

SPECIAL SESSION

JOURNAL OF THE FLORIDA SENATE

At a Special Session of the Florida Legislature convened under Article III, Section 3(c)(1) 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, November 28, 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 1:00 p.m. and was called to order by Senator Mallory E. Horne, 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.

The Proclamation of the Governor convening the Legislature in Special Session was read as follows:

PROCLAMATION

WHEREAS, on July 17th, 1972, the United States Supreme Court in Furman v. Georgia held that the imposition and carrying out of the death penalty under certain existing procedures constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the Constitution of the United States, and

WHEREAS, the Supreme Court of Florida in Donaldson v. Sack, in applying the Furman holding to Florida, concluded that the effect of the Furman decision was to abolish capital punishment in Florida until new legislation could be enacted and approved, and

WHEREAS, since July 17th, 1972, three special committees (one executive and two legislative) have been appointed, and each has studied and made recommendations concerning the advisability of and procedures for restoring capital punishment in Florida, and

WHEREAS, each of these committees has recommended that capital punishment be immediately restored in Florida by appropriate legislation, and

WHEREAS, certain other pressing matters, as more particularly described below, have arisen since the adjournment of the last session of the Florida Legislature, and

WHEREAS, it is necessary and in the public interest of the citizens of Florida that the Legislature be convened in special session to consider the legislative business described in Section 2 hereof,

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

Section 1.

That the Third Legislature of the State of Florida under the Constitution, 1968 Revision, be and is hereby convened in Special Session pursuant to Section 3(c) of Article III of the Constitution, at the Capitol, Tallahassee, Florida, commencing on Tuesday, November 28th, 1972 (at a time to be determined by the presiding officer of each house) for a period of three (3) consecutive days, ending on November 30, 1972.

Section 2.

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

(1) Capital punishment, including the redefinition of capital crimes, providing alternative sanctions for offenses formerly designated capital, providing procedures for sentencing, and other related matters.

(2) Concurrent resolution relating to the ratification of the proposed Equality of Rights Amendment (proposed 27th Amendment) to the United States Constitution.

(3) Establishment of a revolving fund for loans by the Department of Pollution Control to local governmental agencies for sewer treatment facilities, and providing necessary appropriation.

(4) Supplemental appropriations for fiscal year 1972-73 to the Department of Pollution Control in order to expand the Department's programs for technical assistance to local governmental agencies.

(5) Supplemental appropriation for fiscal year 1972-73 (in the approximate amount of \$9.5 Million Dollars) to fully fund the State Minimum Foundation Program for Schools (K-12).

(6) Supplemental appropriation for fiscal year 1972-73 (in the approximate amount of \$9 Million Dollars) to the University of South Florida Medical Center for additional capital outlay funds for the construction of Phase II of the Medical Center.

(7) Water resources and conservation, providing that as of December 1st, 1972, the Central and South Florida Flood Control District shall be vested with all the powers, duties and functions pertaining to water management districts under Chapter 72-299, Laws of Florida, 1972.

(8) Amendment of Section 167.431, Florida Statutes, restoring the exemption for churches from the payment of any municipal utility tax.

(9) Amendments to Chapter 27, Florida Statutes, authorizing public defenders to represent insolvent persons who are under arrest for, or charged with, a misdemeanor or violation of municipal or county ordinance, and authorizing counties and municipalities to contribute funds to public defenders for the purpose of defending misdemeanors and violations of municipal or county ordinances.

Section 3.

That the letters relating generally to subjects to be considered during the aforesaid special session, dated November 22nd, 1972, and addressed to the President of the Senate and Speaker of the House, were not and are not intended to be a "communication from the Governor" under the provisions of Section 3(c)(1) of Article III, Florida Constitution.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in special session, at the Capitol, this 24th day of November, 1972.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State

The following Senators were recorded present:

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

40. A quorum present.

Prayer by the Secretary of the Senate:

Father, lend thine ear to our needs, thy heart to our faults, give us the grace to likewise exercise the same to the needs of our fellowmen. Amen.

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

The President announced the appointment of Senator de la Parte, chairman; Senators Barron, Lane (31st), Williams, Ware, Vogt, Myers, Pettigrew, Gillespie, Zinkil, Saunders, Smathers, Johnson, Plante and Childers as a Select Committee on Legislation.

