

**SPECIAL SESSION**

**JOURNAL OF THE FLORIDA SENATE**

At a Special Session of the Florida Legislature convened under Article III, Section 3(c) of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

**Tuesday, April 11, 1972**

In pursuance of the Proclamation of Honorable Reubin O'D. Askew, Governor of the State of Florida, the Senate met in special session at 10:00 a.m. and was called to order by Senator Jerry Thomas, President of the Senate; the Secretary of the Senate, Elmer O. Friday, the Sergeant at Arms of the Senate, John Melton, being at their posts.

By direction of the President, the Secretary read the Proclamation of the Governor convening the Legislature in special session:

**PROCLAMATION**

State of Florida  
Office of the Governor  
Tallahassee

**TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES:**

WHEREAS, the Second Legislature of the State of Florida under the Constitution, 1968 Revision, convened in Regular Session for the year 1972 on February 1, 1972, and adjourned on April 7, 1972, and

WHEREAS, by Proclamation dated April 8, 1972, the Legislature was convened in Special Session on April 8, 1972, for the purpose of considering legislation relating to the implementation of the revision of Article V of the Florida Constitution, and

WHEREAS, during the Regular Session, the extension thereof, and the aforesaid Special Session, the Legislature has failed to enact legislation relating to the determination of the number and compensation of county judges, and

WHEREAS, Section 2 of the revised Article V provides that judges may be assigned to temporary duty in any court for which the judge is qualified, and

WHEREAS, this section would permit the temporary assignment of circuit judges to perform the duties of county judges and the temporary assignment of qualified county judges to perform the duties of circuit judges, and

WHEREAS, because of the flexibility permitted by such temporary assignment of trial court judges, the determination of the number and compensation of county judges is interrelated with the determination of the number and compensation of circuit judges, and

WHEREAS, in view of the interrelationship of these offices, it is necessary and desirable that the call of the Special Session be sufficiently broad to permit the Legislature to consider legislation relating to the determination and number of both judicial offices;

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

1. That the Legislature of the State of Florida be, and it is hereby convened in Special Session pursuant to Section 3(c), Article III, Florida Constitution, at the Capitol, Tallahassee, Florida at 10:00 o'clock a.m. on Tuesday, the 11th day of April, 1972, for a period of one (1) day.

2. That the Legislature is convened for the sole purpose of considering legislation concerning that part of the implementa-

tion of the revision of Article V of the Florida Constitution which relates to the determination of the number and compensation of both circuit and county judges.



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 8th day of April, 1972.

REUBIN O'D. ASKEW  
Governor

Attest:

RICHARD (DICK) STONE  
Secretary of State

The following Senators were recorded present:

Mr. President	Deeb	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
Peterson	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

47. A quorum present.

Excused: Senator Childers; Senator Fincher at 2:30 p.m.

Prayer by Senator Broxson:

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 debts as we forgive our debtors, and lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

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

The President announced that he had appointed Senator Lewis (43rd), to replace Senator Boyd who resigned, as a member of the ad hoc committee named April 8 to recommend judicial legislation to the legislature.

**INTRODUCTION**

By Senator Barron—

SB 1-F—A bill to be entitled An Act relating to the judiciary; providing for the number, election and salary of county court judges; providing for a uniform case reporting system; providing for assignment of judges to geographical area; providing a severability clause; providing an effective date.

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

On motion by Senator Barron, SB 1-F was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and placed on the calendar.

On motion by Senator Barron, by two-thirds vote SB 1-F was read the second time by title.

On motion by Senator Barron the following amendment was adopted:

**Amendment 1**—On page 5, line 13 strike the period (.) and insert: in an amount to be determined by the county.

Senators Johnson (29th), Gunter and Trask offered the following amendment which was moved by Senator Johnson (29th) and failed:

**Amendment 2**—In section 1, line 27, page 2, strike: "1" and insert: 2

Senators Plante and Gunter offered the following amendment which was moved by Senator Plante and failed:

**Amendment 3**—On page 3, line 16 strike "1" and insert: 2

The vote was:

