The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Wednesday, June 5, 1957.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, The Reverend Harry B. Douglas:

Oh God, give us strength to live another day. Let us not turn coward before its difficulties or prove recreant to its duties. Let us not lose faith in our fellowmen. Keep us sweet and sound of heart, in spite of ingratitude, treachery, or meanness. Preserve us from minding little stings or giving them. Help us to keep our hearts clean, and to live so honestly and fearlessly that no outward failure can dishearten us or take away the joy of conscious integrity. Open wide the eyes of souls that we may see good in all things. Grant us this day some new vision of Thy truth, inspire us with the spirit of joy and gladness, and make us the cup of strength to suffering souls; in the name of the strong Deliverer, our only Lord and Saviour, Jesus Christ. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, June 5, 1957, was corrected and as corrected was approved.

The Senate daily Journal of Wednesday, May 8, 1957, was further corrected as follows:

Page 600, column 1, between lines 14 and 15 insert the following:

"Senator Gautier moved that Senate Bill No. 675, as amended, be recalled from the Secretary of the Senate as Ex Officio Engrossing Clerk.

Which was agreed to and it was so ordered."

And as further corrected was approved.

REPORTS OF COMMITTEES

Senator Boyd, Chairman of the Committee on Privileges and Elections, reported that the Committee had carefully considered the following Bills:

Com. Sub. for H. B. No. 1328—A bill to be entitled An Act to amend Subsection (1) of Section 102.012, Florida Statutes, relating to inspectors and clerks to conduct elections, by providing for recommendations of chairmen and certain other members of party executive committees concerning selection of such election officers, under prescribed conditions; fixing the effective date of this Act.

H. B. No. 454—A bill to be entitled An Act amending Section 99.103, Florida Statutes, relating to Secretary of State remitting filing fees and committee assessments to State executive committees, by making provisions of same applicable without qualification to political parties participating in general primary; adding provision requiring payment by clerks of the Circuit Court of one-third of filing fees received by them to proper State executive committee; adding provision relating to use by committees of filing fees and assessments; and fixing effective date of Act.

—and recommends that the same pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Clarke, Chairman of the Committee on General Legislation, reported that the Committee had carefully considered the following Bill:

H. B. No. 384—A bill to be entitled An Act relating to State tree nurseries, establishing a nursery in Lafayette County; providing an appropriation.

—and recommends that the same pass.

And the Bill contained in the preceding report was referred to the Committee on Governmental Reorganization under the original multiple reference.

Senator Brackin, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following Bill:

S. B. No. 1201—A bill to be entitled An Act amending Section 476.07 Florida Statutes by adding to said section paragraphs making it unlawful for a school of barbering or the owner, manager or agent thereof to advertise or represent that such school will guarantee a student successful passing of the State Barbers' Examination; and providing the Barbers' Sanitary Commission with power to promulgate rules and regulations concerning the operation of schools of barbering in this State.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Carraway, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bill:

H. B. No. 1488—A bill to be entitled An Act for the relief of Ernest Charles Rogers; directing the State Treasurer to pay to Ernest Charles Rogers the sum of four hundred dollars ($400.00); providing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Rawls, Chairman of the Committee on Governmental Reorganization, reported that the Committee had carefully considered the following Bill:

H. B. No. 384—A bill to be entitled An Act relating to State Tree Nurseries, establishing a nursery in Lafayette County; providing an appropriation.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Pope, Chairman of the Committee on State Institutions, reported that the Committee had carefully considered the following Bill:

S. B. No. 1239—A bill to be entitled An Act relating to Florida State Hospitals; minimum age of admittance; amending Section 394.24, Florida Statutes; providing effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred, with House Amendments, for engrossing—

Com. Sub. for S. B. No. 206—A bill to be entitled An Act relating to retail installment transactions of motor vehicles; providing for licensing of sales finance companies; prescribing the procedure, provision, requirements or limitations relating to contents, execution and repossession of retail installment contracts on motor vehicles; providing penalties for violation, making an appropriation for the biennium 1957-1959; and fixing an effective date.

—begs leave to report that the House Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Committee Substitute for Senate Bill No. 206, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House Amendments, for engrossing—

S. B. No. 386—A bill to be entitled An Act relating to salt water fisheries and conservation; amending Subsection (2) of Section 370.11, Florida Statutes; regulating the length of salt water fish to be taken.

—begs leave to report that the House Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 386, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House Amendment, for engrossing—

S. B. No. 838—A bill to be entitled An Act authorizing and empowering laundry and dry cleaning establishments to dispose of articles delivered to them for processing, without incurring liability therefor, when such articles are not reclaimed within six months after date of such delivery, and further providing a different method for calculating the six months period where such articles are insured by the laundry and dry cleaning establishments.

—begs leave to report that the House Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 838, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House Amendment, for engrossing—

S. B. No. 1207—A bill to be entitled An Act relating to land surveyors; providing for licensing of certain persons with qualifications in Okaloosa County; providing an effective date.

—begs leave to report that the House Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 1207, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with Senate Amendment, for engrossing—

S. B. No. 1299—A bill to be entitled An Act relating to each county in the State having a population of not less than eighteen thousand five hundred (18,500) nor more than twenty thousand (20,000), by the latest official State-wide decennial census; providing for the total salary and method of payment to the county school board; repealing conflicting laws.

—begs leave to report that the Senate Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 1299, contained in the above report was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred, with House Amendment, for engrossing—

S. B. No. 1362—A bill to be entitled An Act relating to each county in the State having a population of not less than twenty-nine thousand (29,000) nor more than thirty thousand (30,000) inhabitants by the latest official State-wide decennial census, providing for a supplement of the compensation of the Appellate Judge from each such county; providing for allocation of funds; providing an effective date.

—begs leave to report that the House Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 1362, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House Amendment, for engrossing—

S. B. No. 1368—A bill to be entitled An Act creating and incorporating a special tax district in Lake County, Florida, to be known as "The Northwest Lake County Hospital District"; fixing and prescribing the boundaries of said district; providing for the government and administration of the same; providing and defining the powers and purposes of said district and of the board of trustees and an executive committee thereof; authorizing and empowering such board to establish, construct, operate and maintain such hospital, or hospitals, as may be established and constructed by said board in said district; authorizing and empowering such board to issue bonds if the issuance thereof is approved at an election held in accordance with the Laws of Florida; authorizing said board to borrow money on the note or notes of said district; authorizing and providing for the levy and collection of taxes for the payment of said bonds and the interest thereon, and authorizing and providing for the levy and collection of additional taxes for the repair and maintenance of said hospital, or hospitals; authorizing the board of trustees to accept contributions and donations for their use in carrying out the purposes of this Act; authorizing and providing generally for the operation of the district in granting powers to the board of trustees thereof;

prescribing the duties of the said board in carrying out the purposes of this Act; and providing for the approval of this Act by a referendum election of the qualified electors who reside in and who own real property in said district.

—begs leave to report that the House Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 1368, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House Amendments, for engrossing—

S. B. No. 62—A bill to be entitled An Act relating to Confederate widows; amending the first paragraph of Section 291.04, Florida Statutes, by increasing said pension to one hundred dollars ($100.00) per month; providing an appropriation and effective date.

—begs leave to report that the House Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 62, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with Senate Amendments, for engrossing—

S. B. No. 969—A bill to be entitled An Act for the relief of Weldon Porter of Tampa, Hillsborough County, Florida, making an appropriation from the State Road Department of Florida Fund to compensate him for damages sustained because of the negligence of the State Road Department in failing to provide barricades and proper warning signals and signs.

—begs leave to report that the Senate Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 969, contained in the above report was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred, with House Amendments, for engrossing—

S. B. No. 710—A bill to be entitled An Act making an appropriation from the General Revenue Fund of the State of Florida for the purpose of improving fresh water fishing and other recreational facilities.

—begs leave to report that the House Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 710, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with Senate Amendments, for engrossing—

S. B. No. 967—A bill to be entitled An Act for the relief of Joseph Frost of Tampa, Hillsborough County, Florida, making an appropriation from the State Road Department of Florida Fund to compensate him for damages sustained because of the negligence of the State Road Department in failing to provide barricades and proper warning signals and signs.

—begs leave to report that the Senate Amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 967, contained in the above report was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred, with Senate Amendment, for engrossing—

S. B. No. 1322—A bill to be entitled An Act for relief of Pearle G. Smith for damages incurred while employed by the Duval County School Board.

—begs leave to report that the Senate Amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Bill No. 1322, contained in the above report was ordered certified to the House of Representatives.

ENROLLING REPORTS

Your Enrolling Clerk, to whom was referred—

Com. Sub. for S. B. No. 206

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 198	S. B. No. 1235
Com. Sub. for S. B. No. 483	S. B. No. 1246
S. B. No. 523	S. B. No. 1247
S. B. No. 591	S. B. No. 1257
S. B. No. 804	S. B. No. 1259
S. B. No. 807	S. B. No. 1260
S. B. No. 1019	S. B. No. 1261
S. B. No. 1232	S. B. No. 1262

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 488
S. B. No. 519
S. B. No. 747
S. B. No. 1175
S. B. No. 1209
S. B. No. 1236
S. B. No. 1242
S. B. No. 1243
S. B. No. 1244
S. B. No. 1245
S. B. No. 1250
S. B. No. 1251
S. B. No. 1252
S. B. No. 1258
S. B. No. 1263

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 203
S. B. No. 236
S. B. No. 263
S. M. No. 429
S. M. No. 530
S. B. No. 540
S. B. No. 578
S. B. No. 842
S. B. No. 927
S. B. No. 1068
S. B. No. 1191
S. B. No. 1249
S. B. No. 1254
S. B. No. 1297
S. B. No. 1298

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 946
S. B. No. 947
S. B. No. 948
S. B. No. 984
S. B. No. 1154
S. B. No. 1158
S. B. No. 1159
S. B. No. 1176
S. B. No. 1205
S. B. No. 1210

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

Com. Sub. for S. B. No. 832
S. B. No. 1016
S. B. No. 1047
S. B. No. 1080
S. B. No. 1103
S. B. No. 1157
S. B. No. 1180
S. B. No. 1183
S. B. No. 1184
S. B. No. 1187
S. B. No. 1194
S. B. No. 1195
S. B. No. 1196
S. B. No. 1203
S. B. No. 1221

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 1104
S. B. No. 1110
S. B. No. 1113
S. B. No. 1114
S. B. No. 1129
S. B. No. 1135
S. B. No. 1145
S. B. No. 1146
S. B. No. 1148
S. B. No. 1152
S. B. No. 1167
S. B. No. 1170
S. B. No. 1171
S. B. No. 1172
S. B. No. 1173

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 1387

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk, to whom was referred—

S. B. No. 522

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and, presented to the Governor on June 6, 1957, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

The following report of the Interim Florida Legislative Investigation Committee was received:

FLORIDA LEGISLATIVE INVESTIGATION COMMITTEE

TALLAHASSEE

May 30, 1957.

Honorable W. A. Shands, President
Florida State Senate

Sir:

Attached herewith is the report of the committee appointed under the provisions of Chapter 31498, Acts of the 1956 Special Session of the Legislature.

Respectfully,

HENRY W. LAND, Chairman

REPORT OF THE FLORIDA LEGISLATIVE INVESTIGATION COMMITTEE

This report covers the investigations and findings of the above committee, under authority of Chapter 31498, Acts of the 1956 Special Session of the Legislature.

The committee staff began functioning October 22, 1956, gathering documentary and other evidence. The committee held a series of four public hearings. A total of 69 witnesses were heard under oath, and 115 documentary exhibits, all properly identified and authenticated by the various witnesses, were received in evidence. The entire testimony before the committee has been transcribed and consists of 2,087 pages of testimony under oath.

The committee's investigations included a rather large number of organizations, including the National Association for the Advancement of Colored People, the Seaboard White Citizens Council, the Inter Civic Council, Inc., and the Dade County Property Owners Association. Sworn testimony was taken on all of the above and a rather large number of other organizations came to the attention of the committee, but due to the lack of time and restricted personnel, it was impossible to make anything approaching a reasonably thorough investigation sufficient to prepare a hearing on.

NAACP AND NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

The record shows the NAACP to be a corporation, organized under the laws of the State of New York, having four organizational levels. The top level maintains permanent offices in New York City and has a board of directors of approximately 50 people. Directly under this organization are seven regional offices among which are divided the various states and territorial possessions of the United States. Florida lies within the fifth region, which is composed of the states of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. This region is known as the Southeast Region. Directly under the regional offices is a state level office called the state conference of branches. Under the state conference of branches are the various local branches which consist of the local membership in the various cities and counties of the state. All branches are chartered by the national office in New York.

Prior to 1942, all of the activities of the NAACP were carried on under one corporate entity. Since that time, it has been carried on under two separate corporate entities, the second one being the NAACP Legal Defense and Educational Fund, Inc., organized under the laws of the State of New York. This corporation is set up in such a manner that donations to it are deductible on the income tax returns of the donor. Although these two corporations are separate legal entities, they act with such perfect concert that there can be no doubt that the NAACP Legal Defense and Educational Fund, Inc. is in fact the mere alter ego of the NAACP.

The NAACP has formulated a plan calling for the full, complete and absolute integration of the races in this country in every phase of American life by 1963. This includes the removal of all legal prohibitions against intermarriage of the races.

The NAACP is directly responsible for securing the decisions of the United States Supreme Court holding separate but equal facilities in education, both elementary and at the higher levels, to be in violation of the United States Constitution. Having secured these decisions, the NAACP has set itself up as a sort of executive arm of the federal courts to execute the integration decrees of federal courts which, standing alone, are not self-executing under the law.

In order to accomplish its aim of complete integration, the NAACP has promulgated a very concrete and highly effective set of plans. A national legal department is maintained in the New York offices of the Legal Defense and Educational Fund, Inc. A legal staff is likewise maintained at the regional, state conference, and branch levels. It is the primary duty of the various legal staffs to accomplish the aims of the NAACP by carrying on integration litigation in the cases furnished by the various local branches of the NAACP.

The national office maintains a very rigid and strict discipline over the paid employees of the NAACP and likewise over the various local and state offices and branches. A highly effective chain of command and communication has been maintained throughout all levels of the organization with the national office. Directives from the national office are sent periodically to all local branches outlining in detail the steps to be taken in the various phases of American life to accomplish the ends of the NAACP. A carefully planned program of attack, legally, legislatively, and publicity-wise, is being executed in the following areas:

1—In public education

2—In public recreation

3—In public transportation

4—In public health

5—In public and private housing

6—In all fields of employment, both private and public

7—In all governmental agencies

At the present time, the main emphasis is being placed on public school facilities. Directives, sent to all branches in the south, outline in detail the steps to be taken by the local branches to effectively integrate the public schools of the south. The steps are as follows:

1—**File at once a petition with each school board for integration.** (Sample petitions are sent with this directive.)