INTRODUCTION

By Senators Saylor and Johnson—

SB 1-A—A bill to be entitled An act relating to punishment for capital and life felonies; amending §§775.081(1) and 775.082(1), Florida Statutes, to provide punishment for capital and life felonies; amending §782.04(1) and (3), Florida Statutes, to conform to §782.045, Florida Statutes; creating §782.045, Florida Statutes, providing mandatory death sentences in certain cases; providing penalty for the crime of hijacking; amending §§779.07, 790.16(1), 790.161(1), 794.01, and 805.02, Florida Statutes, to provide that the crimes specified therein are life felonies; amending §932.465(1) and (2), Florida Statutes, to provide limitations for prosecutions for offenses punishable by life imprisonment; repealing §921.141, Florida Statutes, as amended by chapter 72-72, Laws of Florida, relating to bifurcated trials; providing an effective date.

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

By Senator Saylor—

SCR 2-A—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was determined by the President to be within the purview of the Governor's call, read the first time in full and referred to the Select Committee on Legislation.

By Senator Saylor—

SB 3-A—A bill to be entitled An act relating to pollution control; creating the sewage treatment emergency fund; providing an appropriation; providing procedures for loans and grants to local governmental agencies in critical need; providing criteria; providing an effective date.

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

By Senator Williams—

SB 4-A—A bill to be entitled An act relating to capital punishment, amending section 782.04, Florida Statutes, to specify and redefine the crimes constituting murder; providing for reclassification as certain degrees of felony; amending chapter 782, Florida Statutes, by adding section 782.011; providing definitions; amending subsection (1) of section 775.081, Florida Statutes, providing for a life felony; amending section 775.082, Florida Statutes, to provide punishment for capital and life felonies; amending section 921.141, Florida Statutes, as amended by chapter 72-72, Laws of Florida, providing procedures for a separate proceeding to determine sentence in capital cases; providing for sentence of life imprisonment if capital punishment is ruled unconstitutional; amending section 790.16, Florida Statutes, providing for new penalties for throwing or discharging bombs or discharging machine guns in public places; repealing subsections (3) and (4) of section 790.16, Florida Statutes, relating to recommendation of mercy and judicial discretion in sentencing; amending section 790.161, Florida Statutes; providing new penalties for throwing, placing, or discharging any destructive device, depending on degree of harm inflicted; amending section 794.01, Florida Statutes; pro-

viding new penalties for crimes of rape; amending section 805.02, Florida Statutes; providing that kidnapping for ransom shall be a life felony; providing a severability clause; providing an effective date.

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

By Senator de la Parte—

SB 5-A—A bill to be entitled An act relating to the medical center, university of south florida; providing an appropriation for phase II facility construction project; providing an effective date.

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

By Senator de la Parte—

SB 6-A—A bill to be entitled An act relating to sewage treatment facilities, authorizing the department of pollution control to make loans to local governmental agencies, to plan, design, construct or acquire land therefor; providing for the establishment of a revolving loan fund; providing for disposition of interest earned; providing appropriations; providing an effective date.

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

By Senator de la Parte—

SB 7-A—A bill to be entitled An act relating to the department of pollution control; providing an appropriation; providing an effective date.

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

By Senators de la Parte and Williams—

SB 8-A—A bill to be entitled An act relating to public schools; providing a supplemental appropriation for the state's portion of the 1972-73 minimum foundation program K-12; providing an effective date.

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

By Senator de la Parte—

SB 9-A—A bill to be entitled An act relating to church exemptions from municipal taxes imposed on public services under §167.431, Florida Statutes; providing an effective date.

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

By Senator de la Parte—

SB 10-A—A bill to be entitled An act relating to public defenders; amending section 27.51(1), Florida Statutes; providing for permissive jurisdiction to represent indigents accused of misdemeanors and municipal violations; amending section 27-54(2), Florida Statutes, 1972 Supplement, as amended by section 4, chapter 72-327, Laws of Florida; providing for county or municipality financial contributions for defending misdemeanors and violations of municipal ordinances; providing an effective date.

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

By Senator de la Parte—

SB 11-A—A bill to be entitled An act relating to water resources, vesting in the Central and Southern Florida Flood Control District all powers, duties and functions pertaining to water management districts provided for in Chapter 72-299, Laws of Florida, 1972; providing an effective date.