Yeas—20

Barrow	Ducker	Karl	Stolzenburg
Bell	Gunter	Myers	Trask
Broxson	Henderson	Plante	Ware
Daniel	Johnson (29th)	Pope	Weissenborn
Deeb	Johnson (34th)	Poston	Wilson

Nays—20

Mr. President	Brantley	Knopke	Ott
Barron	de la Parte	Lane	Reuter
Beaufort	Fincher	Lewis (33rd)	Saunders
Bishop	Haverfield	Lewis (43rd)	Scarborough
Boyd	Horne	McClain	Williams

Senators Myers, Graham, Hollahan, Poston and Weissenborn offered the following amendment which was moved by Senator Myers and failed:

**Amendment 4**—On page 3, line 1 strike "23" and insert: 26

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

By the Committee on Ways and Means and Senators de la Parte, Thomas, Arnold, Barron, Barrow, Beaufort, Bishop, Boyd, Brantley, Broxson, Deeb, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Hollahan, Horne, Johnson (34th), Karl, Knopke, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saylor, Scarborough, Stolzenburg, Ware, Weber, Weissenborn, and Wilson—

**SB 2-F**—A bill to be entitled An Act relating to taxation and revenue sharing with local governments; amending chapter 218, Florida Statutes, by adding a new part II to establish a "revenue sharing trust fund for counties" and a "revenue sharing trust fund for municipalities;" providing for definitions, administration, eligibility requirements and distribution formulas; amending chapter 23, Florida Statutes, by adding a new section 23.019, Florida Statutes, to provide for population determination; providing for limitation on use of shared funds; repealing sections 163.550-163.561, part V of chapter 163, Florida Statutes; amending part IV of chapter 23, Florida Statutes, by creating a new section to provide for a salary incentive program for local law enforcement officers; providing that the police standards council shall establish rules and regulations; providing restrictions on local units to prevent circumventing any local unit's present or currently planned normal pay increases; providing for reports by local units; repealing charter and special law prohibitions and limitations on municipal levy of ad valorem taxes and utility service taxes; amending section 210.02, 210.05, 210.19, 210.20, 210.03, 210.04, 210.09, Florida Statutes, to restate the cigarette tax rates and to repeal authority for municipal levy of cigarette

tax and state credit therefor and to provide distribution for certain cigarette tax monies into trust funds; repealing sections 210.025 and 210.026, Florida Statutes, amending subsections 323.16(3) and (4), Florida Statutes, to provide for distribution of certain road tax monies into trust funds; amending section 206.605, Florida Statutes; amending subsection 199.-292(4), Florida Statutes, to provide for new distribution; providing appropriations; providing for repeal of sections 218.20 through 218.26, Part II of chapter 218, Florida Statutes, as created by this act; providing an effective date.

—which was read the first time by title. On motion by Senator de la Parte, the rules were waived and the bill was placed on the calendar.

On motion by Senator de la Parte, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up SB 2-F.

On motions by Senator de la Parte, by two-thirds vote SB 2-F 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	Deeb	Horne	Pope
Arnold	de la Parte	Johnson (34th)	Poston
Barron	Ducker	Knopke	Reuter
Barrow	Fincher	Lane	Saylor
Beaufort	Gong	Lewis (33rd)	Scarborough
Bell	Graham	Lewis (43rd)	Stolzenburg
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Wilson

Nays—6

Peterson	Johnson (29th)	Trask	Williams
Daniel	Saunders		

The Senate resumed consideration of—

**SB 1-F**—A bill to be entitled An Act relating to the judiciary; providing for the number, election and salary of county court judges; providing for a uniform case reporting system; providing for assignment of judges to geographical area; providing a severability clause; providing an effective date.

Senators Karl, Daniel, Williams and Pope offered the following amendment which was adopted on motion by Senator Karl:

**Amendment 5**—On page 6, line 6 strike the period and add; except that residence requirements included in section 4 of H. B. 4469 passed in the 1972 regular session of the legislature may not be repealed by rule of court.

On motion by Senator Hollahan, the rules were waived and time of adjournment was extended until final action on SB 1-F.