2—Follow up the petitions with periodic inquiries to the board to determine the results.

3—Begin educational meetings on desegregation with emphasis on the fact that the matter is in the hands of the federal courts.

4—Organize the parents of the community and **prepare them and their children to become plaintiffs in law suits seeking integration of the schools.**

5—Seek support of individuals and community groups, particularly in the white community, through churches, labor organizations, civic organizations, and personal contacts.

6—"When announcement is made of plans adopted by the school board, get the exact text of the school board's announcement and notify the state conference and the national office at once so that you will have the benefit of their views as to whether the plan is one to provide for effective desegregation. It is very important that branches not proceed at this stage without consultation with the state and national offices."

7—If no plans are announced or no steps toward desegregation taken, **the time for a law suit has arrived. At this stage, court action is essential** because only in this way does the mandate of the Supreme Court that a prompt and reasonable compliance become fully operative upon the school boards in question.

8—At this stage, **the matter will be turned over to the legal department, and they will proceed with the matter.**

Plaintiffs are solicited and, in some cases, people's names

are used as plaintiffs without their knowledge. The NAACP finances the litigation in its entirety, the plaintiff having no financial responsibility to the case whatsoever. The financing of these cases is undertaken by the NAACP without regard to the individual plaintiff's ability to pay. Some plaintiffs are people of substantial means, which bears out the testimony of some of the NAACP attorneys that the NAACP is not a legal aid society to render legal assistance to the poverty-stricken. Cases are filed where no proper authorization from the plaintiff is ever executed to the attorney who actually handles the case.

The association directs that no local branch is to enter into any sort of compromise agreement with local authorities for anything short of full integration. In Sarasota, a perfectly agreeable solution to the majority of the colored citizens of that city was offered by the county commissioners for a separate segregated beach. The NAACP would not agree to the separate beach and stopped the proposed settlement which concerned only local citizens of Sarasota.

Pleadings in integration cases are sent to the national legal department for revision and approval before filing, as are briefs. The individual plaintiffs are not allowed to select counsel of their choosing but must accept the NAACP counsel designated by the local branch. The policy of the national office requires that the NAACP have absolute control over all law suits in which the NAACP participates. This effectively shuts off the possibility of compromise on a local level.

In fine, the NAACP is engaged in a gigantic law practice with the NAACP running up and financing the cases and the legal department operating under the NAACP Legal Defense and Educational Fund prosecuting the same. An audit of the NAACP Legal Defense and Educational Fund, Inc. from its inception in 1942 through 1955 discloses that the association made a pecuniary profit on the litigation undertaken by it in every year except the first, when it took a small loss of approximately $1,100.00. At the end of 1955, the audit reveals an ending surplus of $126,689.22.

The funds for supporting these cases are secured from the membership and from soliciting the public at large and other organizations.

Although the NAACP has done business in Florida for many years, the charter of the national association was never placed on record with the Secretary of State, as required by law, until after the enactment of the authority under which this committee was created. No permit has ever been received by any branch of the NAACP or any other part of the NAACP to solicit funds in Florida, although such solicitations have been made for a long number of years.

The record shows five petitions for desegregation of public schools have been filed in Florida pursuant to the directive of the national office of the NAACP above set out. The Dade County petition has been followed up by the filing of a law suit in the Federal District Court by the NAACP on behalf of five plaintiffs. The record shows that all five of said plaintiffs executed the same contract with the NAACP attorney handling the case. Under the terms of that agreement, the plaintiffs are not liable for any costs or attorney's fees. The attorney bears no responsibility to the five individual plaintiffs. The plaintiffs have absolutely no control over their causes. They cannot even stop their lawsuit or discharge their attorney. The agreement stipulates that the Miami branch of the NAACP has all those rights and that the attorney can be replaced only by the branch and is responsible to it alone.

The great bulk of the NAACP's activities, above described, are in the opinion of counsel contrary to the spirit and letter of the canons of ethics and general laws governing the conduct and practice of law; and amount to an abuse of the judicial processes of the courts in which these cases are carried on.

The NAACP, in conjunction with the Inter Civic Council, Inc., whose officers happen to be the local officers of the Tallahassee Branch of the NAACP, maintained financially and supplied the leadership for the boycott movement in Tallahassee. The boycott movement drew heavy financial and moral backing from certain individuals on the faculty at the Florida A&M University. This support included the use of their automobiles in the car pool operation, which the Municipal Court of Tallahassee held to be an unlawful and illegal operation in the trial of the Inter Civic Council, Inc. and the 21 individual defendants. Some faculty members were convicted in that case.

Dr. Gore, in September 1956, called the entire staff of the Florida A&M University together and cautioned them against participating in this boycott movement. Certain members of the faculty still persisted in their participation to the extent that Dr. Gore called them in for personal and private conversations regarding their activities in the boycott. In this class, among others, were: I. W. Elliott, Henry W. Warner, Dr. Emmett Bashful, Dr. C. V. Smith, E. D. Irons, Irene Mandexter, M. G. Miles, James Hudson, Dr. H. E. Cobb, Dr. S. S. Lewis, and Paul Lewis. Edwin F. Norwood, Sr. was also active in the boycott.

In the opinion of counsel, the record discloses that certain attorneys for the NAACP have engaged in unethical conduct in violation of the canons of ethics governing the practice of law in Florida. It likewise discloses the very strong possibility that some of the witnesses before this committee committed perjury. Therefore, it is recommended that a copy of the pertinent testimony be made available to the proper officials of the Florida Bar and the state attorneys having jurisdiction where the hearings were held, with the request that the same be carefully studied and if violations of law or ethics have occurred that proper proceedings be instituted against any such offender.

The Florida State Teachers Association has concerned itself with integration law suits. It, together with the NAACP, has been one of the prime movers in instigating the filing of the Virgil Hawkins case, to which the Florida State Teachers Association has been one of the principal financial contributors. The record shows that Virgil Hawkins and the other plaintiffs involved in this case had virtually no control over the course of this litigation and absolutely no financial responsibility for the same, the case having been handled and controlled entirely by persons and organizations other than the individual plaintiffs.

A much more damaging report as to the NAACP's activities would undoubtedly be dictated by the record except for the fact that all records of NAACP have been secretly removed from the jurisdiction of this state for the express purpose of preventing this committee from examining the same.

SEABOARD WHITE CITIZENS COUNCIL

The Seaboard White Citizens Council was organized under the laws of Washington, D. C. It has been in Florida only a very short time. The only illegal activity which could be attributed to it, which has come to the attention of the committee, is the attempted burning of a cross by four members of said organization in Miami, all of whom have been convicted for said act. The executive secretary for the council, Frederick John Kasper, was interrogated at length. It is the opinion of committee counsel that Kasper is either an opportunist, or an unstable personality craving the spotlight of public attention, or else he is a "plant", or a "guided missile", as it were, of some other person or organization. His own testimony discloses him to be a violent anti-semitic disciple of the mad poet and treasonist Ezra Pound. This young man has never been a success in any enterprise or undertaking in his entire lifetime until he formed the Seaboard White Citizens Council. Prior to his association with the council, his testimony shows he flitted from temporary employment in one field of endeavor to temporary employment in other fields of endeavor without any indication of any stability or steadiness of purpose whatsoever. His two bookstore operations were financed on monies he succeeded in extracting from two or more women. Each store stocked an amazing quantity of anti-semitic and outright fascist literature. They appear to have been a sort of gathering place for people of fascist leanings, all of whom appear to have been close friends and disciples of the mad poet Ezra Pound. In addition to serving as a gathering place for the above described people and as a dispensary of fascist literature, Kasper's bookstores seem mainly to have served as places for intermixing of the white and Negro races. This perennial business failure has come closer to supporting himself financially through his Seaboard White Citizens Council operation than in any other endeavor in his lifetime.

It is impossible to imagine how this man's ideas, actions and conduct can redound to the benefit of any segment of the people of Florida or the entire south for that matter. In fine, Kasper discloses himself to be an outside inter-meddler in the

racial problems of Florida and the south, whose motives are highly questionable and whose presence and activities the State of Florida can very well do without.

DADE COUNTY PROPERTY OWNERS ASSOCIATION

An examination of the entire records, as well as the president and several members of the Dade County Property Owners Association, fails to disclose any unlawful or dangerous conduct on its behalf.

All of the above is supported by the committee's public record. There is, in the files of this committee, a great deal of substantial evidence which, due to the limitations of time, has not been placed in the record. Nor has the staff had sufficient time to conduct the thorough type of investigation which should really be conducted on the organizations above referred to. This evidence embraces a considerable number of organizations to which no reference is made in this report.

Within the last few days, information and sources of information have become available to the staff which tend to show the Communist Party and certain other subversive organizations have made plans to use the racial tensions in the south to set one segment of the population against the other in this country and to thereby help accomplish their aim of world domination. Evidence now available to the staff strongly indicates that the Communist Party has sought to, and to some degree may have actually, infiltrated the NAACP and sought to use it for this purpose. Unfortunately it is impossible to conduct the type of investigation and to hold the necessary hearings to determine the true nature and extent of this situation within the lifetime of this committee.

We regret to report that on February 27, 1957, in a public committee hearing in Miami, Florida, one Allen H. Neuharth of 19220 Northwest Fifth Avenue, Miami, Florida, repeatedly stood in wilful, open, and continued defiance of this committee and of the Legislature of Florida. He repeatedly declined the lawful instructions of the acting chairman of the committee to answer relevant and lawful questions propounded to him without assigning any lawful excuse for his failure to answer. His testimony appears on pages 1382 through 1420 of the record, inclusive. We feel that the citation and punishment of this witness for contempt of the Legislature is essential to the preservation of the Legislature's right to compel witnesses to appear and testify. We, therefore, are reluctantly driven to recommend that this witness be cited for contempt.

We further recommend that copies of this committee's report be mailed to the Attorneys General of each of the forty-eight states.

Respectfully,

HENRY W. LAND
Chairman

Senator Johnson moved that the foregoing report of the Interim Committee be filed.

Which was agreed to and it was so ordered.

Senator Bronson, President Pro Tempore, presiding.

Senator Shands moved that in the future all Bills, Resolutions and Joint Resolutions which are in committees can only be brought out by committee action taken in a regular committee meeting, and no such Bills shall be placed on the Calendar of Bills on Second Reading without the unanimous consent of the members of the Senate.

Which was agreed to by a two-thirds vote and it was so ordered.

The President presiding.

Senator Houghton requested unanimous consent of the Senate to take up and consider House Bill No. 1785, out of its order.

Unanimous consent was granted, and—

H. B. No. 1785—A bill to be entitled An Act to raise the compensation of each of the county commissioners in counties having a population of not less than one hundred forty thousand (140,000) and not more than two hundred forty thousand (240,000) according to the last official state-wide census; amending Section 1 of Chapter 28679, Laws of Florida, Acts of 1953; providing an effective date.

Was taken up.

Senator Houghton moved that the rules be waived and House Bill No. 1785 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1785 was read the second time by title only.

Senator Houghton moved that the rules be further waived and House Bill No. 1785 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 1785 was read the third time in full.

Upon the passage of House Bill No. 1785 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 1785 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Beall requested unanimous consent of the Senate to take up and consider House Bill No. 2142, out of its order.

Unanimous consent was granted, and—

H. B. No. 2142—A bill to be entitled An Act relating to each county in the state having a population of not less than one hundred thousand (100,000) nor more than one hundred fourteen thousand (114,000), by the latest official state-wide decennial census, the county commission is authorized to appropriate and pay the cost of a survey of salary schedules of county employees to be conducted by an agent to be employed by the county civil service board; and providing an effective date.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 2142 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2142 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 2142 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2142 was read the third time in full.

Upon the passage of House Bill No. 2142 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2142 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Beall requested unanimous consent of the Senate to take up and consider House Bill No. 557, out of its order.

Unanimous consent was granted, and—

H. B. No. 557—A bill to be entitled An Act relating to the compensation of the members of the board of public instruction of Escambia County; and repealing Chapter 23698, Acts 1949.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 557 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 557 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 557 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 557 was read the third time in full.

Upon the passage of House Bill No. 557 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 557 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Beall requested unanimous consent of the Senate to take up and consider House Bill No. 2056, out of its order.

Unanimous consent was granted, and—

H. B. No. 2056—A bill to be entitled An Act amending Section 1 of Chapter 31161, Acts 1955, relating to an alternate method of annexation of outlying contiguous territory to the City of Pensacola.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 2056 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2056 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 2056 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2056 was read the third time in full.

Upon the passage of House Bill No. 2056 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2056 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Knight requested unanimous consent of the Senate to take up and consider House Bill No. 1996, out of its order.

Unanimous consent was granted, and—

H. B. No. 1996—A bill to be entitled An Act relating to Gulf County, Florida; setting forth requirements for plats before the same may be approved by the board of county commissioners and filed of record; setting effective date.

Was taken up.

Senator Knight moved that the rules be waived and House Bill No. 1996 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1996 was read the second time by title only.

Senator Knight moved that the rules be further waived and House Bill No. 1996 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 1996 was read the third time in full.

Upon the passage of House Bill No. 1996 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 1996 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

Senator Johnson, Chairman of the Committee on Constitutional Amendments, asked consent of the Senate to introduce the following proposed legislation:

By the Committee on Constitutional Amendments—

Senate Joint Resolution No. 1400:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO TAXATION AND FINANCE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following proposed amendment to the Constitution of the State of Florida relating to taxation and finance is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November of 1958, that is to say:

ARTICLE VIII

TAXATION AND FINANCE

Section 1. **Levy pursuant to law—money drawn from treasury—surrender of taxing power prohibited.**—No tax shall be levied except as provided by law, and no money shall be drawn from the treasury except in pursuance of appropriations made by law. The power of taxation shall never be surrendered, suspended, or contracted away.

Section 2. **Credit and taxing power—limitations.**—The credit of the state shall not be pledged or loaned, directly or indirectly, to any individual, company, corporation, partnership, or association. The state shall not become a joint owner or stock holder in any company, association, or corporation. No tax shall be levied for the benefit of any chartered company. The legislature shall not authorize any county, municipality, special district, or agency of any of them to become a stockholder in any company, association, or corporation, or to obtain, or to appropriate money for, or to loan its credit to, any corporation, association, institution, or individual.