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

By Senator de la Parte—

SCR 12-A—A concurrent resolution reappointing and confirming O. Ernest Ellison, Jr. to the office of auditor as auditor general.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Poston—

SB 13-A—A bill to be entitled An act relating to sewage disposal facilities; amending §403.086(2), Florida Statutes; prohibiting the department of pollution control from restricting issuance of sewer connection permits prior to January 1, 1973; providing an effective date.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Poston—

SCR 14-A—A concurrent resolution urging and requesting the governor to appoint a committee to research the effects of the moratorium which prohibits the issuance of building permits pending provision of adequate sewage disposal facilities, and to research availability of funds to assist local governments; requesting that the moratorium be lifted with respect to those local governments in the process of compliance, within two months after the appointment of the committee.

—was delivered to the Select Committee on Legislation for consideration and advice as to whether same is within the purview of the call of the Governor.

The President announced the appointment of Senator Poston, chairman; Senators Scarborough, Trask, Peterson and Henderson as a Select Committee on Executive Appointments.

The President announced the following appointments of committee chairmen since the November 21 organization session: Ways and Means, Senator Saunders; Transportation, Senator Poston; Health and Rehabilitative Services, Senator Myers; Education, Senator Graham; Natural Resources and Conservation, Senator Childers; and vice chairman of Rules and Calendar, Senator Firestone.

The President further announced the appointment of Senators Firestone, Barron and Lane (31st) as members of the Joint Legislative Management Committee and as members of the Legislative Auditing Committee.

EXECUTIVE BUSINESS

The Secretary of the Senate read the following communications and certificates:

Honorable Elmer O. Friday, Jr. November 27, 1972
Secretary of the Senate
The Capitol

Dear Senator Friday:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the name of a person for whom a commission has been prepared and which is subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By Dorothy W. Glisson
Director, Division of Elections

I, Richard (Dick) Stone, Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, a commission which is subject to confirmation by the Senate has been prepared for the following person:

NAME	OFFICE	FOR TERM ENDING
Walter L. Revell Miami Lakes	Secretary, State of Florida Department of Transportation	Pleasure of the Governor



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 27th day of November A.D. 1972

RICHARD (DICK) STONE
Secretary of State

Honorable Elmer O. Friday, Jr. November 28, 1972
Secretary of the Senate
The Capitol

Dear Senator Friday:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the names of persons for whom commissions have been prepared and which are subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State

By Dorothy W. Glisson
Director, Division of Elections

I, Richard (Dick) Stone, Secretary of State of the State of Florida, do hereby certify that pursuant to the Provisions of Section 112.071 (1), (b), Florida Statutes, commissions which are subject to Confirmation by the Senate have been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Minnie Viti Clermont	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975
Millard V. Cogshall Minneola	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975
Harold Roberts Clermont	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975
Dolores M. Vander Meer Clermont	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975
C. D. Anderson Clermont	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975
William F. Schultz Sarasota	Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs	March 25, 1976
Albin P. Crutchfield Vero Beach	Member, Citrus Commission, State at Large, State of Florida Department of Citrus	May 31, 1975