Senators Barrow and Broxson offered the following amendment which was adopted on motion by Senator Barrow:

**Amendment 6**—On page 1, line 19 strike "1" and insert: 2

The vote was:

Yeas—24

Barrow	Gong	Johnson (29th)	Saylor
Bishop	Graham	Johnson (34th)	Stolzenburg
Brantley	Gunter	Karl	Trask
Broxson	Henderson	Plante	Ware
Deeb	Hollahan	Poston	Weissenborn
Ducker	Horne	Reuter	Wilson

Nays—20

Mr. President	Boyd	Lane	Ott
Arnold	de la Parte	Lewis (33rd)	Saunders
Barron	Fincher	Lewis (43rd)	Scarborough
Beaufort	Haverfield	McClain	Weber
Bell	Knopke	Myers	Williams

Senator Weissenborn moved that the Senate reconsider the vote by which Amendment 4 failed and the motion failed by the following vote:

Yeas—18

Barrow	Gong	Myers	Ware
Bishop	Graham	Plante	Weissenborn
Deeb	Gunter	Poston	Wilson
Ducker	Hollahan	Reuter	
Fincher	Johnson (29th)	Saylor	

Nays—24

Mr. President	Peterson	Johnson (34th)	McClain
Arnold	Brantley	Karl	Ott
Barron	Daniel	Knopke	Saunders
Beaufort	de la Parte	Lane	Scarborough
Bell	Henderson	Lewis (33rd)	Weber
Boyd	Horne	Lewis (43rd)	Williams

Senator McClain moved that the Senate reconsider the vote by which Amendment 3 failed.

Senator Barron moved as a substitute motion that the Senate revert to the order of receiving Messages from the House of Representatives and the motion failed to receive the necessary two-thirds vote. The vote was:

Yeas—29

Mr. President	de la Parte	Lane	Saylor
Arnold	Fincher	Lewis (33rd)	Scarborough
Barron	Gong	Lewis (43rd)	Trask
Beaufort	Gunter	McClain	Weber
Bell	Haverfield	Myers	Williams
Boyd	Horne	Ott	
Peterson	Karl	Plante	
Daniel	Knopke	Saunders	

Nays—17

Barrow	Ducker	Johnson (34th)	Weissenborn
Bishop	Graham	Pope	Wilson
Brantley	Henderson	Poston	
Broxson	Hollahan	Reuter	
Deeb	Johnson (29th)	Ware	

The motion by Senator McClain failed by the following vote:

Yeas—19

Barrow	Gong	Karl	Trask
Bishop	Graham	Plante	Ware
Broxson	Gunter	Pope	Weissenborn
Deeb	Hollahan	Poston	Williams
Ducker	Johnson (29th)	Reuter	

Nays—24

Mr. President	Peterson	Henderson	McClain
Arnold	Brantley	Johnson (34th)	Myers
Barron	Daniel	Knopke	Ott
Beaufort	de la Parte	Lane	Saunders
Bell	Fincher	Lewis (33rd)	Scarborough
Boyd	Haverfield	Lewis (43rd)	Weber

Senators Deeb, Saylor, Ware and Wilson offered the following amendment which was adopted on motion by Senator Ware:

Amendment 7—On page 4, between lines 8 and 9 insert: Pinellas—3

Senators Poston, Weissenborn and Hollahan offered the following amendment which was moved by Senator Poston:

Amendment 8—On page 3, lines 27 and 28, strike the words "the most populous municipality" and insert: any municipality with a population in excess of 40,000 according to the official census

Senator Barron moved as a substitute motion that the rules be waived and the Senate revert to the order of receiving messages from the House of Representatives and the motion was adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas* April 11, 1972  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed SB 2-F.

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

The bill contained in the above message was ordered enrolled.

*The Honorable Jerry Thomas* April 11, 1972  
*President of the Senate*

Sir:

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

By Representative D'Alemberte and others—

HB 1-F—A bill to be entitled An Act relating to the judiciary; providing for the number, election and salary of county court judges; providing for a uniform case reporting system; providing for assignment of judges to geographical area; providing a severability clause; providing an effective date.

—and requests the concurrence of the Senate therein.

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

By the required Constitutional two-thirds vote of the Senate the bill contained in the foregoing message was admitted for introduction and consideration. The vote was:

Yeas—45

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

Nays—1

Bishop

HB 1-F was read the first time by title and referred to the Committee on Judiciary—Civil A.