Section 3. **State bonds prohibited.**—State bonds shall not be issued for any purpose.

Section 4. **County, municipal, or district bonds.**—No county, municipality, or district shall issue any bonds other than refunding bonds without prior approval by a majority of the votes cast in an election in which a majority of the freeholders who are qualified electors residing therein shall participate. Such election may be held as a special election on that subject only, or by the use of separate ballots in conjunction with any special or general election.

Section 5. **Uniform and equal rate—no state ad valorem tax except on intangibles.**—(a) The legislature shall provide for raising sufficient revenue for each fiscal year to defray the expenses of the state, including state appropriations for institutions of higher learning and the uniform system of free public schools, but no ad valorem tax shall be levied for any state purpose on any property except intangible personal property. The rate of taxation on all property except intangible personal property shall be uniform and equal.

(b) The legislature may levy on intangible personal property, in lieu of all other state, county, district, and municipal taxes, a tax at special rates not exceeding two mills of the assessed valuation, but any such intangible tax relating to an obligation secured by lien evidenced by writing shall be imposed only once. The instrument shall not be entitled to record until the tax is paid.

(c) The legislature may apportion the proceeds of intangible taxes.

Section 6. **Motor vehicle license tax.**—Motor vehicles shall be subject to a license tax for their operation in lieu of all ad valorem taxes on them as personal property.

Section 7. **Income tax prohibited—limit on inheritance or estate tax.**—No tax shall be levied by the state or under its authority upon the income, inheritances, or estates of citizens or residents of the state; provided, the legislature may provide for the assessment, levy, and collection of a tax upon inheritances or estates of decedents not exceeding in the aggregate the amounts which may by any law of the United States be credited against or deducted from any similar tax on inheritances, or taxes on estates, assessed or levied by the United States on the same subject. The legislature may apportion all taxes collected hereunder to any state, county, or municipal purposes.

Section 8. **Allocation of pari mutuel excise taxes.**—The Legislature may allocate and distribute to the counties, in equal amounts and at such times as it shall determine, any portion or all of the proceeds of state excise taxes on the operation of pari mutuel pools.

Section 9. **Motor vehicle fuel tax—distribution—use—state board of administration.**—(a) That beginning January 1st, 1943, and for fifty (50) years thereafter, the proceeds of two (2c) cents per gallon of the total tax levied by state law upon gasoline and other like products of petroleum, now known as the Second Gas Tax, and upon other fuels used to propel motor vehicles, shall as collected be placed monthly in the 'State Roads Distribution Fund' in the State Treasury and divided into three (3) equal parts which shall be distributed monthly among the several counties as follows:

One part according to area, one part according to population, and one part according to the counties' contributions to the cost of state road construction in the ratio of distribution as provided in Chapter 15659, Laws of Florida, Acts of 1931, and for the purposes of the apportionment based on the counties' contributions for the cost of state road construction, the amount of the contributions established by the certificates made in 1931 pursuant to said Chapter 15659, shall be taken and deemed conclusive in computing the monthly amounts distributable according to said contributions. Such funds so distributed shall be administered by the State Board of Administration as hereinafter provided.

(b) The Governor as Chairman, the State Treasurer, and the State Comptroller shall constitute a body corporate to be known as the 'State Board of Administration', which Board shall succeed to all the power, control and authority of the statutory Board of Administration. Said board shall have, in addition to such powers as may be conferred upon it by law, the management, control and supervision of the proceeds of said two (2c) cents of said taxes and all moneys and other assets which on the effective date of this section are applicable or may become applicable to the bonds of the several counties of this state, or any special road and bridge district, or other special taxing district thereof, issued prior to July 1st, 1931, for road and bridge purposes. The word 'bonds' as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district, or other special taxing district thereof, issued prior to July 1st, 1931, for road and bridge purposes. The word 'bonds' as used herein shall include bonds, time warrants, notes and other forms of indebtedness issued for road and bridge purposes by any county or special road and bridge district or other special taxing district, outstanding on July 1st, 1931, or any refunding issues thereof. Said board shall have the statutory powers of boards of county commissioners and bond trustees and of any other authority of special road and bridge districts, and other special taxing districts thereof with regard to said bonds, (except that the power to levy ad valorem taxes is expressly withheld from said board) and shall take over all papers, documents and records concerning the same. Said board shall have the power from time to time to issue refunding bonds to mature within the said fifty (50) year period, for any of said outstanding bonds or interest thereon, and to secure them by a pledge of anticipated receipts from such gasoline or other fuel taxes to be distributed to such county as herein provided, but not at a greater rate of interest than said bonds now bear; and to issue, sell or exchange on behalf of any county or unit for the sole purpose of retiring said bonds issued by such county, or special road and bridge district, or other special taxing district thereof, gasoline or other fuel tax anticipation certificates bearing interest at not more than three (3) per cent per annum in such denominations and maturing at such time within the fifty (50) year period as the board may determine. In addition to exercising the powers now provided by statute for the investment of sinking funds, said board may use the sinking funds created for said bonds of any county or special road and bridge district, or other unit hereunder, to purchase the matured or maturing bonds participating herein of any other county or any other special road and bridge district, or other special taxing district thereof, provided that as to said matured bonds, the value thereof as an investment shall be the price paid therefor, which shall not exceed the par value plus accrued interest, and that said investment shall bear interest at the rate of three (3) per cent per annum.

(c) The said board shall annually use said funds in each county account, first, to pay current principal and interest maturing, if any, of said bonds and gasoline or other fuel tax anticipation certificates of such county or special road and bridge district, or other special taxing district thereof; second, to establish a sinking fund account to meet future requirements of said bonds and gasoline or other fuel tax anticipation certificates where it appears the anticipated income for any year or years will not equal scheduled payments thereon; and third, any remaining balance out of the proceeds of said two (2c) cents of said taxes shall monthly during the year be remitted by said board as follows: Eighty (80%) per cent to the State Road Department for the construction or reconstruction of state roads and bridges within the county, or for

the lease or purchase of bridges connecting state highways within the county, and twenty (20%) per cent to the board of county commissioners of such county for use on roads and bridges therein.

(d) Said board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted and no legislation shall be required to render this section of full force and operating effect from and after January 1st, 1943. The legislature shall continue the levies of said taxes during the fifty year period prescribed herein, and shall not enact any law having the effect of withdrawing the proceeds of said two (2c) cents of said taxes from the operation of this section. The board shall pay refunding expenses and other expenses for services rendered specifically, for, or which are properly chargeable to, the account of any county from funds distributed to such county; but general expenses of the board for services rendered all the counties alike shall be prorated among them and paid out of said funds on the same basis said tax proceeds are distributed among the several counties; provided, report of said expenses shall be made to each regular session of the legislature, and the legislature may limit the expenses of the board.

Section 10. Tax exemptions.—(a) **Personal effects and household goods of family head.**—No tax shall be levied on $500 of the assessed valuation of household goods and personal effects of the head of a family residing in this state, or on $500 of the assessed valuation of property of a widow residing in this state or of a resident who has lost a limb or been disabled by war or other misfortune. These exemptions shall be cumulative.

(b) **Prohibition against tax on $5,000 of valuation of realty on which residence is maintained.**—Every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of $5,000 on the said home and contiguous real property, as defined in Article IX hereof. Said title may be held by the entireties, jointly, or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no such exemption of more than $5,000 shall be allowed to any one person or on any one dwelling house, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person. The legislature may prescribe appropriate and reasonable laws regulating the manner of establishing the right to said exemption.

(c) **Religious, charitable, and other institutions.**—No tax shall be levied on property of corporations which is held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes. The legislature may by law exempt from taxation property of a corporation authorized to construct a ship or barge canal for public use.

Section 11. **Local taxation.**—The legislature shall make adequate provision for the assessment of property for taxation and the levying of taxes and of assessments for special benefits by counties and municipalities and by or for districts, for their respective purposes and for no other purpose. The legislature shall prescribe regulations that will insure a just valuation of all taxable real and personal property, but the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. All assessments shall be subject to review, equalization, or adjustment as provided by law. The rate of taxation shall be uniform and equal.

The principal of delinquent ad valorem taxes on each item of property shall be carried forward annually on the tax assessment roll in the manner prescribed by law.

Section 12. **Illegal tax—prerequisite to relief.**—Each taxpayer shall pay into court the portion of his taxes admitted to be regularly assessed and legally imposed before he can seek judicial relief from payment of the remainder, and before such relief is granted he shall pay any additional amount found to be due.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Joint Resolution No. 1400 was read the first time in full and placed on the Calendar of Bills on Second Reading.

Senator Belser asked consent of the Senate to introduce the following proposed legislation:

By Senator Belser—

S. B. No. 1401—A bill to be entitled An Act relating to each county in the State having a population of not less than fourteen thousand four hundred (14,400) nor more than fourteen thousand nine hundred (14,900), by the latest official Statewide decennial census; providing for the compensation of certain county officials; providing for payment of such compensation; providing an effective date.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1401 was read the first time by title only.

Senator Belser moved that the rules be waived and Senate Bill No. 1401 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1401 was read the second time by title only.

Senator Belser moved that the rules be further waived and Senate Bill No. 1401 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1401 was read the third time in full.

Upon the passage of Senate Bill No. 1401 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1401 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Brackin asked consent of the Senate to introduce the following proposed legislation:

By Senator Brackin—

S. B. No. 1402—A bill to be entitled An Act amending Chapter 31034, Laws of Florida, Acts of 1955, the same being the charter of the City of Niceville, Okaloosa County, Florida, by redefining the boundaries of the city; and providing the effective date of this Act.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1402 was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 1402 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Brackin moved that the rules be waived and Senate Bill No. 1402 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1402 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 1402 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1402 was read the third time in full.

Upon the passage of Senate Bill No. 1402 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1402 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Brackin asked consent of the Senate to introduce the following proposed legislation:

By Senator Brackin—

S. B. No. 1403—A bill to be entitled An Act relating to the City of Niceville in Okaloosa County; providing certain qualifications for the mayor of said city; amending Section 6 of Chapter 31034, Acts 1955; and providing for a referendum.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1403 was read the first time by title only.

Senator Brackin moved that the rules be waived and Senate Bill No. 1403 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1403 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 1403 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1403 was read the third time in full.

Upon the passage of Senate Bill No. 1403 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1403 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Brackin asked consent of the Senate to introduce the following proposed legislation:

By Senator Brackin—

S. B. No. 1404 A bill to be entitled An Act to extend the boundaries of the City of Niceville in Okaloosa County; and providing for a referendum.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1404 was read the first time by title only.

Senator Brackin moved that the rules be waived and Senate Bill No. 1404 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1404 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 1404 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1404 was read the third time in full.

Upon the passage of Senate Bill No. 1404 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1404 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Gautier asked consent of the Senate to introduce the following proposed legislation:

By Senator Gautier—

S. B. No. 1405—A bill to be entitled An Act relating to the City of Edgewater, Volusia County, Florida; amending Chapter 27532, Laws of Florida, Special Acts of 1951, by adding a new Section; providing enabling Legislation for annexation of contiguous territory; providing effective date.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1405 was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 1405 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier moved that the rules be waived and Senate Bill No. 1405 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1405 was read the second time by title only.

Senator Gautier moved that the rules be further waived and Senate Bill No. 1405 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1405 was read the third time in full.

Upon the passage of Senate Bill No. 1405 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers

Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1405 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Johnson asked consent of the Senate to introduce the following proposed legislation:

By Senator Johnson—

Senate Concurrent Resolution No. 1406:

A CONCURRENT RESOLUTION FOR THE APPOINTMENT OF A JOINT COMMITTEE OF THE SENATE AND HOUSE RELATING TO CONSTITUTIONAL REVISION.

WHEREAS, The members of the Senate and House of Representatives are at variance with reference to many of the provisions of the proposed revision of the State Constitution, and

WHEREAS, The most efficient and time saving method of resolving these differences is by means of a joint compromise committee of the Senate and the House of Representatives,

NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That a joint committee to be composed of five (5) members of the Senate and five members of the House of Representatives be appointed by the President of the Senate and the Speaker of the House of Representatives respectively whose duty it shall be to serve during the remainder of the 1957 Session as a compromise committee and attempt to resolve the differences between the Senate and the House of Representatives as to the proposed State constitutional revision and to report its recommendations back to the Senate and the House of Representatives at the earliest possible time.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Concurrent Resolution No. 1406 was read the first time in full.

Senator Johnson moved that the rules be waived and Senate Concurrent Resolution No. 1406 be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 1406 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to and Senate Concurrent Resolution No. 1406 was adopted and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Connor asked consent of the Senate to introduce the following proposed legislation:

By Senator Connor—

S. B. No. 1407—A bill to be entitled An Act naming a certain State Road in Citrus County the James E. Rooks Road.

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1407 was read the first time by title only.

Senator Connor moved that the rules be waived and Senate Bill No. 1407 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1407 was read the second time by title only.

Senator Connor moved that the rules be further waived and Senate Bill No. 1407 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1407 was read the third time in full.

Upon the passage of Senate Bill No. 1407 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1407 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

MESSAGES FROM THE GOVERNOR

The following Communications from the Governor were received:

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 6, 1957

Honorable W. A. Shands
President of the Senate
State Capitol
Tallahassee, Florida

Sir:

I have the honor to inform you that yesterday I approved the following Act, which originated in your Honorable Body, Regular Session, 1957, and have caused the same to be filed in the Office of the Secretary of State:

S. B. NO. 1387—RELATING TO COMPENSATION OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Respectfully,

LeROY COLLINS
Governor

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 5, 1957

Honorable W. A. Shands
President of the Senate
State Capitol
Tallahassee, Florida

Sir:

I have the honor to inform you that today I have approved the following Act, which originated in your Honorable Body, Regular Session, 1957, and have caused the same to be filed in the office of the Secretary of State:

S. B. NO. 1095—RELATING TO BOARD OF PARKS AND HISTORIC MEMORIALS—PAN AMERICAN STATE PARK

Respectfully,

LeROY COLLINS
Governor

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 6, 1957

Honorable W. A. Shands
President of the Senate
State Capitol
Tallahassee, Florida

Sir:

I have the honor to inform you that today I have approved the following Act, which originated in your Honorable Body, Regular Session, 1957, and have caused the same to be filed in the office of the Secretary of State:

S. B. NO. 1231—RELATING TO MANATEE COUNTY AND SARASOTA COUNTY—AIRPORT AUTHORITY

Respectfully,

LeROY COLLINS
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members of the House of Representatives present on June 5, 1957, the Governor's objections to the contrary notwithstanding—

By the Committee on Citrus—

Committee Substitute for House Bill No. 749, (1957 Regular Session)—An Act relating to the state plant board; the citrus disease known as spreading decline caused by the burrowing nematode; declaring the burrowing nematode to be a dangerous public nuisance; directing the board to carry out a compulsory program of containment or eradication of the burrowing nematode in commercial citrus grove areas; authorizing the board to cooperate with state and federal agencies and private industry; authorizing the board to compensate grove owners for the loss of uninfested trees and plants necessarily destroyed in such program; providing an appropriation and providing an effective date; and relating to the manner of the board adopting rules and regulations.