NAME	OFFICE	FOR TERM ENDING	NAME	OFFICE	FOR TERM ENDING
Karick A. Price Orlando	Member, Citrus Commission, District Number Four, State of Florida Department of Citrus	May 31, 1975	William S. Belcher St. Petersburg	Member, Pinellas County Transportation Authority	Pleasure of the Governor
W. F. Edwards Dade City	Member, Citrus Commission, State at Large, State of Florida Department of Citrus	May 31, 1975	Theresa Castro Ft. Lauderdale	Member, Board of Trustees for the Florida School for the Deaf and the Blind	September 30, 1976
George McClure Apopka	Member, Citrus Commission, State at Large, State of Florida Department of Citrus	May 31, 1975	Richard V. Moore Daytona Beach	Member, State Board of Independent Colleges and Universities	August 24, 1975
L. C. Simpler Milton	Member, Board of Trustees, Pensacola Junior College	May 31, 1974	R. H. Montney Jacksonville	Member, Jacksonville Port Authority, Duval County	October 1, 1976
William L. Hendry Okeechobee	Member, Board of Trustees, Indian River Community College	May 31, 1974	Bluette Jenkins Orlando	Member, Family Services Advisory Council	July 2, 1974
Buckner L. Pratt Miami	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975	Joan Knight Key West	Member, Historic Key West Preservation Board of Trustees	October 12, 1976
A. N. Anderson Ponce de Leon	Member, Board of Trustees, Okaloosa-Walton Junior College	May 31, 1974	Russell R. Stewart Panama City	Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, State of Florida Department of Professional and Occupational Regulation	June 14, 1973
S. C. Bexley, Jr. Land O'Lakes	Member, Governing Board, Southwest Florida Water Management District	July 1, 1974	Tom Corley Panama City	Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, State of Florida Department of Professional and Occupational Regulation	June 14, 1973
Angus Laird Tallahassee	Substitute Member, Pollution Control Board, in lieu of John Robert Middlemas, who has been voluntarily disqualified from serving in connection with the inquiry, hearing and trial in the matter involving consideration of request for certification in accordance with Section 21(b), Public Law 91-224, by Jackson Port Authority	Temporary Commission	Hue E. Nunnallee Avon Park	Member, Board of Trustees, South Florida Junior College	May 31, 1973
James E. Shields Key West	Member, Historic Key West Preservation Board of Trustees	October 31, 1974	Gordon W. Steadman Jacksonville	Member, Board of Trustees, Florida Junior College at Jacksonville	May 31, 1973
Norman D. Artman Key West	Member, Historic Key West Preservation Board of Trustees	October 31, 1974	Robert H. Hall Key West	Member, Board of Pilot Commissioners for the Port of Key West, Monroe County, State of Florida Department of Professional and Occupational Regulation	June 19, 1973
George C. Bender Miami	Member, Board of Pilot Commissioners for the Port of Miami, Dade County, State of Florida Department of Professional and Occupational Regulation	October 25, 1975	Henry B. Watkins, Jr. Naples	Member, Board of Trustees, Edison Junior College	May 31, 1973
Ed Duffee, Jr. Tallahassee	Member, Career Service Commission	November 22, 1976	Malvise P. Gibson Key West	Member, Board of Pilot Commissioners for the Port of Key West, Monroe County, State of Florida Department of Professional and Occupational Regulation	June 19, 1973
Bruce Ogden Groveland	Member, Board of Trustees, South Lake County Hospital District	July 5, 1973	J. G. Brock Panama City	Member, Board of Pilot Commissioners for the Port of Panama City, Bay County, State of Florida Department of Professional and Occupational Regulation	June 14, 1973
W. O. McQuaig Montverde	Member, Board of Trustees, South Lake County Hospital District	July 5, 1975			
H. H. Carlisle Clearwater	Member, Pinellas County Transportation Authority	Pleasure of the Governor			

NAME	OFFICE	FOR TERM ENDING	NAME	OFFICE	FOR TERM ENDING
J. Ray Southerland Panama City	Member, Board of Funeral Directors and Embalmers, District One, State of Florida Department of Professional and Occupational Regulation	July 23, 1973	Arthur R. Marshall Miami	Member, Governing Board, Central and Southern Florida Flood Control District	July 12, 1975
G. Earl Quattlebaum West Palm Beach	Member, Board of Funeral Directors and Embalmers, District Five, State of Florida Department of Professional and Occupational Regulation	July 22, 1976	Clem E. Bininger Ft. Lauderdale	Member, Board of Trustees, Broward Community College	May 31, 1974
Ralph E. Marsicano Tampa	Member, Board of Funeral Directors and Embalmers, District Four, State of Florida Department of Professional and Occupational Regulation	July 25, 1976	John M. De Grove Boca Raton	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975
Rubin E. Padgett Tampa	Member, Board of Examiners, Nursing Home Administrators, State of Florida Department of Professional and Occupational Regulation	October 29, 1973	James Farquhar Ft. Lauderdale	Member, State Board of Independent Colleges and Universities	August 31, 1975
Mary M. Smith Daytona Beach	Member, State Board of Cosmetology, District Number Two, State of Florida Department of Professional and Occupational Regulation	June 27, 1976	Anthony Valenti Holder	Member, Board of Trustees, Citrus County Hospital	July 7, 1976
L. B. Nettles Key West	Member, Historic Key West Preservation Board of Trustees	November 21, 1975	L. L. Kenney Miami	Member, Fire Fighters Standards Council, State of Florida Department of Community Affairs	October 7, 1976
Orion T. Ayer St. Petersburg	Member, Board of Examiners of Nursing Home Administrators, State of Florida Department of Professional and Occupational Regulation	December 3, 1973	Mary Lee Graham Key West	Member, Historic Key West Preservation Board of Trustees	October 17, 1975
Joe E. Hill Leesburg	Member, Governing Board, Southwest Florida Water Management District	July 1, 1974	Reta F. Sawyer Key West	Member, Historic Key West Preservation Board of Trustees	October 18, 1976
Robert E. Vaughn Brandon	Member, Governing Board, Southwest Florida Water Management District	July 1, 1976			
Frank S. Bouis Leesburg	Member, Board of Oklawaha Basin Recreation and Water Conservation and Control Authority	July 13, 1976			
R. Emmett McTigue Ft. Lauderdale	Member, Governing Board, Central and Southern Florida Flood Control District	July 12, 1975			
W. J. Scarborough Lake Placid	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1975			
J. R. Spratt LaBelle	Member, Governing Board, Central and Southern Florida Flood Control District	July 1, 1973			



