Peacock, Jr. November 1, 1971
Clerk of the Circuit Court
Calhoun County Courthouse
Blountstown, Florida

Dear Mr. Peacock:

Pursuant to the provisions of Chapter 69-277, Laws of Florida, we are sending you by registered mail, Order of Suspension dated November 1, 1971.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By (Mrs.) Dorothy W. Glisson
Director
Division of Elections

EXECUTIVE ORDER NUMBER 71-52

[Order of Suspension]

WHEREAS, James A. Peacock, Jr., is presently serving as Clerk of the Circuit Court, Calhoun County, Florida, and

WHEREAS, an investigation was made concerning complaints received from citizens of Calhoun County, Florida, relating to the conduct of James A. Peacock, Jr., and

WHEREAS, in view of the findings of such investigation, it appears that it is in the best interest of the citizens of the State of Florida that the following executive action be taken;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, as Governor of the State of Florida, pursuant to the Constitution and laws of this State do hereby find, determine and, for the purpose of §112.41, Florida Statutes, specify:

A. That James A. Peacock, Jr., is, and at all times material hereto, was a "county officer" within the meaning of Section 7, Article IV, Florida Constitution of 1968, to-wit: Clerk of the Circuit Court, Calhoun County, Florida.

B. That on the 12th day of October A. D. 1971, the Grand Jurors of Calhoun County, Florida, impaneled and sworn in and for Calhoun County, Florida, in the name and by the authority of the State of Florida, returned four True Bills against, and did thus indict the said James A. Peacock, Jr., for the crimes against the State of Florida as set forth and alleged in the Indictments, true copies of which are attached hereto and the findings and allegations contained therein are made a part hereof.

C. That on December 31, 1966, December 31, 1967, December 31, 1968, December 31, 1969, in Calhoun County, Florida, James A. Peacock, Jr., while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, did convert to his own use, money or property belonging to said county, contrary to Florida Statute §812.10.

D. That on December 31, 1966, December 31, 1967, December 31, 1968, December 31, 1969, in Calhoun County, Florida, James A. Peacock, Jr., while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, did withhold, with intent to convert to his own use, money or property belonging to said county, contrary to Florida Statute §812.10.

E. That during the years 1968, 1969 and 1970, the said James A. Peacock, Jr., as Clerk of the Circuit Court, has failed or refused to remit, as required by law, to the State of Florida the excess fees of his office as shown on the official audits of said public office.

F. That during the years from 1966 to the present, the said James A. Peacock, Jr., has failed or refused to maintain proper accounting procedures within his office, has failed to keep an accurate cash book as required by law, notwithstanding the warnings of the General Auditor of Florida.

G. That as set forth and specified above, the conduct of the said James A. Peacock, Jr., constitutes grounds for suspension, viz., malfeasance, misfeasance, neglect of duty or commission of a felony as said grounds are used in Section 7(a), of Article IV, Florida Constitution.

H. That the interests of the citizens of Calhoun County, Florida and the State of Florida can best be served by the immediate suspension of James A. Peacock, Jr., from the public office which he now holds, on the ground(s) set forth in Paragraph G above.

BEING FULLY ADVISED in these premises and in accordance with the Constitution and laws of the State of Florida, this Executive Order is hereby promulgated, effective at 5:00 o'clock p.m. on the date hereof:

1. That James A. Peacock, Jr., is suspended, as and from the county office which he now holds, to-wit: Clerk of the Circuit Court of Calhoun County, Florida.

2. That James A. Peacock, Jr., is prohibited from performing any official act, duty or function of any public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date of this Order until further Executive Order or as provided by law.



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 1st day of November, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:

RICHARD (DICK) STONE
Secretary of State

DISTRIBUTION:

- Clerk of the Circuit Court, Calhoun County
Auditor General of Florida
Department of Law Enforcement
State Attorney of the Fourteenth Judicial Circuit
Foreman, Calhoun County Grand Jury

In the Circuit Court, For the Fourteenth Judicial Circuit of Florida, Calhoun County, Fall Term, in the year of Our Lord one thousand nine hundred and seventy-one.

The State of Florida vs. JAMES A. PEACOCK, JR. Indictment For EMBEZZLEMENT

In the Name and by the Authority of the State of Florida:

The grand Jurors of the State of Florida, impeaneled and sworn to inquire and true presentment make in and for the body of the County of CALHOUN upon their oath do present that JAMES A. PEACOCK, JR. of the County of CALHOUN and State of Florida, on the 31st day of December in the year of Our Lord, one thousand nine hundred and sixty-six in the County and State aforesaid did while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

COUNT TWO

And the Grand Jurors aforesaid, on their oath aforesaid, do further presentment make that JAMES A. PEACOCK, JR., on the 31st day of December, 1966, in the State and County aforesaid, did while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, withhold, with intent to convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

A TRUE BILL.