The Governor's objections attached thereto as follows:

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 4, 1957

Honorable Doyle E. Conner
Speaker, House of Representatives
Capitol Building
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Committee Substitute for House Bill No. 749, enacted by the Legislature of 1957, and entitled:

"AN ACT RELATING TO THE STATE PLANT BOARD; THE CITRUS DISEASE KNOWN AS SPREADING DECLINE CAUSED BY THE BURROWING NEMATODE; DECLARING THE BURROWING NEMATODE TO BE A DANGEROUS PUBLIC NUISANCE; DIRECTING THE BOARD TO CARRY OUT A COMPULSORY PROGRAM OF CONTAINMENT OR ERADICATION OF THE BURROWING NEMATODE IN COMMERCIAL CITRUS GROVE AREAS; AUTHORIZING THE BOARD TO COOPERATE WITH STATE AND FEDERAL AGENCIES AND PRIVATE INDUSTRY; AUTHORIZING THE BOARD TO COMPENSATE GROVE OWNERS FOR THE LOSS OF UNINFESTED TREES AND PLANTS NECESSARILY DESTROYED IN SUCH PROGRAM; PROVIDING AN APPROPRIATION AND PROVIDING AN EFFECTIVE DATE; AND RELATING TO THE MANNER OF THE BOARD ADOPTING RULES AND REGULATIONS."

This bill includes an appropriation of $1,500,000 to finance work to be done and compensation to be paid in connection with the State Plant Board's program designed to combat the threat of spreading decline in our citrus areas. If additional time were allowed me under the Constitution, I would hold this measure pending the development by the Legislature of a tax program under which we could anticipate a soundly balanced fiscal position for the State, because I feel it has substantial merit. But under the Constitution and the circumstances involved in this extension of the Regular Biennial Session I cannot hold the measure longer than this day.

As pointed out in my recent veto of Senate Bill 344 of the current session, appropriating $550,000 to be used in a program of eradicating the fire ant and white fringed beetles, I cannot approve such an appropriation with the financing of our State's educational programs, health programs, and institutional programs all remaining in jeopardy.

For the foregoing reasons, I, therefore, withhold my approval from Committee Substitute for House Bill No. 749, Regular Session of the Legislature, 1957, and do hereby veto the same.

Included in this measure is the allocation of $119,600 for maintaining and conducting scientific research which I regard as imperative in this field. In the event Committee Substitute for House Bill No. 749 does not become a law, I will ask the Budget Commission to make this sum available to the State Plant Board for this work from the deficiency appropriation which is contained in the General Appropriations Act of this session.

Respectfully,

LeROY COLLINS
Governor

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Committee Substitute for House Bill No. 749 (1957 Regular Session), contained in the above message, was read by title, together with the objections thereto of the Honorable LeRoy Collins, Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Committee Substitute for House Bill No. 749 (1957 Regular Session) the roll was called and the vote was:

Yeas—35.

Mr. President	Bronson	Edwards	Morgan
Adams	Cabot	Gautier	Neblett
Barber	Carlton	Getzen	Pearce
Beall	Carraway	Hodges	Rawls
Belser	Clarke	Johns	Rodgers
Bishop	Connor	Johnson	Rood
Boyd	Davis	Kelly	Stenstrom
Brackin	Dickinson	Kickliter	Stratton
Branch	Eaton	Knight	

Nays—2.

Houghton Pope

So Committee Substitute for House Bill No. 749 (1957 Regular Session) passed by the required Constitutional two-thirds

vote of all members present, the Governor's objections to the contrary notwithstanding, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members of the House of Representatives present on June 5, 1957, the Governor's objections to the contrary notwithstanding—

By Messrs. Sweeny and Karl of Volusia—

H. B. No. 1166—(1957 Regular Session)—An Act relating to horse racing; providing for reinstatement, validation, and restoration of horse racing permits issued subsequent to December 15, 1949; providing that permittees construct race track within specified period; providing for referendum for counties.

The Governor's objections attached thereto as follows:

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 3, 1957.

Honorable Doyle E. Conner
Speaker, House of Representatives
State Capitol
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, House Bill No. 1166, enacted by the Legislature of 1957, and entitled:

"AN ACT RELATING TO HORSE RACING; PROVIDING FOR REINSTATEMENT, VALIDATION, AND RESTORATION OF HORSE RACING PERMITS ISSUED SUBSEQUENT TO DECEMBER 15, 1949; PROVIDING THAT PERMITTEES CONSTRUCT RACE TRACK WITHIN SPECIFIED PERIOD; PROVIDING FOR REFERENDUM FOR COUNTIES."

This bill appears to be identical to House Bill No. 1389, enacted by the Legislature in its 1955 biennial session and which was vetoed by me following the sine die adjournment of that session. It seeks to extend the time for the construction of a horse race track in Volusia County for which a permit was issued by the State Racing Commission and ratified by the voters of the county more than seven years ago.

Under Section 550.06, Florida Statutes, where such a permit is issued and so ratified the holder must construct a track and get his operation under way within twelve months, failing so to do, the permit becomes void and subject to cancellation without notice.

In my previous veto message, I pointed out:

> "I believe this general provision of the State law to be a sound one. It cannot be reasonably contended that a fair opportunity has not been given the holders of the permit for the construction of the track. It certainly was not contemplated by the general law that a privilege once applied for and obtained could be held in a dormant status and revived when the holder felt economic conditions or other circumstances would make it propitious for him to launch his pari-mutuel enterprise."

I know of no sound reason to change this view. Furthermore, since this projected racing operation is not now permitted under the law, if this measure is allowed to become a law it will authorize the extension of legalized gambling in this State. I have consistently declared my opposition to any extension of legalized gambling. Gambling is immoral. To the extent that we have authorized the same under existing law and because of the fact that the State and the counties have unfortunately come to be economically dependent upon such, the continuance of these operations under the most strict and stringent supervision may be condoned. But beyond this I do not feel we should go.

For the foregoing reasons, I, therefore, withhold my approval from House Bill No. 1166, Regular Session of the Legislature, 1957, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1166 (1957 Regular Session), contained in the above message was read by title, together with the objections thereto of the Honorable LeRoy Collins, Governor of Florida.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of House Bill No. 1166 (1957 Regular Session) the roll was called and the vote was:

Yeas—22.

Adams	Bronson	Edwards	Neblett
Beall	Cabot	Gautier	Rawls
Belser	Carraway	Hodges	Rood
Bishop	Connor	Johnson	Stratton
Boyd	Davis	Kelly	
Brackin	Dickinson	Knight	

Nays—15.

Mr. President	Clarke	Johns	Pope
Barber	Eaton	Kickliter	Rodgers
Branch	Getzen	Morgan	Stenstrom
Carlton	Houghton	Pearce	

So House Bill No. 1166 (1957 Regular Session) failed to receive the required Constitutional two-thirds vote of all members present and therefore failed to pass the Senate over the Governor's veto, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has receded from House Amendments 4 and 6 to—

By the Committee on Judiciary "A"—

Committee Substitute for S. B. No. 728—A bill to be entitled An Act vesting the title to all sovereignty submerged bottom lands, except for submerged lands in navigable fresh water lakes and lands heretofore sold or conveyed, in the trustees of the Internal Improvement Fund; providing for the disposition thereof; authorizing the appropriate board of county commissioners, governing body of any municipality or other local board authorized by law, and the trustees of the Internal Improvement Fund, to ascertain and establish or alter a bulkhead line or lines in areas on their own initiative or on application of an upland owner; prohibiting the pumping of sand, rock or earth, and the construction of islands, from

navigable water bottoms; and adding to or extending existing lands or islands bordering on or being in such navigable water bottoms; amending Section 253.12, Florida Statutes; adding Sections 253.122 through 253.128; repealing Sections 253.06 through 253.11, 253.13, 253.15, Florida Statutes, and specifically repealing 271.01, Florida Statutes; requiring a permit; providing effective date.

Which amendments read as follows:

Amendment No. 4

In Section 1, in next to the last paragraph in the 7th line, strike out: the word "may" and insert the following in lieu thereof: "shall"

Amendment No. 6—

In Section 3, at the end of the section, strike out: the period and insert the following: " ; and provided further that the owners of submerged lands heretofore conveyed by the State or any of its agencies shall have the right to fill such submerged lands by pumping sand, rock or earth from adjacent or adjoining submerged lands owned by the State, as may be approved by the United States Department of the Army Corps of Engineers, and such owners shall not be further required to comply with the terms of this Act."

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Committee Substitute for Senate Bill No. 728, as amended by House Amendments Nos. 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, in which the Senate had previously concurred, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendments—

By Senators Kelly, Carlton, Rood and Kickliter—

S. B. No. 1307—A bill to be entitled An Act creating the Southwest Florida Water Conservation District to be composed of Polk, Highlands, Hardee, DeSoto, Manatee, Charlotte, Hillsborough and Sarasota Counties; creating a Board of Commissioners, providing for a Board Chairman, his appointment, providing for the board's appointment, their powers and duties.

Which amendments read as follows—

Amendment No. 1—

In Section 1, line 6, strike out: Hillsborough

Amendment No. 2—

In Section 2, line 2, following the words conservation authority shall consist of, strike out: eight (8) and insert the following in lieu thereof: seven (7)

Amendment No. 3—

In Section 2, Subsection 2, following the word "from" strike out: Highlands

Amendment No. 4—

In Section 2, Subsection 3, following the words "member from" strike out: Hillsborough and insert the following in lieu thereof: Highlands

Amendment No. 5—

Strike out: Section 7 and 8 and re-number remaining Sections.

Amendment No. 6—

Strike out: Charlotte County whenever it shall appear

Amendment No. 7—

In the title strike out: "Hillsborough"

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1307, contained in the above message, was read by title, together with House Amendments thereto.

Senator Kelly moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 3 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 4 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 4 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 5 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 5 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 6 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 6 to Senate Bill No. 1307.

Senator Kelly moved that the Senate concur in House Amendment No. 7 to Senate Bill No. 1307.

Which was agreed to and the Senate concurred in House Amendment No. 7 to Senate Bill No. 1307.

And Senate Bill No. 1307, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives recalled from the Senate, reconsidered the vote by which Senate Bill No. 1116 passed, has amended and passed as amended—

By Senator Brackin—

S. B. No. 1116—A bill to be entitled An Act relating to Santa Rosa County; providing for an assistant County Attorney, his duties and method of compensation.

Which amendment reads as follows—

In Section 3, line 4, following the word "salary" insert the following: "prosecuting attorney fees, and bond estreatures".

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1116, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Brackin moved that the Senate concur in the House Amendment to Senate Bill No. 1116.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 1116.

And Senate Bill No. 1116, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendments—

By Senator Kelly—

S. B. No. 1330—A bill to be entitled An Act to authorize the Board of County Commissioners of Polk County, Florida, as the governing authority of said county to establish roads to lakes or streams in said county from the most practicable public highway and to exercise the right of eminent domain in securing the right of way therefor; and providing for a referendum.

Which amendments read as follows—

Amendment No. 1—

In Section 1, line 4, following the words "establish roads to any" insert the following: "public".

Amendment No. 2—

In Section 1, line 4, following the words "navigable lake or" insert the following: "public".

Amendment No. 3—

Section 3. Add new Section 3 as follows: In the exercise of the powers of eminent domain, as established in Section 2 hereof, the said Board of County Commissioners shall, prior to the exercise thereof, conduct a public hearing after thirty (30) days notice to parties involved, to determine the navigability of the lake or stream involved, the question of necessity of such desired access and the practicability of the proposed access route to the lake or stream involved. Should conflict arise as to the question of navigability of the lake or stream involved, a determination, of navigability by a Court of Competent Jurisdiction shall precede the exercise of the powers of eminent domain.

Amendment No. 4—

—and insert the following: Renumber original Section 3 to read: Section 4.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1330, contained in the above message, was read by title, together with House Amendments thereto.

Senator Kelly moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 1330.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 1330.

Senator Kelly moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 1330.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 1330.

Senator Kelly moved that the Senate concur in House Amendment No. 3 to Senate Bill No. 1330.

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 1330.

Senator Kelly moved that the Senate concur in House Amendment No. 4 to Senate Bill No. 1330.

Which was agreed to and the Senate concurred in House Amendment No. 4 to Senate Bill No. 1330.