GIVEN under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Twenty-eighth Day of November, A. D., 1972.

RICHARD (DICK) STONE
Secretary of State

Which were referred to the Select Committee on Executive Appointments consisting of Senator Poston, Chairman, Senators Scarborough, Trask, Peterson and Henderson.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

November 28, 1972

The Honorable Mallory E. Horne, President

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

By Representative Dubbin—

HCR 1-A-ORG—A concurrent resolution providing that the House of Representatives and Senate meet in Joint Session for the purpose of receiving a Message from the Governor.

WHEREAS, His Excellency, Governor Reubin O'D. Askew, has expressed a wish to address the Legislature in Joint Session, NOW, THEREFORE,

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

That the House of Representatives and the Senate convene in Joint Session in the Chamber of the House of Representatives at 1:30 p.m. this day, Tuesday, November 28, 1972, for the purpose of receiving the Message of Governor Askew.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HCR 1-A—Org, contained in the above message, was read the first time in full. On motion by Senator Barron, by two-thirds vote, HCR 1-A—Org, was read the second time by title, adopted and certified to the House. The vote was:

Yeas—40

Mr. President	Gordon	Myers	Stolzenburg
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)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Nays—None

JOINT SESSION

Pursuant to HCR 1-A—Org, the Senate formed in processional order and marched in a body to the chamber of the House of Representatives where they were received in due form. The joint session was called to order by the Honorable T. Terrell Sessums, Speaker of the House of Representatives, at 1:30 p.m.

Members of the Florida Cabinet were received and seated.

The Speaker invited the President of the Senate, Mallory E. Horne, and the President Pro Tempore of the Senate, Louis de la Parte, Jr., to the rostrum and requested the President to preside over the joint session.

The President in the chair.

The President declared a quorum of the joint session present.

Prayer by Dr. R. M. McMillan, First Baptist Church, Tallahassee:

We praise thee Almighty God our Father, ruler of heaven and earth, who by grace hath granted authority to men to serve under thee in the government of people; We thank thee for thy servants who now stand before thy presence in this chamber and thus in symbol, submit themselves in humility to thee.

Grant to them the wisdom that comes from thy Spirit and from the accumulated perspective of their knowledge that they may do thy purpose for this beloved State of Florida.

We confess our weaknesses before thee and give you thanks for the strengths that we possess. May it please thee by thy grace to bridge the gulf between our failures and our strengths so that having peace within ourselves we can project it to others.

May thy forgiveness calm the troubled conscience and remove the fear of guilt, that being free from the bondage of these we may apply ourselves to the more positive things of life and experience.

Even as the sun shines on our great State may thy smile of approval attend us as we do thy will. Through Christ our Lord. Amen.

The Senate and House of Representatives in joint session pledged allegiance to the flag of the United States of America.

On motion by Representative Martinez that a committee be appointed to notify the Governor that the joint session was assembled and ready to receive His Excellency's message, the President appointed Senators Winn, Pettigrew and Lane (31st) on the part of the Senate, and the Speaker appointed Representatives Martinez, Dick Clark and Jane Robinson on the part of the House.

The committee withdrew and upon return, escorted His Excellency, Reubin O'D. Askew, Governor of Florida, to the

rostrum where he was presented to the joint session by the President. The Governor addressed the joint session as follows:

Henry Clay once said that "government is a trust; . . . the officers of the government are trustees; and both . . . are created for the benefit of the people."

The responsibilities that each of you agreed to accept when you took the oath of office last week are exceeded only by the trust that your people have placed in you.

