

JOURNAL OF THE FLORIDA SENATE

ORGANIZATION SESSION

Journal of the Senate for the Organization Session of the Third Legislature to be convened under the Constitution of Florida, as revised in 1968, begun and held at the Capitol in the City of Tallahassee, in the State of Florida, on Tuesday, November 21, 1972, being the day fixed by the Constitution for the purpose.

Tuesday, November 21, 1972

The Senate was called to order by Elmer O. Friday, Secretary of the Senate, at 10:00 a.m.

The Secretary announced that Honorable Richard (Dick) Stone, Secretary of State, had certified to the election of certain Senators at the General Election on the 7th day of November, A. D., 1972, and that the certificate of the Secretary of State had been received. The Secretary called the roll of the newly elected Senators in numerical order of Senatorial Districts as certified to the Senate and the following were recorded present:

Senator W. D. Childers—1st District
Senator James A. Johnston—2nd District
Senator Dempsey J. Barron—3rd District
Senator Mallory E. Horne—4th District
Senator Bob Saunders—5th District
Senator J. H. "Jim" Williams—6th District
Senator Dan Scarborough—7th District
Senator Lew Brantley—8th District
Senator Bruce A. Smathers—9th District
Senator William M. Gillespie—10th District
Senator Jim Glisson—11th District
Senator Curtis Peterson—12th District
Senator Alan Trask—13th District
Senator Ken Plante—14th District
Senator Walter Sims—15th District
Senator Lori Wilson—16th District
Senator John W. Vogt—17th District
Senator John T. Ware—18th District
Senator Richard J. Deeb—19th District
Senator Henry B. Saylor—20th District
Senator David H. McClain—21st District
Senator Louis A. de la Parte—22nd District
Senator Julian B. Lane—23rd District
Senator Tom Gallen—24th District
Senator Warren S. Henderson—25th District
Senator Russell E. Sykes—26th District
Senator Philip D. Lewis—27th District
Senator Tom Johnson—28th District
Senator Chester W. (Chet) Stolzenburg—29th District
Senator Charles H. Weber—30th District
Senator David C. Lane—31st District
Senator William G. Zinkil, Sr.—32nd District
Senator Robert Graham—33rd District
Senator Sherman S. Winn—34th District
Senator Jack D. Gordon—35th District

Senator George Firestone—36th District
Senator Kenneth M. Myers—37th District
Senator Ralph R. Poston, Sr.—38th District
Senator Richard A. Pettigrew—39th District
Senator Don J. Gruber—40th District
40. A quorum present.

The oath of office was administered by the Honorable Thomas H. Barkdull, Jr., Judge, Third District Court of Appeal, to all Senators.

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

Barron	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Horne	Plante	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Saylor	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil

40. A quorum present.

Invocation by Dr. C. R. Horne, Jr., of the Christian Civic Foundation, St. Louis, Missouri:

Our Father, our God

We would first prepare ourselves for this moment of prayer that it might be more than ceremonial formality, that it might be for each an experience of personal reality.

We remind ourselves before you, O God, of the gravity of this occasion.

We are organizing the Senate of the great State of Florida:

— A body which plays such a vital role in the very principle of government by and for the people.

— A showcase before the whole world of the process of democracy, which high form of government is so new on the stage of human history and which still holds on so precariously and is so outnumbered among the world family of governments.

— A body which so largely determines the affairs of the State of Florida and so deeply affects the well being of her people.

We are aware of your loving concern for and active involvement in the affairs of the human family.

Except when we forget, we are aware that you are the author of good things for a people who respond to your love and your will.

Your ways are the happy ways. Your righteousness exalts a nation.

In this spirit now we rise to ask, O God, that you will make known to each member of this great body the reality of your active guidance.

Help us, in spite of our human frailties, to subordinate our personal interests to the well being of the people of Florida.

Help us to marshal our own resources at their best as we focus upon the problems of state.

And, as you are known to do, give us wisdom beyond our own human potential.

This is a day marked by problems, needs and opportunities which cry out for great wisdom.

Give us we pray from your own divine treasure house of this needed and desperately short resource.

And now, O God my Father, for the one who is this day invested with the mantle of leadership of this Senate, my brother in blood as well as in Christ, I ask of you a full portion—a double portion—of thy Spirit.

In the name of Christ, thy Son, our Savior. Amen.