And Senate Bill No. 1330, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Knight—

S. B. No. 1383—A bill to be entitled An Act relating to all counties having a population of not less than seven thousand nine hundred (7,900) nor more than eight thousand five hundred (8,500) inhabitants according to the latest official Statewide census; setting salary of the supervisor of registration; repealing all laws in conflict; providing effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1383, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Neblett—

S. B. No. 1381—A bill to be entitled An Act authorizing the conveyance of certain lands in Monroe County, Florida, to the South Florida Council of the Boy Scouts of America and to the Florida Keys Girl Scout Council, Inc.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1381, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Houghton—

S. B. No. 1382—A bill to be entitled An Act granting the City of St. Petersburg the power to sell or lease its gas and distribution system upon such terms as the City Council shall deem proper in its discretion and judgment and further empowering the City of St. Petersburg to grant such franchises as its City Council shall deem fit and proper to the purchaser or lessee of such gas plant and distribution system or to enter into such agreements with others for the operation and maintenance of such gas plant facilities; also granting the City of St. Petersburg any and all powers that could be conferred by law upon a public utility corporation in the operation, maintenance and disposition of its facilities; the exercise of all the above powers shall be vested in the City Council of the City of St. Petersburg without the necessity of the approval of its action by referendum vote; also repealing all laws or parts of laws in conflict with such proposed Act, and providing an effective date.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1382, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Brackin—

S. B. No. 1293—A bill to be entitled An Act authorizing the taking and cultivating of oysters from certain inside waters of Santa Rosa County by the use of a drag; limiting the size of such drag; providing an effective date.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1293, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Branch —

S. B. No. 1385—A bill to be entitled An Act relating to all counties having a population of not less than three thousand (3,000) nor more than three thousand three hundred (3,300) inhabitants according to the latest official State-wide census; exempting certain industrialists from ad valorem taxes for a certain period of time; providing effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1385, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senators Branch, Morgan, Connor, Hair, Knight, Bishop, Carraway, Pearce, Johnson, Hodges, Neblett, Gautier, Dickinson, Brackin, Getzen, Kelly, Cabot, Johns and Adams—

S. B. No. 962—A bill to be entitled An Act amending Section 334.09, Florida Statutes, providing for the salary of the chairman of the State Road Department and providing for an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 962, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. O'Neill and Chappell of Marion—

H. B. No. 2158—A bill to be entitled An Act amending the charter of the City of Ocala, to authorize special assessments for all or any part of the cost of any sewer improvements, including lateral, force or interceptor sewer mains, lift stations, and any other facilities for the collection and disposal of sewage on the land and real estate benefited thereby, not exceeding however, the amount of such benefits.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Proof of publication of Notice was attached to House Bill No. 2158 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

And House Bill No. 2158, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 3, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has again refused to concur in Senate Amendments to—

By Messrs. Hopkins and Stone of Escambia—

H. B. No. 566—A bill to be entitled An Act amending Section 1 of Chapter 31161, Acts of 1955, relating to an alternate method of annexation of outlying contiguous territory to the city of Pensacola.

Proof of publication attached.

Which amendments read as follows—

Amendment No. 1—

In Section 1, line 10 (typewritten bill), following the words: "duly qualified electors" strike the comma and insert the following: "who are freeholders," (comma)"

Amendment No. 2—

In Section 1, line 21 (typewritten bill), following the words: "preceding county registration" strike out the comma and insert the following: "and who are freeholders"

Amendment No. 3—

In Section 1, line 32, page 2 (typewritten bill) following the words: "duly qualified electors" insert the following: "who are freeholders"

Amendment No. 4—

In Section 1, line 39 (typewritten bill) following the words: "qualified electors" insert the following: "who are freeholders,"

Amendment No. 5—

In Section 1, line 45, page 2 (typewritten bill) following the words: "duly qualified electors" insert the following: "who are freeholders"

Amendment No. 6—

In Section 1, line 48, page 2 (typewritten bill) following the word "electors" insert the following: "who are freeholders"

—and again respectfully requests the Senate to recede therefrom.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Beall moved that further consideration of House Bill No. 566, together will pending Senate Amendments thereto, be informally passed and the same be placed on the Calendar of Local Bills.

Which was agreed to and it was so ordered.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to concur in Senate Amendment to—

By Mr. Duncan of Lake—

H. B. No. 2047—A bill to be entitled An Act providing a supplement to the salary of all circuit judges living in and elected or appointed to said office prior to the first day of January 1949, each county having a population of not less than thirty-five thousand (35,000) nor more than thirty-six thousand four hundred (36,400) inhabitants, according to the last official state-wide census; providing effective date.

Which amendment reads as follows—

In Section 3, strike out the entire section and insert in lieu thereof the following:

Section 3. This Act shall not take effect until approved by the electors of Lake County at an election to be held during any primary, special or general election called by the board of county commissioners in which election a majority of the qualified electors voting shall approve this Act.

—and respectfully requests the Senate to recede therefrom.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2047, contained in the above message, was read by title, together with the Senate Amendment thereto.

Senator Boyd moved that the Senate do not recede from the Senate Amendment to House Bill No. 2047.

Which was agreed to and the Senate refused to recede from the Senate Amendment to House Bill No. 2047.

And the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Mr. Anderson of Jefferson—

H. B. No. 2155—A bill to be entitled An Act relating to salary of the county judge in all counties in the State having a population of not less than ten thousand two hundred (10,-200) nor more than ten thousand four hundred fifteen (10,-415), according to the latest federal decennial state-wide census; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2155, contained in the above message, was read the first time by title only.

Senator Clarke moved that the rules be waived and House Bill No. 2155 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2155 was read the second time by title only.

Senator Clarke moved that the rules be further waived and House Bill No. 2155 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2155 was read the third time in full.

Upon the passage of House Bill No. 2155 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom

Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2155 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. Cross and Turlington of Alachua—

H. B. No. 2159—A bill to be entitled An Act relating to the Clerk of the Circuit Court in all counties of the State having a population of not less than fifty-seven thousand and one (57,001) and not more than fifty-eight thousand (58,000) according to the latest official State-wide federal census; authorizing the said clerk to perform certain duties and providing a fee; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2159, contained in the above message, was read the first time by title only.

Senator Davis, on behalf of Senator Shands, who was presiding, moved that the rules be waived and House Bill No. 2159 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2159 was read the second time by title only.

Senator Davis moved that the rules be further waived and House Bill No. 2159 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2159 was read the third time in full.

Upon the passage of House Bill No. 2159 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2159 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. Youngberg and Bartholomew of Sarasota—

H. B. No. 2157—A bill to be entitled An Act relating to all counties in the State of Florida having a population of not less than 28,000 nor more than 29,500, according to the last preceding Federal census; providing for the compensation of supervisors of registration of such counties; and providing the effective date of this Act.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2157, contained in the above message, was read the first time by title only.

Senator Rood moved that the rules be waived and House Bill No. 2157 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2157 was read the second time by title only.

Senator Rood moved that the rules be further waived and House Bill No. 2157 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2157 was read the third time in full.

Upon the passage of House Bill No. 2157 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2157 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has granted the request of the Senate and returns herewith—

By Messrs. Cross and Turlington of Alachua—

H. B. No. 1932—A bill to be entitled An Act creating the Alachua County Recreation and Water Conservation and Control Authority extending throughout the present limits of Alachua County, Florida; providing for a governing board of the Authority and defining its powers and duties; declaring the purposes for which the Authority is created and declaring these to be public purposes; authorizing the levy of an annual tax of not exceeding one mill upon all of the taxable real and personal property within the territorial limits of the Authority; empowering the Authority to acquire real and personal property or any rights therein by gift, purchase, lease, condemnation or eminent domain or otherwise; authorizing the

Authority to use and possess state land not used for a state purpose; authorizing the Authority to acquire, construct, maintain and operate all works necessary to carry out the purposes of the Act and to borrow money for use of the Authority.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Davis, on behalf of Senator Shands, who was presiding, moved that the Senate reconsider the vote by which House Bill No. 1932 passed the Senate on May 29, 1957.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 1932 passed the Senate on May 29, 1957?"

Which was agreed to.

So the Senate reconsidered the vote by which House Bill No. 1932 passed the Senate on May 29, 1957.

The question recurred on the passage of House Bill No. 1932.

Pending roll call on the passage of House Bill No. 1932, by unanimous consent, Senator Shands offered the following amendment to House Bill No. 1932:

In Section 17, Paragraph (d), strike out: entire paragraph and insert the following in lieu thereof:

(d) The said Board of County Commissioners, may each year (1) levy, assess and fix the millage and the rate of taxation upon all taxable real and personal property within the Authority as set forth in the certified copy of the resolution of the said Board and (2) certify the said millage to the Comptroller of the State of Florida and (3) order the Assessor of said county to levy and assess, and the County Tax Collector to collect, a tax at the millage fixed by said Board of County Commissioners upon all of the taxable real and personal property within said Authority for said year, and said levies and assessments shall be included in the tax roll and warrant of the Tax Assessor of said County for each fiscal year thereafter. The Tax Collector of said county shall collect such taxes so levied by the Board of County Commissioners for the said Authority in lawful money of the United States of America in the same manner and at the same time as County taxes are collected, and shall pay and remit the same upon collection to the Board.

Senator Davis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shands also offered the following amendment to House Bill No. 1932:

In Section 17, Paragraph (b), line 9, following the words: "by said resolution the Board" strike out: "shall direct" and insert the following in lieu thereof: "may request"

Senator Davis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shands also offered the following amendment to House Bill No. 1932:

In Section 17, Paragraph (b), line 13, following the words "shall not" strike out: "direct" and insert the following in lieu thereof: "request"

Senator Davis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shands also offered the following amendment to House Bill No. 1932:

In Section 17, line 21, following the words "County, Florida" strike out: "shall" and insert the following in lieu thereof: "may"

Senator Davis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Davis moved that House Bill No. 1932, as amended, be read in full and put upon its passage.

Which was agreed to.

And House Bill No. 1932, as amended, was read in full.

Upon call of the roll on the passage of House Bill No. 1932, as amended, the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 1932 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Eaton moved that the rules be waived and Committee Substitute for House Bill No. 184, which was reported unfavorably by the Committee on Judiciary "C", be removed from the table and placed on the Calendar of Bills on Second Reading, the unfavorable report of the Committee to the contrary notwithstanding.

Which was not agreed to and the motion failed of adoption.

Senator Brackin moved that the House of Representatives be respectfully requested to return House Bill No. 1701 to the Senate for further action.

Which was agreed to and it was so ordered.

SPECIAL AND CONTINUING ORDER

Pursuant to the motion made by Senator Johnson on June 5, 1957, and the hour having arrived, the Senate took up for consideration Bills relating to Constitutional Amendments appearing on the Calendar of the Senate as a Special and Continuing Order of Business.

Senate Joint Resolution No. 208:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IX OF THE CONSTITUTION OF FLORIDA BY ADDING THERETO AN ADDITIONAL SECTION CREATING A PERMANENT STATE BUILDING FUND.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to Article IX of the Constitution of Florida be added and that an additional section to be designated by the Secretary of State upon approval of said Article IX be submitted to the electors of the State of Florida for ratification or rejection at the next general election to be held in 1958, as follows:

Section——. There is created a permanent State building fund into which shall be transferred such public monies, assests and earnings as the Legislature may prescribe. The same shall be used for constructing, equipping, repairing, maintaining, leasing or purchasing of public buildings and the sites for same, or for investment in public securities as the Legislature may prescribe. The fund shall be administered by the Board of Commissioners of State Institutions in the manner provided by law.

Was taken up and read the second time in full.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 208 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 208 was read the third time in full.

Upon the passage of Senate Joint Resolution No. 208 the roll was called and the vote was:

Yeas—33.

Mr. President	Cabot	Hair	Pearce
Adams	Carlton	Hodges	Pope
Barber	Carraway	Houghton	Rodgers
Beall	Clarke	Johns	Rood
Belser	Davis	Johnson	Stenstrom
Bishop	Eaton	Kelly	Stratton
Boyd	Edwards	Kickliter	
Brackin	Gautier	Knight	
Bronson	Getzen	Neblett	

Nays—2.

Connor	Rawls

So Senate Joint Resolution No. 208 passed by the required constitutional three-fifths vote of all members elected to the Senate for the 1957 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

Senate Joint Resolution No. 1390:

A JOINT RESOLUTION PROPOSING REVISION OF THE PREAMBLE TO THE CONSTITUTION OF THE STATE OF FLORIDA.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The following proposed revision of the Preamble to the Constitution of Florida is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at the general election to be held in November of 1958, that is to say:

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for freedom, liberty, and other blessings that we enjoy by grace of Divine Providence, and desiring to preserve them, do ordain and establish this constitution.

Was taken up and read the second time in full.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 1390 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 1390 was read the third time in full.

Upon the passage of Senate Joint Resolution No. 1390 the roll was called and the vote was:

Yeas—34.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Rawls
Beall	Clarke	Houghton	Rodgers
Belser	Connor	Johns	Rood
Bishop	Davis	Johnson	Stenstrom
Boyd	Eaton	Kelly	Stratton
Branch	Edwards	Kickliter	
Bronson	Gautier	Knight	

Nays—None.

So Senate Joint Resolution No. 1390 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1957 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

Senate Joint Resolution No. 1389:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following proposed amendment to the Constitution of the State of Florida relating to education is hereby agreed to and shall be submitted to the electors of this State for ratification or rejection at the next general election to be held in November of 1958, that is to say:

ARTICLE X

EDUCATION

Section 1. **Uniform system of free public schools and higher institutions.**—The Legislature shall provide for the establishment, maintenance, and operation of a uniform system of free public schools, and for institutions of higher learning. "Public schools" as used herein signifies schools through the twelfth grade and junior colleges, but the Legislature may change this classification.

Section 2. **State board of education—powers and duties.**—The members of the cabinet shall constitute the State Board of Education, which shall have the management and investment of all State school funds pursuant to applicable law and such supervision of institutions of higher learning as may be provided by law.

Section 3. **County school boards—membership—duties.**—In each county the five school board members shall constitute the county school board, which shall operate, control, and supervise all public schools within the county, levy the county school taxes, appoint the county school superintendent in those counties in which appointment is authorized, and perform other duties prescribed by law.

Section 4. **State school fund—derivation—use.**—The State school fund shall consist of the proceeds of all lands granted to the State by the United States for public school purposes, twenty-five percent of the proceeds of sale of other public lands now or hereafter owned by the State, proceeds from escheats and forfeitures, State appropriations, and donations to this fund or to the State without specification of purpose. The principal of this fund shall remain inviolate, and interest derived from investment thereof shall be applied exclusively to the support of free public schools. Such interest and all other State means provided for the support and maintenance of free public schools shall be apportioned and distributed among the counties according to a principle of classification prescribed by general law.

Section 5. **County school fund—sources—apportionment—restrictions on use.**—Each county school board shall levy annually for the support of the free public schools of the county a tax of not less than three or more than ten mills of the assessed valuation of all taxable property therein, and upon vote of the electors that pay a tax on real or personal property it may levy an additional tax not exceeding ten mills. The County School Fund shall consist of the proceeds of these taxes, its share of the interest derived from the State school fund, any State appropriations distributed to it, and revenue derived from any other source for support and maintenance of free public schools. The county school board shall disburse these proceeds solely for the support and maintenance of free public schools as prescribed by general law; but no law shall be enacted authorizing the diversion or lending of such funds or the use of any part for support of any sectarian school.

Section 6. **School bonds for capital outlay—issuance.**—(a) That beginning January 1, 1953, and for thirty (30) years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the County Capital Outlay and Debt Service School Fund in the State Treasury, and used only as provided in this amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred ($400.00) dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore or hereafter provided by general law, or (2) the number of instruction units in such county for the preceding school fiscal year computed in the manner heretofore or hereafter pro-

vided by general law and approved by the State Board of Education (hereinafter called the State Board).