/s/ A. Gerald Cayson
Foreman of the Grand Jury

I, the undersigned State Attorney, do certify that I have advised the Grand Jury returning this Indictment as authorized and required by law.

/s/ J. Frank Adams
State Attorney, 14th Judicial Circuit,
In and for Calhoun County, Florida

Presented in open Court by the Grand Jury and filed this day of October, 1971.

Clerk Circuit Court

In the Circuit Court, For the Fourteenth Judicial Circuit of Florida, Calhoun County, Fall Term, in the year of Our Lord one thousand nine hundred and seventy-one.

The State of Florida vs. JAMES A. PEACOCK, JR. Indictment For EMBEZZLEMENT

In the Name and by the Authority of the State of Florida:

The grand Jurors of the State of Florida, impeaneled and sworn to inquire and true presentment make in and for the body of the County of CALHOUN upon their oath do present that JAMES A. PEACOCK, JR. of the County of CALHOUN and State of Florida, on the 31st day of December in the year of Our Lord, one thousand nine hundred and sixty-seven in the County and State aforesaid did while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

COUNT TWO

And the Grand Jurors aforesaid, on their oath aforesaid, do further presentment make that JAMES A. PEACOCK, JR., on the 31st day of December, 1967, in the State and County aforesaid, while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, withhold, with intent to convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

A TRUE BILL.

/s/ A. Gerald Cayson
Foreman of the Grand Jury

I, the undersigned State Attorney, do certify that I have advised the Grand Jury returning this Indictment, as authorized and required by law.

/s/ J. Frank Adams
State Attorney, 14th Judicial Circuit
In and for Calhoun County, Florida

Presented in open Court by the Grand Jury and filed this day of October, 1971.

Clerk Circuit Court

In the Circuit Court, For the Fourteenth Judicial Circuit of Florida, Calhoun County, Fall Term, in the year of Our Lord one thousand nine hundred and seventy-one.

The State of Florida vs. JAMES A. PEACOCK, JR. Indictment For EMBEZZLEMENT

In the Name and by the Authority of the State of Florida:

The grand Jurors of the State of Florida, impeaneled and sworn to inquire and true presentment make in and for the body of the County of CALHOUN upon their oath do present that JAMES A. PEACOCK, JR., of the County of CALHOUN and State of Florida, on the 31st day of December in the year of Our Lord, one thousand nine hundred and sixty-eight in the County and State aforesaid did while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

COUNT TWO

And the Grand Jurors aforesaid, on their oath aforesaid, do further presentment make that JAMES A. PEACOCK, JR., on the 31st day of December, 1968, in the State and County aforesaid, while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, withhold with intent to convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

A TRUE BILL.

/s/ A. Gerald Cayson
Foreman of the Grand Jury

I, the undersigned State Attorney, do certify that I have advised the Grand Jury returning this Indictment, as authorized and required by law.

/s/ J. Frank Adams
State Attorney, 14th Judicial Circuit
In and for Calhoun County, Florida

Presented in open Court by the Grand Jury and filed this _____ day of October, 1971.

Clerk Circuit Court

In the Circuit Court, For the Fourteenth Judicial Circuit of Florida, Calhoun County, Fall Term, in the year of Our Lord one thousand nine hundred and seventy-one

The State of Florida
vs.
JAMES A. PEACOCK, JR.

Indictment For
EMBEZZLEMENT

In the Name and by the Authority of the State of Florida:

The grand Jurors of the State of Florida, impaneled and sworn to inquire and true presentment make in and for the body of the County of CALHOUN upon their oath do present that JAMES A. PEACOCK, JR. of the County of CALHOUN and State of Florida, on the 31st day of December in the year of Our Lord, one thousand nine hundred and sixty-nine in the County and State aforesaid did, while he was Clerk of the Circuit Court of Calhoun County, Florida, whose duty required him to receive public money or property, convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

COUNT TWO

And the Grand Jurors aforesaid, on their oath aforesaid, do further presentment make that JAMES A. PEACOCK, JR., on the 31st day of December, 1969, in the State and County aforesaid, while he was Clerk of the Circuit Court of Calhoun County,

Florida, whose duty required him to receive public money or property, withhold with intent to convert to his own use, money or property belonging to said county, contrary to Florida Statutes 812.10.

A TRUE BILL.

/s/ A. Gerald Cayson
Foreman of the Grand Jury

I, the undersigned State Attorney, do certify that I have advised the Grand Jury returning this Indictment, as authorized and required by law.

/s/ J. Frank Adams
State Attorney, 14th Judicial Circuit
In and for Calhoun County, Florida

Presented in open Court by the Grand Jury and filed this --- day of October, 1971.

Clerk Circuit Court

—which were referred to the Select Committee on Executive Suspensions.

CO-INTRODUCERS

By permission, Senator Reuter was recorded as a co-introducer of Senate Joint Resolutions 441 and 442; Senator Fincher as a co-introducer of SB 165.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m. for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., February 3, 1972.