Senator Lane (31st), the minority leader, led the Senate in the pledge of allegiance to the flag of the United States of America.

The Secretary introduced the following distinguished guests: Judge and Mrs. Thomas H. Barkdull, Jr., United States Senator Lawton M. Chiles, Jr., former President Pro Tempore and Mrs. Wilbur H. Boyd, former Senator and Secretary of the Senate, Edwin G. Fraser, and former United States Senator George Smathers.

By permission the following communication was received:

SUPREME COURT OF FLORIDA
Tallahassee

WHEREAS, it has been officially made known to me that it is necessary to the dispatch of business of the DISTRICT COURT OF APPEAL, FIRST DISTRICT of Florida, that a Judge be temporarily assigned to duty in that court;

NOW, THEREFORE, I, B. K. ROBERTS, pursuant to authority vested in me as Chief Justice of the Supreme Court of Florida, under Section 2, Article V of the Constitution of Florida, and the rules of this Court promulgated thereunder, do hereby assign and designate the Honorable THOMAS H. BARKDULL, JR., a judge of the District Court of Appeal, Third District of the State of Florida, to proceed to the DISTRICT COURT OF APPEAL, FIRST DISTRICT OF FLORIDA and thereupon, on the 21st day of November, 1972, to hear, conduct, try and determine the cause or causes which shall be presented to him as a temporary judge of said court, and thereafter to dispose of all matters considered by him on said dates. The said THOMAS H. BARKDULL, JR., under and by virtue of the authority hereof, is hereby vested with all and singular the powers and prerogatives conferred by the Constitution and laws of the State of Florida upon a judge of the court to which he is hereby assigned.

DONE AND ORDERED at Tallahassee, Florida, this 21st day of September, A. D. 1972.

SEAL

/s/ B. K. ROBERTS
Chief Justice,
Supreme Court of Florida.

ATTEST:

/s/ SID J. WHITE, Clerk
A True Copy:

The Senate proceeded to the organization of the Body.

Senator Williams placed in nomination the name of John D. Melton to be Sergeant at Arms of the Senate for the ensuing two years.

On motion by Senator Firestone the nominations were closed.

The roll was called on the election of the Sergeant at Arms and each Senator voted in the affirmative by saying "John D. Melton". The vote was:

Yeas—40

Barron	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Horne	Plante	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil

Nays—None

John D. Melton was unanimously elected Sergeant at Arms of the Senate and Judge Thomas H. Barkdull, Jr. administered the oath of office to him.

Senator Barron presiding.

Senator Lewis placed in nomination the name of Elmer O. Friday to be Secretary of the Senate for the ensuing two years.

On motion by Senator Childers the nominations were closed.

The roll was called on the election of the Secretary of the Senate and each Senator voted in the affirmative by saying "Elmer O. Friday". The vote was:

Yeas—40

Barron	Graham	Myers	Stolzenburg
Brantley	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Horne	Plante	Vogt
de la Parte	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil

Nays—None

Elmer O. Friday was unanimously elected Secretary of the Senate and Judge Thomas H. Barkdull, Jr. administered the oath of office to him.

The Secretary presiding.

The Secretary recognized Senator Myers for the purpose of placing in nomination the name of Senator Louis de la Parte of the 22nd Senatorial District to be President Pro Tempore of the Senate for the ensuing two years.

Senator Williams seconded the nomination of Senator de la Parte to be President Pro Tempore of the Senate, and Senator Lane (23rd) further seconded the nomination. On motion by Senator Lane (23rd) the nominations were closed.

The roll was called on the election of the President Pro Tempore and each Senator voted in the affirmative by saying "Louis de la Parte". The vote was:

Yeas—39

Barron	Gruber	Peterson	Sykes
Brantley	Henderson	Pettigrew	Trask
Childers	Horne	Plante	Vogt
Deeb	Johnson	Poston	Ware
Firestone	Johnston	Saunders	Weber
Gallen	Lane (31st)	Sayler	Williams
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	McClain	Smathers	Zinkil
Graham	Myers	Stolzenburg	

Nays—None

Senator de la Parte was unanimously elected President Pro Tempore of the Senate.

On motion by Senator Scarborough that a committee be appointed to escort the newly elected President Pro Tempore to the bar of the Senate, and to the rostrum, the Secretary appointed Senators Scarborough, Trask and Lane (23rd). The President Pro Tempore was escorted to the bar of the Senate, where Judge Thomas H. Barkdull, Jr. administered to him the oath of office; and to the rostrum where he was seated.