Such funds so distributed shall be administered by the State Board as now created and constituted by Section 2 of Article X of the Constitution of Florida. For the purposes of this section, said State Board, as now constituted, shall continue as a body corporate during the life of this section and shall have all the powers provided in this section in addition to all other constitutional and statutory powers related to the purposes of this section heretofore or hereafter conferred upon said Board.

(b) The State Board shall, in addition to its other constitutional and statutory powers, have the management, control, and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in Subsection (a) hereof. The State Board shall also have power, for the purpose of obtaining funds for the use of any County Board of Public Instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said State Board. All such bonds shall bear interest at not exceeding four (4) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than (3) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four (4) per centum per annum and shall mature prior to January 1, 1983. The State Board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the State Board shall provide.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this section and to enter into any covenants and other agreement with the holders of such bond or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the State Board until after the adoption of a resolution requesting the issuance thereof by the County Board of Public Instruction of the county on behalf of which such obligations are to be issued. The State Board of Education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five (75) per cent of the amount which it determines can be serviced under the revenue accruing to the county under the provisions of this section. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the State Board of Education but shall be issued for and on behalf of the County Board of Public Instruction requesting the issuance thereof, and no election or approval of qualified electors or free-holders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this section to the credit of each county only in the following manner and order of priority:

(1) To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject, however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds, to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any Board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this section and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request of the Board of Public Instruction of the County and with the approval of the State Board; and provided further, that this subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds or any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this section in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this section of full force and operating effect from and after January 1, 1953. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this section to any degree which will fail to provide the full amount necessary to comply with the provisions of this section and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this section and shall not enact any law impairing or materially altering

the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this section or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this section as it shall deem necessary, and the expenses of the State Board in administering the provisions of this section shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this section. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

Section 7. **County school bonds—issuance—payment—restrictions.**—The legislature may authorize county school boards to issue bonds to raise funds for the exclusive use of the free public schools of the county whenever the issuance of such bonds is approved by a majority of the votes cast in an election in which a majority of the electors who are freeholders participate; provided, no election shall be necessary to issue refunding bonds. A special tax on all taxable property in the county shall be levied at a rate sufficient to meet and shall be applied exclusively to the payment when due of the installments of principal and interest on such bonds. Such bonds shall become payable within thirty years from the date of issuance in annual installments commencing not more than three years after the date of issuance. After the first three years from date of issuing, each annual installment shall be not less than three per cent of the total amount of the issue. The principal of such bonds, together with the principal of the existing indebtedness of the county incurred for public school purposes and unpaid bonds of special tax school districts thereof shall not exceed twenty per cent of the assessed valuation of all taxable property of the county.

Section 8. **White and colored—separate schools.**—White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

Was taken up and read the second time in full.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 1389 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 1389 was read the third time in full.

Upon the passage of Senate Joint Resolution No. 1389 the roll was called and the vote was:

Yeas—31.

Mr. President	Bronson	Gautier	Kickliter
Adams	Carlton	Getzen	Knight
Beall	Carraway	Hair	Rawls
Belser	Clarke	Hodges	Rodgers
Bishop	Connor	Houghton	Rood
Boyd	Davis	Johns	Stenstrom
Brackin	Eaton	Johnson	Stratton
Branch	Edwards	Kelly	

Nays—1.

Pope

So Senate Joint Resolution No. 1389 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1957 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

Senate Joint Resolution No. 535:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 2 OF THE STATE CONSTITUTION, TO PROVIDE FOR ORIGINAL ABSENTEE REGISTRATION OF ELECTORS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That Article VI, Section 2 of the State Constitution be amended as follows, is hereby agreed to and shall be submitted to the electors of the State for ratification or rejection at the general election of November 4, 1958:

Section 2. **Registration of electors.**—The Legislature, at its first session after the ratification of this Constitution, shall provide by law for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

The Legislature may provide for the registration of electors outside the territorial jurisdiction of the State of Florida.

Was taken up and read the second time in full.

Senator Dickinson moved that the rules be waived and Senate Joint Resolution No. 535 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 535 was read the third time in full.

Upon the passage of Senate Joint Resolution No. 535 the roll was called and the vote was:

Yeas—35.

Mr. President	Carlton	Getzen	Morgan
Adams	Carraway	Hair	Pearce
Beall	Clarke	Hodges	Pope
Belser	Connor	Houghton	Rawls
Bishop	Davis	Johns	Rodgers
Boyd	Dickinson	Johnson	Rood
Brackin	Eaton	Kelly	Stenstrom
Branch	Edwards	Kickliter	Stratton
Bronson	Gautier	Knight	

Nays—None.

So Senate Joint Resolution No. 535 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1957 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 1323—A bill to be entitled An Act relating to voting upon revised articles of the Constitution.

Was taken up.

Senator Johnson moved that the rules be waived and Senate Bill No. 1323 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1323 was read the second time by title only.

Senator Johnson moved that the rules be further waived and Senate Bill No. 1323 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1323 was read the third time in full.

Upon the passage of Senate Bill No. 1323 the roll was called and the vote was:

Yeas—30.

Mr. President	Branch	Edwards	Knight
Adams	Bronson	Gautier	Morgan
Barber	Carlton	Getzen	Neblett
Beall	Carraway	Hair	Pearce
Belser	Clarke	Hodges	Rodgers
Bishop	Connor	Houghton	Stratton
Boyd	Davis	Johns	
Brackin	Eaton	Johnson	

Nays—5.

Dickinson	Pope	Stenstrom
Kickliter	Rood	

So Senate Bill No. 1323 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Joint Resolution No. 1294:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE EXECUTIVE DEPARTMENT OF THE GOVERNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following proposed amendment to the Constitution of the State of Florida relating to the Executive Department of the Government is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November of 1958, that is to say:

ARTICLE IV

EXECUTIVE

Section 1. **Executive officers.**—The elective state executive officers constituting the Cabinet shall be the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Education, and Commissioner of Agriculture. The other executive officers shall be a Budget Director appointed by the Cabinet and two Budget Commissioners, one to be appointed by the Senate and one to be appointed by the House of Representatives of the Legislature.

Section 2. **Executive officers—qualifications—limitation on succession to governorship — term — deputies.** — Each cabinet member shall be at least thirty years of age when elected and shall have been a citizen and resident of the state for ten years immediately prior thereto. No person who has served as governor by election or succession shall be eligible to again serve as governor until four years after the expiration of the term during which he shall have served as governor. Each cabinet member shall be elected quadrennially at a state-wide general election and shall begin his term of four years at noon on the first Tuesday after the first Monday of the following January. Each appointed executive officer shall serve at the pleasure of his appointing authority. The legislature may authorize any executive officer to appoint general or special deputies, who shall serve at his pleasure and for whose acts he shall be responsible, but no deputy shall act for him at any cabinet or board meeting.

Section 3. **Executive and administrative officers—duties—reports of executive officers.**—Each state executive or administrative officer or agency shall perform the duties specified herein, and all except the governor shall perform such other duties as the legislature may provide.

Each state officer of the executive branch shall at the beginning of each regular session of the legislature and at such other times as the governor may request, make report to the governor of his official acts and of the receipts, expenditures, and requirements of his office. The governor shall lay the reports before the legislature at the beginning of such session.

Each state, county, district, or municipal executive officer, agency head, or employee, shall furnish information regarding his department, office, or employment upon the request of either house of the legislature. The governor may require information in writing from any state executive or administrative officer and from any county officer regarding his executive or administrative duties.

Section 4. **Governor—chief executive—commander-in-chief—grants—commissions.**—The supreme executive power shall be vested in the governor. He shall take care that the laws are faithfully executed, be commander-in-chief of the state armed forces unless they are called into the active service of the United States, transact all executive business with state civil and military officers, and sign all grants. He shall issue each state and county officer a commission in the name of the state, bearing its great seal attested by the secretary of state, and shall sign it unless otherwise provided by law.

Section 5. **Governor—message to legislature.**—At least once in each regular session the governor shall by message inform the legislature concerning the condition of the state and recommend measures in the public interest.

Section 6. **Governor—suspensions.**—By executive order stating the ground and filed with the secretary of state, the governor may suspend from office any officer of the militia not in the active service of the United States, any state officer not subject to impeachment, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

The suspended officer shall be deemed to have acquiesced in the suspension and surrendered all claim to the office unless within thirty days from the filing of the suspension order he shall file with the secretary of state a written demand for a hearing. The hearing shall be accorded promptly before the governor or a disinterested cabinet member designated by him in writing. All evidence supporting the suspension and all evidence that the officer has in his defense shall be presented and recorded at the hearing, and a transcript thereof and all documentary evidence shall be filed with the secretary of state. The governor shall thereupon file with the secretary of state a further order stating his findings and finally confirming or revoking the suspension. If the order does not reinstate the officer, the secretary of state shall transmit to the senate, on the next day it is in regular, special, or extra session, certified copies of the orders and of the record of the hearing. The senate may take further evidence and shall sustain or disapprove the suspension. If it disapproves or fails to act before adjourning, the officer shall be reinstated and shall receive from the state compensation to the date of reinstatement or to the date of expiration of his term of office, whichever is earlier. The proceedings hereunder shall not affect his criminal or civil liability.

Section 7. **Vacancies in office.**—Unless otherwise provided herein, the governor shall fill by appointment all vacancies in state and county offices except the offices of Budget Director and Budget Commissioner, which vacancies shall be filled by the appointing authority. All appointments by the governor to fill vacancies in state and county offices shall be for a term ending at noon on the first Tuesday after the first Monday in January following the next succeeding state-wide general election. Vacancy occurs upon failure to qualify within fifteen days from commencement of the term of office to which elected, removal, impeachment, resignation, death, or unexplained absence for six months. The governor may fill by appointment any office the incumbent of which has been suspended.

Section 8. (a) **Pardon board—application for pardon.**—The cabinet shall constitute the Pardon Board. The governor and any three others may grant full or conditional pardons, commute punishment, and remit fines and forfeitures in all cases except treason. The legislature shall prescribe the manner of applying for pardons.

(b) **Governor — reprieves — remissions or suspensions of fines.**—The governor may suspend collection of fines and forfeitures and grant reprieves not exceeding sixty days in all cases except treason. In cases of treason the reprieve may extended to the next legislative session, and at the commencement thereof the governor shall report the treason cases to the legislature, which may direct execution of the sentence or grant a pardon or further reprieve. If it adjourns without disposing of the case the governor shall enforce the sentence.

(c) **Parole commission.**—The legislature may create a Parole Commission, prescribe the qualifications, method of selection, and terms of its members, and empower it to supervise persons on probation and to grant parole or conditional releases to persons under sentence for crime.

Section 9. **Advisory opinions of justices.**—The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented. They shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

Section 10. **Successor to office of governor.**—Upon failure of the governor-elect to qualify, or in case of the impeachment of the governor, his removal from office, death, resignation or inability to discharge his official duties, the president of the Senate shall become governor for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the president of the senate, the speaker of the house of representatives shall become governor for the residue of the term, or until the disability of the president of the senate shall cease.

Section 11. **Board of commissioners of state institutions.**—The cabinet shall constitute the Board of Commissioners of State Institutions, which board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

Section 12. **Secretary of state—duties.**—The secretary of state shall keep the records of official acts of the legislative and executive departments and when requested by either house of the legislature shall deliver them and all related matters to it. He shall attest all grants and commissions and be custodian of the great seal of the state.

Section 13. **Attorney general—duties.**—The attorney general shall be the legal advisor to each officer of the state executive branch.

Section 14. **Comptroller—duties.**—The comptroller shall examine, preaudit, adjust and settle the accounts of all officers of the state and perform such other duties as may be prescribed by law.

Section 15. **Treasurer—duties.**—The treasurer, in the manner prescribed by law, shall keep all funds and securities and make all disbursements, but he shall not disburse funds without the order of the comptroller, countersigned by the governor as a ministerial duty enforceable by writ of mandamus.

Section 16. **Superintendent of education — duties.**—The state superintendent of education shall be the executive head of the public school system and shall perform the duties with respect thereto prescribed by law.

Section 17. **Commissioner of agriculture—duties.**—The commissioner of agriculture shall perform the duties prescribed by law relating to agriculture, shall maintain the Bureau of Agricultural Information, and shall be custodian of records pertaining to public lands.

Section 18. **Budget commission—duties.**—The budget director, who shall be the chairman, and the budget commissioners shall constitute the Budget Commission, which shall perfrom such duties as may be prescribed by law.

Section 19. **Public utilities commission.**—The legislature shall establish a Public Utilities Commission and prescribe its membership, duties, and powers, including quasi-judicial powers.

Section 20. **Public health.**—The legislature shall establish a State Board of Health for the supervision of public health and may establish a County Board of Health in any county. The legislature shall prescribe their membership, duties, and powers.

Section 21. **Welfare.**—(a) The legislature shall establish and prescribe the powers and duties of a State Welfare Board.

(b) The legislature may provide by general law for a uniform system of benefits to residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune. No person shall receive state benefits unless (i) he has been a resident of the state for five years immediately preceding application, and (ii) has reached the age of sixty-five years if application is based solely on age; provided, when necessary to secure state participation in federal funds the legislature may adopt the requirements specified by the United States.

(c) Counties shall provide in the manner prescribed by law for residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune.

Section 22. **Correctional institutions—benevolent institutions.**—The legislature shall provide, as the public good may require, for correctional institutions, institutions for the insane, the blind, and the deaf, and other benevolent institutions.

Section 23. **Director of conservation—duties.**—The director of conservation shall pursuant to law supervise and conserve the fish, shellfish and game resources of the state.

Was taken up and read the second time in full.

The Committee on Constitutional Amendments offered the following amendment to Senate Joint Resolution No. 1294:

In Section 1, line 8 (typewritten bill) strike out the period and insert in lieu thereof the following: ", and a Director of Conservation who shall be appointed by the Cabinet."

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Constitutional Amendments also offered the following amendment to Senate Joint Resolution No. 1294:

In Section 7, line 4 (typewritten bill) after the word "Commissioner", strike out the comma and insert in lieu thereof the following: "and Director of Conservation,"

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Constitutional Amendments also offered the following amendment to Senate Joint Resolution No. 1294:

In Section 8, Subsection (b) (typewritten bill) at the end of said subsection, add the following: "A record of each pardon, commutation, remission, reprieve and suspension granted shall be filed with the Secretary of State.