On motion by Senator Barron, HB 1-F was withdrawn from the Committee on Judiciary—Civil A by two-thirds vote and placed on the calendar.

On motion by Senator Barron, Rule 4.14 requiring 15 minutes' notice was waived and unanimous consent was obtained to take up HB 1-F out of order. On motion by Senator Barron, by two-thirds vote, HB 1-F was read the second time by title.

Senators Karl, Daniel and Pope offered the following amendment which was adopted on motion by Senator Karl:

**Amendment 1**—On page 6, line 3 strike out last sentence which begins with the word "until" on line 3 and ends with the word "control." on page 6

Senator Karl raised a point of order as to whether it takes a majority or two-thirds vote to reduce the number of judges from that certified by the court and requested a ruling from the chair.

The President responded that Article V, Section 9 of the Constitution provides: ". . . Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists."

The President ruled the measure will require but a majority vote, noted that a significant cast of the constitutional language concerning "reduction" directly implied the two-thirds vote on reduction applied to measures reducing the number of existing judges—but did not apply, in any case, to this initial certification of prospective offices and need.

On motion by Senator Karl, the rules were waived and the following report of the Select Committee on Executive Suspensions was read:

Honorable Jerry Thomas  
President  
The Florida Senate

April 11, 1972

Dear President Thomas:

On March 26, 1971, Lester C. Walker was suspended as a Member of the Taylor County Hospital Board. Mr. Walker was charged with violation of Title 18, U. S. Code, Section 2313, in that he received, concealed and disposed stolen motor vehicles which were a part of interstate commerce.

On February 7, 1972, Lester C. Walker submitted his resignation and asked that it be effective immediately. The resignation was duly accepted by Governor Reubin O'D. Askew.

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

Respectfully submitted,

Frederick B. Karl, Chairman . Kenneth Plante

C. W. Beaufort C. S. Reuter

Gerald A. Lewis Harold S. Wilson

T. Truett Ott  
Select Committee on  
Executive Suspensions

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

Senator Hollahan moved that the Senate do now adjourn to reconvene at 2:00 p.m. The motion was adopted and the Senate recessed at 12:55 p.m. to reconvene at 2:00 p.m.

#### AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—47:

Mr. President	Deeb	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
Peterson	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

The Senate resumed—

**HB 1-F**—A bill to be entitled An Act relating to the judiciary; providing for the number, election and salary of county court judges; providing for a uniform case reporting system; providing for assignment of judges to geographical area; providing a severability clause; providing an effective date.

On motion by Senator Barron, by two-thirds vote HB 1-F as amended was read the third time by title.

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

**Amendment 2**—On page 4, line 15 strike "June 1" and insert: June 15

Senators Johnson (29th), Gunter and Trask offered the following amendment which was moved by Senator Gunter and failed:

**Amendment 3**—On page 2, line 27 strike "1" and insert: 2

Senators Hollahan, Weissenborn, Poston, Gong, Graham, Myers and Fincher offered the following amendment which was adopted by two-thirds vote on motion by Senator Hollahan:

**Amendment 4**—On page 6, between lines 6 and 7 insert a new Section 7 to read: Section 7. The county court shall have jurisdiction concurrent with the circuit court to consider landlord and tenant cases involving claims in amounts which are within its jurisdictional limitations. (Renumber subsequent sections.)

Senators Barrow and Broxson offered the following amendment which was moved by Senator Barrow:

**Amendment 5**—On page 1, line 19 strike "1" and insert: 2

Senator Broxson moved that the Senate reconsider the vote by which HB 1-F was placed on third reading and the motion failed.

Amendment 5 failed.

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

**Amendment 6**—In title, line 8 following "area;" add: providing for concurrent jurisdiction;

Senators Ware, Deeb, Sayler and Wilson offered the following amendment which was adopted on motion by Senator Ware:

**Amendment 7**—On page 4, between lines 8 and 9 insert: Pinellas—3

Senators Wilson, Ware, Sayler and Deeb offered the following amendment which was adopted by two-thirds vote on motion by Senator Wilson:

**Amendment 8**—On page 4 between lines 7 and 8 insert: Pasco County 1

Senators Ware, Deeb, Sayler and Wilson offered the following amendment which was adopted by two-thirds vote on motion by Senator Ware:

**Amendment 9**—On page 6, line 3 insert after the period (.): one circuit judge from the sixth judicial circuit shall reside in and be appointed or elected from Pasco County.