The people have said, in effect, that they trust your judgment in countless matters affecting their environment, their health, their property, their work, their children, their happiness, indeed their very lives.

This is a sacred trust, one that always must be held above politics, above party, and above personal gain. It's the trust of generations past, and generations yet to come.

It's a trust that must continue not only to be offered, but received and honored as well, if democracy as we know it is to continue to survive.

The legislature that preceded you was in many ways, a great one, and I haven't been modest about praising its record.

But while great records should be remembered, it is great potential that now deserves our attention—for it holds the key to a better tomorrow.

And the potential of this legislature is great by any standard.

You've inherited the wisdom of experienced leadership in both of your houses. Yet you've come into this chamber with more new faces than most legislatures in recent memory.

Hopefully, these faces represent new ideas, new approaches, and a new energy and enthusiasm for finding answers to the real problems of our people.

Hopefully, your leadership will be able to turn those qualities into programs that are responsive, and responsible as well.

And hopefully we can view our separate branches of government, the executive and legislative, not as rivals to be outwitted, and not as overlords to be obeyed, but rather as independent partners who share a common goal of seeking and achieving that which is best for all of our people.

I called you here today as such a partner.

As I indicated in my letters to President Horne and Speaker Sessums, I feel the public trust would be well served if you take affirmative action this week in at least nine specific areas.

The letters contain my basic recommendations in all those areas, and I won't repeat them now.

But I would like to share with you some of my thoughts on women's rights, loans for pollution abatement, technical assistance for pollution abatement, and capital punishment.

Women's Rights

We've wasted a lot of talent in this country, stifled a lot of promising careers, and permitted a lot of economic injustice, simply because the people involved were women.

The proposed 27th Amendment to the Constitution would assure that women who have the desire and ability to excel in any field . . . are given an equal opportunity to do just that.

I agree with the statement that President Nixon sent to the United States Senate March 18, when that body was deliberating on this particular measure.

The President said, and I quote: "Equal rights for women warrant a constitutional guarantee—and I therefore continue to favor the enactment of the constitutional amendment to achieve this goal." end of quote.

Both of Florida's United States Senators, a republican and a democrat, voted for this amendment, and it passed the senate by a vote of 84 to 8.

It passed the United States House of Representatives by a vote of 354—23. Among those supporting it were Florida Congressmen Bob Sikes, Don Fuqua, Lou Frey, Claude Pepper, Charles E. Bennett, Sam Gibbons, Dante Fascell, James Haley, Paul Rogers and J. Herbert Burke.

The people of Texas approved this amendment by referendum by a margin of almost 4 to 1. The people of California also passed it easily in a referendum.

The Florida House of Representatives approved it last spring by a vote of 91 to 4.

All of these people, including President Nixon, chose to support the equal rights amendment after extensive congressional hearings on the same questions now being raised here in Florida.

I'm sure that if the President, or any of its other supporters, felt that the amendment would undermine, in any way, our traditional family values, or if they thought it would lead to common restrooms or the drafting of women for combat, they would have led the fight against it . . . and I, for one, would have joined in that fight.

But this was not the case. And so I join with the President and with our own Representatives of both parties in Congress to support the amendment, and I recommend that you ratify it this week.

I recognize the great temptation to delay action until the spring, and it is not my intention to ask this Legislature to take precipitous action, or to simply ratify the opinions of others.

But Florida has already been a leader in eliminating barriers against women within its own state laws. I think it's only fitting that we continue our record of leadership by joining this effort at a time when we're needed.

And while this is a busy session, you'll also be busy in April, with more issues than you would ever think existed. I suggest that you put this one behind you now.

As Senator Gurney said, this amendment is "long overdue."

We've provided you with analyses that should answer most of your questions. My office stands ready to furnish any other information you might need.

I think that once the dust has settled, and it becomes obvious that the fears raised by some—although sincere—are groundless, it will be obvious that this is a good amendment, a responsible amendment, one which is in the spirit of our cherished bill of rights, and in the best interest of the people.

Pollution Abatement

The two programs I've recommended in response to our statewide problems with sewage treatment are not the final answers.

But I do think they represent a good beginning on which we can build and improve when you return in April.

It's imperative that we give our local governments the financial means to move immediately on improving their treat-

ment facilities, not only to stop the pollution of our waters, but to also permit us to continue necessary construction and the economic progress that is so vital to a healthy state.