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Constitutional Amendments also offered the following amendment to Senate Joint Resolution No. 1294:

In Section 13, line 3 (typewritten bill) strike out the period and insert in lieu thereof the following: "; and shall perform such other legal duties as may be prescribed by law."

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Constitutional Amendments also offered the following amendment to Senate Joint Resolution No. 1294:

In Section 17, line 5 (typewritten bill) strike out the period and insert in lieu thereof the following: ", and shall perform such other duties as may be prescribed by law."

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Constitutional Amendments also offered the following amendment to Senate Joint Resolution No. 1294:

In Section 18, line 3 (typewritten bill) strike out the words: "which shall perform such duties as may be prescribed by law," and insert in lieu thereof the following: "which shall in the manner prescribed by law:

(1) study continually the fiscal operations of the government and all its agencies;

(2) at each regular session report to the Legislature the financial condition of the State, and submit an estimate of receipts and recommended expenditures of State revenue for the next fiscal biennium;

(3) make recommendations to the Legislature for efficient fiscal administration, for providing adequate State revenue, and for just distribution of the tax burden;

(4) assist State officers in preparing their budgets, and recommend to them practices for efficient fiscal administration;

(5) allocate, subject to the approval of the Cabinet, for such State purposes as the Budget Commission deems necessary, moneys to any State department from any general contingency or emergency fund, subject to such limitations and conditions as the Legislature may prescribe.

(6) perform such other duties as may be prescribed by law."

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Pending further amendment of Senate Joint Resolution No. 1294, Senator Davis moved that the rules be waived and the further consideration thereof be informally passed, Senate Joint Resolution No. 1294, as amended, retaining its place on Second Reading for the purpose of further amendment, and that the Senate revert to the consideration of Messages from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Beall—

S. B. No. 1396—A bill to be entitled An Act relating to the City of Pensacola; creating the office of honorary mayor and naming Vice Admiral Charles P. Mason, as honorary mayor of the City of Pensacola.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1396, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Kickliter—

S. B. No. 1391—A bill to be entitled An Act authorizing and empowering the City of Tampa, Florida, a municipal corporation, to convey by sale, exchange or lease to the board of public instruction of Hillsborough County, Florida, a public body corporate, the following described property, situate, lying and being in the County of Hillsborough, State of Florida, to wit: a tract of land beginning at the NW corner of the south ¾ of the NE ¼ of the SE ¼ of Section 26, Township 28 South, Range 18 East and extend 466.69 feet East, thence 466.69 feet South, thence 466.69 feet West, thence 466.69 feet North to the point of beginning, same being a part of Lowry Park; said conveyance by sale, exchange or lease shall be made by the proper officials of the City of Tampa, Florida, a municipal corporation, upon such terms and consideration as said officials determine to be proper and meet.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1391, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Cabot—

S. B. No. 1395—A bill to be entitled An Act authorizing the Board of County Commissioners of Broward County to convey certain real property owned by Broward County to South Florida Council, Boy Scouts of America.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1395, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Shands—

S. B. No. 1394 A bill to be entitled An Act relating to the Clerk of the Circuit Court in all counties of the State having a population of not less than fifty-seven thousand and one (57,001) and not more than fifty-eight thousand (58,000) according to the latest official State-wide federal census; authorizing the said clerk to perform certain duties and providing a fee; providing an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1394, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senators Knight, Belser and Rawls—

S. B. No. 1384—A bill to be entitled An Act relating to the State Attorney and Assistant State Attorney for the Fourteenth (14th) Judicial Circuit; providing for an additional Assistant State Attorney for such circuit; providing for a different county of residence for such Assistant State Attorney from either the State Attorney or any Assistant State Attorney; providing for permanent diversity of county of residency for the State Attorney and each Assistant State Attorney respectively; providing the powers of the additional Assistant State Attorney; providing the salary of the additional Assistant State Attorney; providing for the terms of office of the additional Assistant State Attorney and any other Assistant State Attorneys; and providing an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1384, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. Roberts and Blank of Palm Beach—

H. B. No. 2161—A bill to be entitled An Act to further amend Section 2, Chapter 24981, Special Laws of Florida, 1947, as amended, being a portion of the charter of the City of West Palm Beach, Florida, by adding at the end of said Section 2 an additional paragraph to be known as (d), which additional paragraph will authorize and empower the City of West Palm Beach to change its territorial limits by the annexation of any unincorporated tract of land lying contiguous to the present boundaries of said city, and to provide the method and procedure for the annexation of such lands, and providing for a referendum.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2161, contained in the above message, was read the first time by title only.

Senator Dickinson moved that the rules be waived and House Bill No. 2161 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2161 was read the second time by title only.

Senator Dickinson moved that the rules be further waived and House Bill No. 2161 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2161 was read the third time in full.

Upon the passage of House Bill No. 2161 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2161 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 5, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has granted the request of the Senate and returns herewith—

By Mr. Smith of Saint Lucie—

H. B. No. 2137—A bill to be entitled An Act amending Chapter 26200, Laws of Florida 1949, creating Fort Pierce Beach Erosion District in St. Lucie County, Florida.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Barber moved that the Senate reconsider the vote by which House Bill No. 2137 passed the Senate on June 3, 1957.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 2137 passed the Senate on June 3, 1957?"

Which was agreed to.

So the Senate reconsidered the vote by which House Bill No. 2137 passed the Senate on June 3, 1957.

The question recurred on the passage of House Bill No. 2137.

Pending roll call on the passage of House Bill No. 2137, Senator Barber moved that the further consideration thereof be informally passed.

Which was agreed to and House Bill No. 2137 was placed on the Calendar of Local Bills, pending roll call.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has granted the request of the Senate and returns herewith—

By Messrs. Westberry, Maness and Mathews of Duval—

H. B. No. 2070—A bill to be entitled An Act to amend Section 95 of Chapter 29308, Laws of Florida, Special Acts of 1953, entitled "An Act to abolish the existing municipality in Duval County, Florida, known as the town of Neptune Beach, creating in lieu thereof a municipality to be known as the City of Neptune Beach, providing for the government, jurisdiction and powers of the City of Neptune Beach hereby created, and providing for a referendum election", by conferring upon said City Council traffic supervisory powers over certain State and county roads, and providing for a referendum election.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Morgan moved that the Senate reconsider the vote by which House Bill No. 2070 passed the Senate on June 3, 1957.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 2070 passed the Senate on June 3, 1957?"

Which was agreed to.

So the Senate reconsidered the vote by which House Bill No. 2070 passed the Senate on June 3, 1957.

The question recurred on the passage of House Bill No. 2070.

Pending roll call on the passage of House Bill No. 2070, Senator Morgan moved that the further consideration thereof be informally passed.

Which was agreed to and House Bill No. 2070 was placed on the Calendar of Local Bills, pending roll call.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has granted the request of the Senate and returns herewith—

By Messrs. Musselman and Ryan of Broward—

H. B. No. 1891—A bill to be entitled An Act providing for the extension of the corporate limits of the City of Pompano Beach, Broward County, Florida, and limiting the ad valorem real estate taxing power and eminent domain power of the said city over said annexed area; authorizing the integration of territory into the City of Pompano Beach, which territory is adjacent to the city limits of the City of Pompano Beach as they now or may hereafter exist; and providing for the procedure to be followed in order to integrate such territory; and repealing all laws in conflict herewith.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Cabot moved that the Senate reconsider the vote by which House Bill No. 1891 passed the Senate on May 28, 1957.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 1891 passed the Senate on May 28, 1957?"

Which was agreed to.

So the Senate reconsidered the vote by which House Bill No. 1891 passed the Senate on May 28, 1957.

The question recurred on the passage of House Bill No. 1891.

Pending roll call on the passage of House Bill No. 1891, by unanimous consent, Senator Cabot offered the following amendment to House Bill No. 1891:

In Section 4, (typewritten bill) strike out all of Section 4. and insert in lieu thereof the following:

Section 4. Provided, however, that nothing herein contained shall be deemed to prohibit parcels 9, 10, and that part of parcel 11 lying east of the right of way line of Federal Highway (U. S. Number 1) from being annexed to the city of Lighthouse Point, Florida, in accordance with law, and in the event of annexation in accordance herewith, then in that event such annexation shall not be deemed to change any other provision herein contained and said parcels shall also retain their individual status for integration in accordance herewith into the city of Pompano Beach. In the event of annexation as provided in this section, the area so annexed shall become and be part of the city of Lighthouse Point, subject only to the provisions of this act.

Provided further, that nothing contained in this act shall be deemed to repeal, alter or amend the charter of the city of Lighthouse Point as enacted by the legislature of the State of Florida in 1957. It is expressly the intent of the legislature that the city of Lighthouse Point, Florida, shall continue to be empowered to exercise the powers and authority granted to them in their charter by Special Acts of 1957, until such time as same might be integrated into the city of Pompano Beach, Florida, as provided in this Act. Except as herein expressly provided, all laws in conflict herewith are hereby repealed.

Senator Cabot moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Cabot moved that House Bill No. 1891, as amended, be read in full and put upon its passage.

Which was agreed to.

And House Bill No. 1891, as amended, was read in full.

Upon call of the roll on the passage of House Bill No. 1891, as amended, the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 1891 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. Moody, Gibbons and Mann of Hillsborough—

H. B. No. 2163—A bill to be entitled An Act relating to all counties having a population of not less than two hundred thousand (200,000) and not more than three hundred thousand (300,000) inhabitants according to the last official statewide census; amending Section 1 of House Bill 1857 enacted during the 1957 Session of the Legislature; to provide for payment of additional and supplemental salaries, compensation, expenses or other allowances from fees, commissions and other county funds.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2163, contained in the above message, was read the first time by title only.

Senator Kickliter moved that the rules be waived and House Bill No. 2163 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2163 was read the second time by title only.

Senator Kickliter moved that the rules be further waived and House Bill No. 2163 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2163 was read the third time in full.

Upon the passage of House Bill No. 2163 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2163 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Mr. Griffin of Osceola—

H. B. No. 2162—A bill to be entitled An Act relating to the City of Kissimmee; authorizing the said city to provide for pension, life, health, accident or hospitalization insurance, or all or any kinds of such insurance for its employees and officers, or both, and their dependents, upon a group insurance plan; to enter into agreements with insurance companies to provide such insurance; to deduct periodically from the wages or salary, or both, of any employee or officer, or both, upon written request of such employee or officer, or both, any premium or portion of premium for such insurance; providing that the City of Kissimmee shall contribute to and pay the costs and expenses thereof in such portions and amounts as the City of Kissimmee shall by ordinance or resolution determine and fix; providing that the expenses of such insurance plan shall be paid out of the general fund of said city; providing an effective date.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Proof of publication of Notice was attached to House Bill No. 2162 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

And House Bill No. 2162, contained in the above message, was read the first time by title only.

Senator Bronson moved that the rules be waived and House Bill No. 2162 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2162 was read the second time by title only.

Senator Bronson moved that the rules be further waived and House Bill No. 2162 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2162 was read the third time in full.

Upon the passage of House Bill No. 2162 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2162 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Messrs. Moody, Gibbons and Mann of Hillsborough—

H. B. No. 2164—A bill to be entitled An Act relating to all counties having a population of not less than two hundred thousand (200,000) and not more than three hundred thousand (300,000) inhabitants according to the last official statewide census; amending Section 1 of House Bill 1858 enacted during the 1957 Session of the Legislature; to provide for payment of supplemental salaries, compensation, expenses or other allowances from fees, commissions and other county funds.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2164, contained in the above message, was read the first time by title only.

Senator Kickliter moved that the rules be waived and House Bill No. 2164 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2164 was read the second time by title only.

Senator Kickliter moved that the rules be further waived and House Bill No. 2164 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2164 was read the third time in full.

Upon the passage of House Bill No. 2164 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So House Bill No. 2164 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Pearce—(By Request)—

S. B. No. 1137—A bill to be entitled An Act to amend Section 212.08, Florida Statutes, relating to specific exemptions from sales, rental, storage and use tax by rearranging the exemptions in more orderly categories; by eliminating all exemptions on clothing, motor vehicles, lubricating oil, alcoholic beverages (other than malt beverages) when sold for consumption on

the premises, and on all other items not specifically exempted by this Act; by allowing a new exemption of one-third of the tax imposed on motor vehicles; by increasing the maximum tax imposed on industrial machinery from $300.00 to $1,000.00 and by restricting and clarifying the definition of such machinery; by declaring the Legislative intent of this Act; amending Chapter 588, Florida Statutes by adding Section 588.24, providing for a three percent (3%) tax on the sale of trading stamps; repealing all laws in conflict herewith and fixing an effective date.

Which amendment reads as follows—

Amendment No. 1—

Strike out everything after the enacting clause and insert the following in lieu thereof:

Section 1. Section 212.08, Florida Statutes, is hereby amended to read:

212.08 **Sales, rental, storage, use tax; specific exempting:**— The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property, is hereby specifically exempt from the tax imposed by this Chapter.

212.08(1) **Exemptions; general groceries.** There shall be exempt from the tax imposed by this Chapter foods for human consumption, particularly including foods such as milk and milk products, cereal and cereal products (meal, grits, flour, bread, and other bakery products), meats, (fresh, frozen, canned, salt or cured) and meat products, poultry and poultry products, vegetables and vegetable juices, fruits and fruit juices (not including soft drinks), seafoods, canned goods (including jams, jellies and preserves), nuts, berries, melons, sugar, salt, coffee and coffee substitutes, tea, cocoa, condiments, spices, spreads, relishes, desserts, flavoring, oleomargarine and shortening; also candy when the price at which the same is sold is twenty-five cents (25c) or less.

PROVIDED, That none of such items of food and/or drink shall mean foods and drinks (which include meals, milk and milk products, fruit and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared or sold in or by restaurants, drug stores, lunch counters, cafeterias, hotels, or other like places of business, or by any business or place requiring by law to be licensed by the Hotel and Restaurant Commission of the State of Florida, or sold ready for immediate consumption from push carts, motor vehicles, or any other form of vehicle.

212.08(2) **Exemptions; medical.** There is also exempt from the tax imposed by this Chapter medicine compounded in a retail establishment by a pharmacist licensed by the State according to an individual prescription or prescriptions written by a practitioner of the healing arts licensed by the State, and common household remedies recommended and generally sold for the relief of pain, ailments, distress or disorders of the human body, according to a list prescribed and approved by the State Board of Health, which said list shall be certified to the Comptroller from time to time and be included in the rules promulgated by the Comptroller; artificial eyes and limbs, eyeglasses, dentures, hearing aids, crutches, prosthetic and orthopedic appliances; and funerals when the cost thereof is less than five hundred dollars ($500.00). This subsection shall be strictly construed and enforced.