Senators Graham, Hollahan, Myers, Poston and Weissenborn offered the following amendment which was moved by Senator Graham and failed:

**Amendment 10**—On page 3, line 28 after the word "county" insert: and each additional municipality in such county with a population in excess of 80,000

On motion by Senator Ware the following title amendment was adopted:

**Amendment 11**—On page 1, line 9 after the semicolon (;) insert: providing a residency requirement;

Senators Ducker, Plante and Gunter offered the following amendment which was adopted by two-thirds vote on motion by Senator Ducker:

**Amendment 12**—On pages 5 and 6, strike all of Section 6. and insert: Section 6. Assignment of judges to geographical area.—In addition to powers granted by section 20(c)(9) of Senate Joint Resolution 52-D, the Supreme Court may, by rule, require a circuit or county court judge to regularly perform his services in a certain county or geographical area within the territorial jurisdiction of his court. One circuit judge from the sixth judicial circuit shall reside in and be appointed or elected from Pasco County. Two circuit judges from the eighteenth judicial circuit shall reside in and be appointed or elected from Seminole County.

HB 1-F as amended passed and was certified to the House. The vote was:

**Yeas—42**

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

**Nays—3**

Barrow	Broxson	Gunter
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Senator Wilson moved that the rules be waived and that he be permitted to introduce a bill relating to the Public Service Commission.

Senator Barrow moved as a substitute motion that the Senate stand in informal recess until the House completed action on Senate amendments to HB 1-F. The motion failed by the following vote:

**Yeas—20**

Arnold	Boyd	Ducker	Myers
Barron	Peterson	Horne	Ott
Barrow	Brantley	Johnson (34th)	Scarborough
Beaufort	Daniel	Knopke	Trask
Bishop	Deeb	Lewis (33rd)	Weber

**Nays—21**

Mr. President	Henderson	Plante	Weissenborn
Bell	Hollahan	Pope	Williams
Gong	Johnson (29th)	Poston	Wilson
Graham	Karl	Reuter	
Gunter	Lewis (43rd)	Saunders	
Haverfield	McClain	Ware	

Senator Williams moved that the Senate reconsider the vote by which the motion to recess failed and the Senate reconsidered by the following vote:

**Yeas—25**

Mr. President	Brantley	Johnson (29th)	Stolzenburg
Arnold	Daniel	Johnson (34th)	Trask
Barron	Deeb	Knopke	Weber
Barrow	de la Parte	Lewis (33rd)	Williams
Bishop	Ducker	Myers	
Boyd	Henderson	Ott	
Peterson	Horne	Scarborough	

**Nays—19**

Beaufort	Haverfield	Plante	Sayler
Bell	Hollahan	Pope	Weissenborn
Gong	Karl	Poston	Wilson
Graham	Lewis (43rd)	Reuter	
Gunter	McClain	Saunders	

The question recurred on the motion to stand in informal recess and the motion was adopted by the following vote:

**Yeas—24**

Mr. President	Boyd	Ducker	Ott
Arnold	Peterson	Horne	Scarborough
Barron	Brantley	Johnson (34th)	Stolzenburg
Barrow	Daniel	Knopke	Trask
Beaufort	Deeb	Lewis (33rd)	Weber
Bishop	de la Parte	Myers	Williams

**Nays—19**

Bell	Hollahan	Plante	Sayler
Gong	Johnson (29th)	Pope	Ware
Graham	Karl	Poston	Weissenborn
Gunter	Lewis (43rd)	Reuter	Wilson
Henderson	McClain	Saunders	

The Senate recessed at 2:55 p.m., awaiting the call of the President.

The Senate was called to order by the President at 3:50 p.m. A quorum present.

On motion by Senator Arnold, unanimous consent was obtained to introduce out of order—

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

SR 3-F—A resolution commending the attorneys and staff of the Senate Legislative Service Division for outstanding service to the Florida Senate.