As I indicated in my letters to your leadership, I believe we eventually will develop a state grant-in-aid program, but the loan fund I've recommended should give us the financial flexibility we need between now and April.

It's also imperative that we qualify for every penny of federal assistance to which we're entitled in this area. No city or county should be caught short simply because it lacks the technical expertise to identify and then qualify for federal grants and loans in this area.

This is why I've asked for your approval of a new role and additional staff for the Department of Pollution Control. I think we have a responsibility to provide expertise where it's needed and when it's needed.

In matters affecting the environment, there are no boundaries. Every area, regardless of size, needs help in saving this wonderful state of ours.

Never has it been more in our interest to work together on a statewide basis than in our efforts to stop the scourge of pollution.

Capital Punishment

This brings us to the matter of capital punishment. I have recommended reinstatement of the death penalty for certain offenses, and under certain conditions, in accordance with the report of the Governor's Committee to Study Capital Punishment.

As many of you probably know, I did not reach this decision lightly. I continue to have mixed feelings as to the necessity, the rightness, and even the legality of capital punishment in any form. And I think this is understandable, since we're talking about life itself.

Certainly the complexity of this question is reflected in the fact that each of the nine Supreme Court Justices wrote an individual opinion in the now famous Furman case.

In my own efforts to reconcile these complexities, I've become convinced that the death penalty is not a deterrent to many crimes for which it once was applied.

But I'm not convinced that it has no deterrent value in cases of premeditated murder. One of the problems that disturbed me most about the death penalty in the past was how it was administered. It fell mainly on the poor, the underprivileged and minorities. As you know, this problem has been addressed both by the Supreme Court and by the Governor's Committee.

For these reasons, I recommend the Committee's Report, and especially its proposal for sentencing under a bifurcated system, one which requires all findings to be in accordance with strict statutory guidelines and based on the record of a separate sentencing proceeding.

I'm convinced that a law providing for mandatory imposition of the death penalty, with no opportunity for mercy, would merely prompt juries to convict on lesser charges.

And the discrimination to which the court so clearly objected would still be present. It merely would take place sooner . . . in the conviction itself. The same groups discriminated against in the past would draw convictions of premeditated murder—and therefore die; while others would be convicted of lesser crimes, and therefore live.

I think it's obvious the court would reject such a system and therefore render your efforts counter-productive.

Chief Justice Burger, who dissented from the court's recent decision regarding capital punishment, nevertheless condemned the mandatory approach as archaic.

And the three other members of the court who also dissented from the majority, concurred with the Chief Justice on that point.

For these reasons, I strongly urge you to refrain from making capital punishment mandatory and avoid applying it to a wide variety of crimes.

Let me just add that we've got to make our streets, our homes, our parks, our schools and our places of business safe for all of our people all of the time . . . and we've got to come up with better ways to do just that.

We won't stop crime with only our fists. We won't stop crime with only our hearts. It will take both, and probably something more as well.

Florida has set the national pace in many fields in recent years. But if you can light one small candle in the darkness that is crime, you'll be remembered long after other legislatures have come and gone.

We have a lot of work to do . . . in the next few days, and in the next two years as well. Not all of our decisions will be pleasant: not all of them will be right: but let it be said that every single decision was reached in an untiring effort to make our precious Florida a better place in which to live. Thank you.

Following the Governor's address, the committee previously appointed escorted the Governor from the rostrum and from the House chamber, followed by the members of the Cabinet.

On motion by Senator Barron, the Senate withdrew from the joint session and resumed its session at 2:08 p.m. A quorum present—40:

Mr. President	Gordon	Myers	Stolzenburg
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)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

On motions by Senator de la Parte, Senate Bills 5-A, 8-A, 9-A and 10-A were withdrawn from the Select Committee on Legislation by two-thirds vote and placed on the calendar.

SECOND READING

SB 5-A—A bill to be entitled An act relating to the medical center, university of south florida; providing an appropriation for phase II facility construction project; providing an effective date.

On motions by Senator de la Parte, by two-thirds vote SB 5-A 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—39

Mr. President	de la Parte	Gordon	Johnston
Barron	Firestone	Graham	Lane (23rd)
Brantley	Gallen	Gruber	Lewis
Childers	Gillespie	Henderson	McClain
Deeb	Glisson	Johnson	Myers

Peterson	Sayler	Sykes	Williams
Pettigrew	Scarborough	Trask	Wilson
Plante	Sims	Vogt	Winn
Poston	Smathers	Ware	Zinkil
Saunders	Stolzenburg	Weber	

Nays—None

By unanimous consent Senator Lane (31st) was recorded as voting yea.