On motion by Senator Poston that a committee be appointed to escort Mrs. de la Parte, wife of the President Pro Tempore, to the rostrum, the Secretary appointed Senators Poston, Graham and Saylor. Mrs. de la Parte was escorted to the rostrum where she was received by the Secretary and seated beside the President Pro Tempore.

The Secretary recognized the following members of the family of the President Pro Tempore: Mr. and Mrs. Louis de la Parte, Sr., parents; Peggy and Louis David, daughter and son, and presented the President Pro Tempore to the Senate.

Senator de la Parte, President Pro Tempore, addressed the Senate as follows:

Mr. Secretary, distinguished guests, wives, family, friends, visitors: It doesn't really matter how many of these occasions we sit through—at least for me—I always get caught up in the excitement of an organization session. I guess it's the lovely ladies who grace us with their presence, the flowers, our friends and well-wishers in the gallery but, in any event, it is an especially exciting occasion to me today. I want to thank each of you Senators for giving me this opportunity to serve you. It is gratifying because this office derives its power from an honorable body, engaged in an honorable business. It is especially gratifying because this body has, as its members of the past and present, the most enduring friendships of the most profound associations of my life. It is further gratifying because you have given me the opportunity to serve with the man who, more than any other, has led the activities of this Senate toward becoming a true partner in the government of Florida. What a rare experience this will be to share this platform with such a great man. I look forward, with humility, to responding to your vote by giving of my time, talent and energy toward serving the President and you in working together, making this Senate the finest in the history of an already great body. I further look forward with great anticipation and excitement to every opportunity that the next two years hold for me in working with you. I thank you so much.

The President Pro Tempore presiding.

Senator Barron placed in nomination the name of Senator Mallory E. Horne of the 4th Senatorial District to be President of the Senate for the ensuing two years.

Senator Saunders seconded the nomination and Senator Poston further seconded the nomination. On motion by Senator Poston the nominations were closed.

The roll was called on the election of the President and each Senator voted in the affirmative by saying "Mallory E. Horne". The vote was:

Yeas—39

Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	

Nays—None

On motion by Senator Brantley that a committee be appointed to escort the newly elected President to the bar of the Senate, the President Pro Tempore appointed Senators Brantley, Trask, Winn and Wilson. The newly elected President of the Senate was escorted to the bar.

The President Pro Tempore recognized the Honorable Fred O. Dickinson, Comptroller of Florida, who approached the bar of the Senate and presented a Bible inscribed in gold: "To Mallory E. Horne, Senator 4th District, President, Florida Senate, November 21, 1972," further embellished in gold with the Great Seal of the State of Florida.

Judge Barkdull, with the Secretary of the Senate holding the Bible, administered to the President the oath of office following which the Bible was given to him.

The President Pro Tempore requested former State Senators, United States Senator Lawton Chiles and Senator Wilbur Boyd to escort the President to the rostrum where he was greeted by the President Pro Tempore and seated.

On motion by Senator Plante that a committee be appointed to escort Mrs. Mallory E. Horne, wife of the President, to the rostrum, the President Pro Tempore appointed Senators Plante, Zinkil and Gallen. Mrs. Horne was escorted to the rostrum where she was received by the President Pro Tempore and seated beside the President.

The President Pro Tempore specially recognized former Senator Wilbur Boyd who moved that a committee be appointed to escort Mrs. C. R. Horne, mother of the President, Mr. and Mrs. Mallory E. Horne, Jr., son and daughter-in-law, and David A. Horne, son, to the rostrum. The President Pro Tempore appointed Senators Boyd, Vogt and Henderson who escorted them to the rostrum where Mrs. C. R. Horne was seated. Mr. and Mrs. Mallory E. Horne, Jr. and David Horne were escorted back to their seats.

The President Pro Tempore recognized the following additional members of the family of the President:

Rev. Dr. and Mrs. C. R. Horne, Jr., Mr. and Mrs. William R. Horne, brothers and sisters-in-law; Dr. and Mrs. E. C. Burns, Jr., sister and brother-in-law; Mrs. Raeburn Horne, aunt; Mr. and Mrs. A. J. Livingston, parents of the wife of the President; Mr. and Mrs. Melvin Horne, Mr. and Mrs. Clyde Burns, Dr. and Mrs. Jim Prather, Alan and Bruce Burns, Dr. and Mrs. Arnold Spanjers, Mrs. Edmonia Harrison, Mrs. E. E. Cone, Mrs. Dorothy Boyer and Mrs. Virgie Hyman.