WHEREAS, the Senate Legislative Service Division was but recently formed to provide bill drafting; and legal services to the members and committees of the Florida State Senate; and

WHEREAS, the attorneys and staff of the Senate Legislative Service Division did rapidly organize and function in such a manner as to greatly aid the legislative processes of this Senate, and

WHEREAS, the attorneys and staff of the Senate Legislative Services Division did perform their duties in a highly competent and professional manner,

NOW, THEREFORE,

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

Section 1. The attorneys and staff of the Senate Legislative Service Division of the Florida State Senate are hereby commended for outstanding services rendered to the Florida State Senate.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted, with the seal of the Senate affixed thereto, to each attorney and staff member of the Senate Legislative Service Division.

—which was read the first time by title. On motion by Senator Arnold, SR 3-F was read the second time in full and adopted. The vote was:

**Yeas—41**

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

**Nays—None**

On motion by Senator Karl, the following remarks by Senator Wilson were ordered spread upon the Journal:

Mr. President and Senators, I was one of those Senators who, late last Friday night, voted not to adjourn but the minute we did, I was gone . . . and I was gone down that road and by 12:15 a.m. I was several miles out of Tallahassee. And what I want to tell you is that I appreciate the fact that, when those of you with notice who did meet here on Saturday morning, you did not take up any business. Because, for example, I was very much interested in that particular bill re county judges and what would happen with Pasco County. I thought that the session was ended, officially ended, properly ended. I also knew I was going to come back sometime—I didn't know when the call would be—but I appreciated that you didn't take up any business in my absence on Saturday morning. I also appreciated for the second reason that, if you had, I am very much afraid that we would all be back an additional time because I can't see how the session could have been legally held in the absence of notice to all the membership. But I did appreciate the action of the Senate in not taking up any business on Saturday morning and that is what I wanted to tell all you Senators, and you too, Mr. President.

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*

April 11, 1972

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 2, 4, 6, 7 and 8 and refused to concur in amendments 1, 9, 11 and 12 and has passed as further amended—

By Representative D'Alemberte and others—

**HB 1-F**—A bill to be entitled An Act relating to the judiciary; providing for the number, election and salary of county court judges; providing for a uniform case reporting system; providing for assignment of judges to geographical area; providing a severability clause; providing an effective date.

##### Amendment 1

On page 6, line 3 strike last sentence which begins with the word "until" on line 3 and ends with the word "control." on page 6

##### Amendment 9

On page 6, line 3 insert after the period (.): One circuit judge from the sixth judicial circuit shall reside in and be appointed or elected from Pasco county.

##### Amendment 11

On page 1 in Title, line 9 insert after the semicolon (;): providing a residency requirement;

##### Amendment 12

On pages 5 and 6, strike all of Section 6. and insert: Section 6. Assignment of judges to geographical area.—In addition to

powers granted by section 20(c)(9) of Senate Joint Resolution 52-D, the Supreme Court may, by rule, require a circuit or county court judge to regularly perform his services in a certain county or geographical area within the territorial jurisdiction of his court. One circuit judge from the sixth judicial circuit shall reside in and be appointed or elected from Pasco County. Two circuit judges from the eighteenth judicial circuit shall reside in and be appointed or elected from Seminole County.

—and requests the Senate to recede therefrom.

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

On motion by Senator Karl, the Senate receded from Senate amendment 1 to HB 1-F.

On motions by Senator Barron, the Senate receded from Senate amendments 9 and 11 to HB 1-F.

On motion by Senator Plante, the Senate receded from Senate amendment 12 to HB 1-F.

HB 1-F passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—37

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

Nays—1

Plante

#### Pairs

The following pairs were announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Fincher on HB 1-F. If he were present he would vote "yea" and I would vote "nay."

*William D. Barrow, 3rd District*

I am paired with Senator Childers on HB 1-F. If he were present he would vote "nay" and I would vote "yea."

*W. E. Bishop, 6th District*

On motion by Senator Hollahan, it was agreed to by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 12:01 a.m., April 12, 1972.

On motion by Senator Hollahan, the Senate adjourned at 4:06 p.m.