SB 9-A—A bill to be entitled An act relating to church exemptions from municipal taxes imposed on public services under §167.431, Florida Statutes; providing an effective date.

On motion by Senator de la Parte, by two-thirds vote SB 9-A was read the second time by title.

On motion by Senator Childers the following amendment was adopted:

Amendment 1—On page 1, line 15 to 20 strike all of lines 15 through 20 and insert the following: churches that are entitled to exemption from the state sales and use tax law shall be exempt from the payment of any municipal tax on utility services as defined in section 167.431, Florida Statutes, furnished to church property used exclusively for church purposes.

Section 2. This act shall take effect December 1, 1972.

On motion by Senator de la Parte, by two-thirds vote SB 9-A as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—39

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

Nays—None

By unanimous consent Senator Lane (31st) was recorded as voting yea.

SB 10-A—A bill to be entitled An act relating to public defenders; amending section 27.51(1), Florida Statutes; providing for permissive jurisdiction to represent indigents accused of misdemeanors and municipal violations; amending section 27.54(2), Florida Statutes, 1972 Supplement, as amended by section 4, chapter 72-327, Laws of Florida; providing for county or municipality financial contributions for defending misdemeanors and violations of municipal ordinances; providing an effective date.

On motion by Senator Myers, by two-thirds vote SB 10-A was read the second time by title.

On motion by Senator Gallen the following amendment was adopted:

Amendment 1—on page 1, line 26, after the word "court", insert a period and strike the remainder of the sentence. and insert: Funds for such purpose may be provided by the county or municipality having jurisdiction of said offense.

On motion by Senator Myers, by two-thirds vote SB 10-A as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—38

Mr. President	Childers	Gallen	Gordon
Barron	de la Parte	Gillespie	Graham
Brantley	Firestone	Glisson	Gruber

Henderson	Peterson	Sims	Weber
Johnson	Pettigrew	Smathers	Williams
Lane (31st)	Plante	Stolzenburg	Wilson
Lane (23rd)	Poston	Sykes	Winn
Lewis	Saunders	Trask	Zinkil
McClain	Sayler	Vogt	
Myers	Scarborough	Ware	

Nays—1

Deeb

SB 8-A—A bill to be entitled An act relating to public schools; providing a supplemental appropriation for the state's portion of the 1972-73 minimum foundation program K-12; providing an effective date.

On motion by Senator Williams, by two-thirds vote SB 8-A was read the second time by title.

Senators Ware, Sayler and Deeb offered the following amendment which was moved by Senator Ware:

Amendment 1—on page 1, line 20 add a new section 2, re-number remaining sections

2. There is hereby appropriated from the general revenue fund \$10,270,939 for the distribution pro rata to the approximate 41 county school boards which will have funds withheld as result of the circuit court ratio studies decision provided such decision becomes final during fiscal year 1972-73.

On motion by Senator Gallen the following amendment to the amendment was adopted:

Amendment 1a—Following "1972-73," add a new paragraph: If a provision or portion of this act is declared invalid, unlawful or unconstitutional it shall in no way affect the validity, lawfulness or constitutionality of the remainder of the act.

Amendment 1 as amended failed by the following vote:

Yeas—12

Deeb	Henderson	Sayler	Sykes
Gallen	Johnson	Sims	Ware
Glisson	Lane (31st)	Stolzenburg	Weber

Nays—28

Mr. President	Gordon	Myers	Smathers
Barron	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Vogt
Childers	Johnston	Plante	Williams
de la Parte	Lane (23rd)	Poston	Wilson
Firestone	Lewis	Saunders	Winn
Gillespie	McClain	Scarborough	Zinkil

On motion by Senator Williams, by two-thirds vote SB 8-A was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—2

Deeb

Ware

By unanimous consent Senators Gallen and Scarborough were recorded as voting yea.

Senator de la Parte announced that the Select Committee on Legislation would meet at 10:00 a.m. November 29 in Senate Room 31.

Senator Poston announced that the Select Committee on Executive Appointments would meet at 9:00 a.m. November 29 in Senate Room 12.

On motion by Senator Barron, by two-thirds vote, the Senate adjourned at 4:40 p.m. to reconvene at 2:00 p.m., November 29, 1972.