The President Pro Tempore then presented the elected and sworn President of the Senate to the Body and surrendered to him the gavel.

The President addressed the Senate as follows:

"Thank you very much, Mr. President de la Parte. To my distinguished colleagues in the Senate and your families, in the fleeting second which is life few men have the opportunity to owe so much to so few! I acknowledge such a debt in my full commitment to spend two years in its discharge. Government is never unilateral, and neither is the Senate—so in your behalf I want to announce that I began my day, just before this session, by taking to the House of Representatives, our partner in government, your respects, because even the legislature is not a single part of government. I want to now acknowledge the presence of the distinguished members of the Cabinet who honor us here with their presence. Would you stand and receive our gratitude for your attendance. We have a number of former Senators (which really is the entire essence of my few remarks today) and I'll hold the substance of any substantive message until we convene in a regular working session. I want to acknowledge and thank those of you who have toiled here before for your attendance today. I want to acknowledge . . . on behalf of each now in the Senate . . . that in this infinite moment of glory that all of us recognize and pay tribute to you and your family, friends . . . for none of us would be here without you. In our campaigns and in every other aspect of our lives we are indebted to you beyond our capacity to express, and all I'll do now is to pause briefly to say that each one of us here assembled, singly and collectively as the Senate of Florida, commit our service to your honor and we hope that you accept this emotion and that it will be thanks enough. At the height of the last session, when all of us were tired, emotionally exhausted and winding up what we called then the 'last hurrah', (and here I speak to the older members) you remember that I told you one night in the

privity of the moment and absolute emotional exhaustion, feeling despondent in that, somehow, things weren't moving fast enough or good enough . . . that I walked in the remarkable silence of the corridor down to that legislative house from whence I came, into the Chambers of the House. Some of you remember this story! I repeat it now in tribute to the old (members) and partly as a reminder and a challenge to the new (members). I sat there in that gallery, alone—watching, in the mirror of memory, some of the old faces and for a moment I could hear some of the great words of those who laid down the foundation from and upon which we here today begin to toil. Names like Farris Bryant, Ted David and countless others who began with a situation we today would, with dismay, view as hopeless! It's astounding to me that with even the Dean of the Senate, the distinguished Senator Dempsey Barron, as I look about the Senate today there isn't a face that was in the legislature at that moment when I began. And that's apropos to nothing except to tell you that for all of you who accept the challenge of toiling in the legislature in the 70's . . . and address yourselves to the tremendous opportunities of the 70's . . . that you begin with competent tools not because of anything we of today's Senate have done, but because countless other people have, through blood and tears and "by biting the bullet," (using the expression of our great President Pro Tempore) and further using an expression of President Kennedy . . . by "sometimes looking down into their own political graves"! And there in that moment profound, listening to those voices of yesteryear, I was harkened back to a comparison with the beginning of my legislative service. It's most difficult for me, and for you who first begin today—nearly impossible, to comprehend that in those days not long past we had none of the tools available to you today. We did not even have any sound system in the House then, much less offices, district offices and aides, telephones for your constituents to call you on, and secretaries to answer their letters . . . not even a remote dream of a computer where anybody can find a bill and its status, or of district offices back home where the people can contact their elected legislator! You today begin astride the most efficient legislative animal in the history of our nation . . . and probably in the history of liberated bodies anywhere. It hasn't been completed yet . . . in our haste we missed a few marks, and I hope to come back to them during this session so that each of you will have no vulnerability (except our own human frailties) for not responding to the real challenges of our day and doing the job for our Florida. So . . . committed to the fact that what is past is prologue, I simply want to slow us down in our pace today to pay respect for the beautiful foundation that others have accomplished. In the field of substantive reform, beyond the procedural involvements, you begin tomorrow with a dialogue . . . with the most verticalized, compacted executive branch anywhere in America, and one of the most efficient. You will be interpreted by a recently restructured court system, which is already the model for sister states in the nation. And through the leadership of your President Pro Tempore and people like Senator Myers, you watch the most efficiently organized effort to help people's problems anywhere in this nation. And those things were part of the last hurrah hung up by the session that just 'retired' over 250 years of legislative experience. Let it be said you also have challenges that would scare any of those in our history. We today have the tools and therefore no excuse for any failure to perform. So rather than make this a message of challenge let it be only the extension of the hand of the President and the President Pro Tempore. Let me say, in acknowledging my gratefulness to you for giving me the finest man in the legislature today in my opinion, that this will no longer be an office occupied by only one man. It will be a co-presidency and you will benefit, I hope, from that. I will benefit from his presence by my side as we respond to the challenges and the impatience which I hope will be yours. Let me thank you from the bottom of my heart for the opportunity, and let me also tell you that I commit only one thing, and that is all of my time and whatever talents that I may have. I invite you to join Louis and me in helping to make the Senate a viable part of Florida's government during these exciting days. And because it epitomizes to me the only message that I really have, let me close with this poem:

An old man, going a lone highway,
Came at the evening, cold and grey,
To a chasm, vast and deep and wide,
Through which was flowing a sullen tide,

The old man crossed in the twilight dim—
That sullen stream had no fears for him;
But he turned, when he reached the other side,
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,
"You are wasting strength in building here.
Your journey will end with the ending day;
You never again must pass this way.
You have crossed the chasm, deep and wide,
Why build you the bridge at the eventide?"

The builder lifted his old grey head.
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
This chasm that has been naught to me
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for *him*."

Together you and I as the Senate of Florida in this exciting day of the 70's, arm in arm with our colleagues in the House, challenged by the distinguished executive branch of Florida, can pause after we have conquered the tumult of the 60's and build that bridge, and I know we shall. Thank you."

Benediction by Dr. C. R. Horne, Jr.:

"And now, Our Father, all of us in this house unite our hearts in thanks in this hour, for the exciting and challenging days that lie ahead, and all of us who are not a part of this body, the Senate of the State of Florida, express our thanks to you particularly for this body, for all that it represents, for the particular leadership and the spirit that prevails, and as we face the exciting challenges ahead, we thank you that the leadership of this state, so much of it, is in the hands of such a body as this. And we unite our hearts in prayer for each of them, for this Senate as a body, that they may know the reality again of your divine guidance, as they move out into the exciting arena of the determination, the guidance, the leadership of this great state. In the name of Thy Son Jesus we pray. Amen."

President: To the friends in the gallery let me say that this concludes the ceremonial of the organization session. We have been delighted to have each of you with us, you honor us with your presence. The session, however, will continue for a few moments and you are welcome to stay. We hope you will, but we want to give you this fraction of a second if you do need to go. I should expect us to be completely through and in adjournment by 12:00 o'clock noon. As you move out, those of you who must, let me particularly thank some old and dear friends who went to a lot of trouble to be here. We thank all of you for your honor again. Lawton had to come the furthest, he and Truett and Wilbur and a few others who got me into this thing . . . and I think he owed me that. I really didn't expect him to be here, but I'm grateful for the time that he took to be here.

On motion by Senator Trask that a committee be appointed to notify the House of Representatives that the Senate was convened, the President appointed Senators Gillespie, Firestone and Pettigrew.

On motion by Senator Graham that a committee be appointed to notify the Governor that the Senate was convened, the President appointed Senators Graham, Gordon, Johnston and Smathers.

A committee from the House of Representatives, composed of Representatives Walker, Crabtree and Clark appeared at the bar of the Senate and notified the Senate that the House of Representatives was duly convened. The President expressed the appreciation of the Senate for the report and the committee withdrew.

The committee appointed to wait upon the House of Representatives returned to the chamber and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to wait upon the Governor returned to the chamber and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The President announced the appointment of Senator Barron as chairman of the Committee on Rules and Calendar.

On motion by Senator Barron the rules governing the Senate on the last day of the 1972 Regular Session were adopted with the exception of Rules 2.1 and 2.19.

On motion by Senator Barron the following substitute for Rule 12 was adopted:

RULE TWELVE

EXECUTIVE SESSION, APPOINTMENTS, SUSPENSIONS AND REMOVALS

Part One—Executive Sessions

12.1—The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, section 4(b) of the Constitution of Florida.

12.2—Pursuant to Article III, section 4(b), of the Constitution of Florida, the Senate may resolve itself into Executive Session for the sole purpose of considering appointment, removal, or suspension during which no one shall be in attendance except Senators and the Secretary of the Senate, who shall be sworn not to disclose any executive business without consent of the Senate.

12.3—When the Senate agrees, by a majority of Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be accordingly calendared for formal consideration by the Senate.

12.4—All information and remarks including committee work product concerning the character and qualification together with the vote on each appointment, removal, or suspension considered in executive session shall be kept a secret except so much thereof upon which the bans of secrecy shall have been specifically lifted by the Senate while in executive session.

12.5—A separate Journal shall be kept of executive proceedings of the Senate and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

12.6—Violation of the above Rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for the unseating of the offending Senator.

Part Two—Suspensions and Removals

12.7—(a) Except as otherwise herein provided, upon receipt by the Senate of appointments, removals, or suspensions upon which the consent of the Senate is required, the President shall refer each to an appropriate select committee, or to a Special Master appointed by the President, whose charge it shall be to make inquiry or investigation and advise the President and the Senate as to its recommendation concerning the subject referred and as to the necessity for deliberating such subject in executive session. Reports and findings of select committees or Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master shall be privileged and confidential. The President of the Senate may order the report presented to the Senate in either open or executive session, or he may refer it to the Committee on Rules and Calendar for its consideration and report. At the time the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record shall be referred to a select committee or Special Master but shall be held in suspense by such committee or Special Master and shall not be considered by the Senate until the pending charges have been dismissed or until final determination of the charges at the trial court level.

(c) The governor and the suspended official shall be given reasonable notice of any hearing before the select committee or Special Master.

(d) When it is advisable, the select committee or Special Master may request that the governor file a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such statement by the suspended officer, he shall file with the select committee or Special Master a response to the governor's statement. Such response shall admit or deny the facts or circumstances set forth in the governor's statement, and may further make such representation of fact and circumstance as may bear on the matter of his suspension.

(e) The select committee or Special Master may provide for a pre-hearing conference with counsel for the governor and for the suspended official to narrow the issues involved in the suspension matter. At such conference, both the governor and the suspended official shall set forth the names of witnesses, the nature of their testimony, and all evidence which will be relied on by the parties at the hearing, and each shall state to the committee what each expects to show by such testimony and evidence.

(f) Subject to the limitations of Rule 12.7(b), the select committee or Special Master shall conclude its hearings and make final recommendations to the Senate within six months after the effective date of the suspension order. In the event that a suspension order is referred to the select committee or Special Master but is held in suspense in accordance with Rule 12.7(b), then the committee or Special Master shall act within six months after determination of the charges at the trial court level. The Senate shall act upon such recommendations within thirty (30) days after the report of such recommendations to the Senate.

(g) Within sixty (60) days after the Senate shall have acted upon the recommendation of the select committee or Special Master, any party to the suspension matter may recover, at that party's expense, any exhibit, document or other evidentiary matter introduced by such party. After the expiration of sixty (60) days, the committee or Special Master may dispose of such exhibits or other evidence in such manner as it deems advisable.

12.8—The Senate President may appoint and contract for the services of a Special Master to perform such duties and make such reports in relation to suspensions and removals as he shall prescribe. The Special Master shall not be an employee or attache under Senate Rule One, Part Three, Sections 1.26, 1.27, 1.28, 1.29 or 1.30.

12.9—With consent of the Senate President the Special Master may have the privilege of the Senate Floor during any open or executive session for the purpose of presenting and explaining his report and answering questions as to the law and facts involved in the report.

12.10—The Select Committee and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum and other necessary process as in the case of standing committees under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear for the purpose of testifying in any matter pending before the committee or Special Master.

The vote was:

Yeas—39

Mr. President	Graham	Peterson	Sykes
Barron	Gruber	Pettigrew	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Saylor	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	

Nays—None

The Secretary read the following communication pursuant to Senate Rule 1.1:

Honorable Elmer Friday
Secretary of the Senate
The Capitol

Dear Mr. Secretary:

Pursuant to the rules of the Senate, this is to certify that the Republican Senators in official caucus at 5:30 P. M., Mon-

day, November 20, 1972, unanimously elected Senator David C. Lane of the 31st District as Minority Leader of the Florida Senate.

Very truly yours,
WARREN S. HENDERSON

Attest:
JOHN T. WARE
JIM GLISSON

On motion by Senator Barron, the Senate in 1972 Organization Session adjourned sine die at 12:18 p.m.