212.08(3) **Exemptions; items bearing other excise taxes and misc.** Also exempt from the tax imposed by this Chapter are fuels (including crude oil, fuel oil, gasoline, kerosene, diesel oil, natural and artificial gas, coal, coke and cordwood), electric power or energy, malt beverages, water (not exempting mineral water or carbonated water), and ice. The terms "alcoholic beverages" and " malt beverages" as used in this subsection shall have the same meaning ascribed to them in subsections three (3) and seven (7), respectively, Section 561.01, Florida Statutes. It is determined by the legislature that the classification of alcoholic beverages made in this subsection for the purpose of extending the tax imposed by this Chapter is resonable and just, and intended that such tax is separate from and in addition to any other tax imposed on alcoholic beverages.

212.08(4) **Exemptions on account of use.**

(a) There shall be exempt from the tax imposed by this Chapter nets and ships designed for and exclusively used by commercial fisheries; feeds for raising poultry and livestock on farms and for feeding dairy cows; fertilizers, insecticides and fungicides used for application on crops or groves; containers used for processing farm products; field and garden seed; cheesecloth for shading tobacco and seed beds; machines and farm equipment used exclusively by a farmer on a farm owned, leased or share-cropped by him in plowing, planting, cultivating and harvesting crops.

PROVIDED, that such exemption shall not be allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein.

(b) Also exempted are professional, insurance or personal service transactions which involve sales as inconsequential elements for which no separate charges are made.

(c) The above exempted personal service transactions do not exempt the sale of information services involving the furnishing of printed, mimeographed, multigraphed matter or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers. "Information services" shall mean and include the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons.

212.08(5) **Exemptions; industrial machinery.** There shall be exempt from the tax imposed by this Chapter on any single transaction so much of said tax as shall exceed one thousand dollars ($1,000.00) on the sale or rental to, the use, consumption or storage for use in this State of machines and equipment and parts and accessories therefor used in mining and quarrying, compounding, processing, producing or manufacturing, personal property for sale in this State, or used in furnishing communication, transportation or public utility services. As used in this subsection "single transaction" shall include orders placed and accepted for the sale and delivery within six months by one supplier, and the use in one particular location of specifically described items on which this exemption is allowed; and the term "machines and equipment and parts and accessories therefor" shall mean only such machines, machinery and equipment and parts and accessories therefore which are specifically designed for use in some phase or process of the operations mentioned in this subsection. The Comptroller is authorized to further define the terms used herein by rules and regulations not inconsistent herewith for the purpose of uniformity in the enforcement of this subsection.

212.08(6) **Exemptions; motor vehicles.** Motor vehicles shall be exempt from the tax imposed by this chapter. The term "motor vehicle" as used in this subsection shall have the same meaning ascribed in subsection one (1) Section 320.01, Florida Statutes, when used in the plural form.

212.08(7) **Exemptions; political subdivisions, interstate transportation, communications, etc.** There shall also be exempt from the tax imposed by this chapter sales made to the United States Government, the State or any county, municipality or political subdivision of this State, including sales of tangible personal property made to contractors employed by any such government or political subdivision thereof where such tangible personal property goes into and becomes a part of public works owned by such government or political subdivision thereof. Also exempt are vehicles and vessels and parts thereof used to transport passengers or property in interstate or foreign commerce. Likewise exempt are newspapers, communication services, film rentals, and charges for services rendered by radio and television stations, including line charges, talent fees or charges, and charges for films and transcriptions and other expendable items in producing radio or television broadcasts.

212.08(8) **Exemptions; religious, charitable and educational.** There shall be exempt from the tax imposed by this Chapter articles sold or leased to or by churches or other nonprofit religious, nonprofit educational, or nonprofit charitable institutions, in the course of their customary nonprofit religious, nonprofit educational, or nonprofit charitable activities, including cemeteries. Likewise exempt are admissions to ath-

letic contests or other sports events, not prohibited by law, the proceeds of which go entirely to the support of a hospital for crippled children, which hospital is subsidized by the Florida Crippled Children's Commission out of State funds;

PROVIDED that in order to qualify for such exemption, no part of the net proceeds of such athletic contest or other sports event shall inure to the benefit of any private stockholder or individual. Also exempt from payment of the tax imposed by this Chapter on rentals and meals are patients, inmates and guests of any hospital or institution designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated or for any reason dependent upon special care or attention. Also exempt are school books and school lunches.

212.08(9) **Legislative intent.** It is hereby declared to be the legislative intent of this Act:

(a) To raise the additional revenue required to meet the appropriations of the legislature, by eliminating existing sales and use tax exemptions on clothing and fabrics allowed by Subsection eight (8) of Section 212.08, Florida Statutes: by eliminating such exemptions allowed by subsection (4) (a) of Section 212.08, Florida Statutes, on lubricating oil, and on alcoholic beverages (other than malt beverages); by increasing the maximum tax fixed in subsection two (2) of Section 212.08, Florida Statutes, on industrial machinery from three hundred dollars ($300.00) to one thousand dollars ($1,000.00) and further restricting and clarifying the definition of such machinery; and by eliminating all other exemptions allowed by Section 212.08, Florida Statutes, not specifically mentioned herein.

(b) To aid in the enforcement of this Chapter by recognizing the effect of court rulings involving such enforcement and to incorporate herein substantial rulings of the Comptroller which have been recognized as necessary to supplement the interpretation of some of the terms used in this Section.

(c) To arrange the exemptions allowed in this Section in more orderly categories thereby eliminating some of the confusion attendant upon the present arrangement where cross-exemptions frequently occur.

Section 2. Section 212.11, Florida Statutes is hereby amended to read:

212.11 **Tax returns and regulations.**

(1) That the taxes levied hereunder upon rentals, admissions and sales of tangible personal property shall be due and payable monthly beginning on the first day of November, 1949, and for the purpose of ascertaining the amount of tax payable under this chapter, it shall be the duty of all dealers to make a return, on or before the twentieth day of the month to the Comptroller, upon forms prepared and furnished by him, showing the rentals, admissions, gross sales or purchases as the case may be, arising from all leases, rentals, admisions, sales or purchases, taxable under this chapter during the preceding calendar month. Any dealer who operates two or more places of business for which returns are required to be filed with the Comptroller and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business.

(2) Gross proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the comptroller may prescribe.

(3) Whenever the tax on rentals of any machine described in 212.08, shall amount to the total tax which would have been paid on said machine had the same been a sale rather than a rental, then there shall be no further rental tax thereon.

(4) Except as otherwise expressly provided for herein, it is hereby declared to be the intention of this chapter to impose a tax on the gross proceeds of all leases and rentals of tangible personal property in this state where the lease or rental is a part of the regularly established business, or the same is incidental or germane thereto.

Section 3. It is the legislative intent that there shall be no pyramiding or duplication of the excise taxes which are levied by the State under this Chapter, and no municipality shall levy any excise tax upon any privilege, admission, lease, rental, sale, use or storage for use or consumption which is subject to a tax under this Chapter unless permitted by General Law, provided however, that this provision shall not impair valid municipal ordinances which are in effect and under which a municipal tax is being levied and collected on July 1, 1957.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed, including any other law previously enacted at this session of the legislature in conflict herewith.

Section 5. This Act shall take effect July 1, 1957.

Amendment No. 2—

Strike out: the title and insert the following in lieu thereof: A new title which shall read:

A bill to be entitled An Act to amend Section 212.08, Florida Statutes, relating to specific exemptions from sales, rental, storage and use tax by rearranging the exemptions in more orderly categories; by eliminating all exemptions on clothing, lubricating oil, cigarettes, alcoholic beverages (other than malt beverages), and on all other items not specifically exempted by this Act; by increasing the maximum tax imposed on industrial machinery from $300.00 to $1,000.00 and by restricting and clarifying the definition of such machinery; by declaring the legislative intent of this Act; amending Section 212.11 (1) Florida Statutes to provide for the filing of consolidated reports by certain dealers operating two or more places of business; prohibiting certain excise taxes by municipalities; repealing all laws in conflict herewith and fixing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1137, contained in the above message, was read by title, together with House Amendments thereto.

Senator Pearce moved that the Senate do not concur in House Amendment No. 1 to Senate Bill No. 1137.

Which was agreed to and the Senate refused to concur in House Amendment No. 1 to Senate Bill No. 1137.

Senator Pearce moved that the Senate do not concur in House Amendment No. 2 to Senate Bill No. 1137.

Which was agreed to and the Senate refused to concur in House Amendment No. 2 to Senate Bill No. 1137.

Senator Pearce moved that the House of Representatives be respectfully requested to recede from House Amendments Nos. 1 and 2 to Senate Bill No. 1137.

Which was agreed to and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that when the Senate adjourns at the morning Session, this day, it recess to reconvene at 2:00 o'clock P. M., this day.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Davis moved that the Senate adjourn.

Which was agreed to and the Senate recessed at 12:38 o'clock P. M., until 2:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 2:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rood
Bishop	Davis	Johnson	Stenstrom
Boyd	Dickinson	Kelly	Stratton
Brackin	Eaton	Kickliter	
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

—37.

A quorum present.

Senator Rodgers was excused from further attendance upon the Session, this day.

REPORTS OF COMMITTEES

By permission the following Reports of Committees were received:

Senator Edwards, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

H. B. No. 1632—A bill to be entitled An Act relating to the county school system; authorizing the county school board to purchase section sixteen (16) land owned by the state, under certain circumstances; providing notice of sale of such land be given said board by the state board of education; providing the procedure and terms of purchasing such land; authorizing county school board to resell such land and providing for the distribution of the proceeds; requiring such land to be placed on the tax rolls after such resale; providing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Edwards, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

H. B. No. 838—A bill to be entitled An Act relating to higher education and the State Board of Control; amending Subsections (1) and (2) of Section 240.11, Florida Statutes, relating to the incorporation and powers of said board; creating and adding to said Section Subsections (3), (4) and (5), establishing a chancellor for the state university system, defining his duties, and providing for a council of presidents; and fixing an effective date.

—and recommends that the same not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Edwards, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bills:

H. B. No. 1162—A bill to be entitled An Act relating to Florida teacher education advisory council; amending Section 231.10, Florida Statutes, by providing a council of thirty-five (35) members; providing a method for selection of the members; providing an effective date.

H. B. No. 1197—A bill to be entitled An Act relating to the courses of study and instructional aids used in the public schools of the State; amending Section 233.01, Florida Statutes; providing for an increase in membership of the committee: Providing for a method of selecting the members; providing an effective date.

H. B. No. 1080—A bill to be entitled An Act to amend Section 236.05 Florida Statutes relating to procedure for determining the number of transportation units for the transportation of pupils to the public schools at public expense so as to strike from Sub-section (1) and (2) the word "physically" so as not to limit the transportation of handicapped pupils to physically handicapped pupils only.

—and recommends that the same not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Adams, Chairman of the Committee on Agriculture, reported that the Committee had carefully considered the following Bill:

Com. Sub. for H. B. No. 968—A bill to be entitled An Act establishing a revolving fund, the proceeds to be used by the Commissioner of Agriculture to initiate a foundation seed program to make new and improved agricultural and vegetable seed available to the farmers of Florida; appropriating thirty thousand dollars ($30,000.00) to said fund and providing that all proceeds received from the sale of seed shall be placed in said revolving fund; providing that at the beginning of each fiscal biennium the amount in said revolving fund shall not exceed thirty thousand dollars ($30,000.00); providing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was referred to the Committee on Appropriations under the original multiple reference.

Senator Davis moved that the Senate resume the consideration of Messages from the House of Representatives.

Which was agreed to.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By the Committee on Finance and Taxation—

H. B. No. 2166—A bill to be entitled An Act to amend Subsections (2) and (4) of Section 199.11, Florida Statutes, by increasing Class B and Class D intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5) (c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2166, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that for the remainder of the extended session, no person be permitted within the rail of the Senate floor except members of the Senate, the Secretary of the Senate and members of his staff, the Sergeant at Arms and members of his staff, members of the press, and messengers from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Carraway requested unanimous consent of the Senate to take up and consider House Bill No. 2079, out of its order.

Unanimous consent was granted, and—

H. B. No. 2079—A bill to be entitled An Act amending Senate Bill No. 338 relating to Legislative policy concerning payment of supplements to circuit judges; amending Item 36 of Section 1, of Senate Bill 338 as enacted by the 1957 Legislature; providing effective date.

Was taken up.

Senator Dickinson moved that the rules be waived and House Bill No. 2079 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2079 was read the second time by title only.

Senator Morgan offered the following amendment to House Bill No. 2079:

In (typewritten bill) add an additional section to read:

Section 3. The provisions of this Act shall expire June 30, 1959.

Senator Morgan moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dickinson moved that the rules be further waived and House Bill No. 2079, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2079, as amended, was read the third time in full.

Upon the passage of House Bill No. 2079, as amended, the roll was called and the vote was:

Yeas—34.

Mr. President	Bronson	Edwards	Knight
Adams	Cabot	Gautier	Neblett
Barber	Carlton	Getzen	Pearce
Beall	Carraway	Hair	Pope
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Houghton	Rood
Boyd	Davis	Johns	Stenstrom
Brackin	Dickinson	Johnson	
Branch	Eaton	Kelly	

Nays—None.

So House Bill No. 2079 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By permission the following Report of Committee was received:

REPORT OF COMMITTEE

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

H. B. No. 2166—A bill to be entitled An Act to amend Subsections (2) and (4) of Section 199.11, Florida Statutes, by increasing class B and class D intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5)(c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Pearce requested unanimous consent of the Senate to take up and consider House Bill No. 2166, out of its order.

Unanimous consent was granted, and—

H. B. No. 2166—A bill to be entitled An Act to amend Subsections (2) and (4) of Section 199.11, Florida Statutes, by increasing class B and class D intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5)(c) of Section 199.31, Florida Statutes, by appropriating seven million five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

Was taken up.

Senator Pearce moved that the rules be waived and House Bill No. 2166 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 2166 was read the second time by title only.

Senator Rood offered the following amendment to House Bill No. 2166:

In Section 1, lines 6, 7 and 8 (typewritten bill) strike out all of Subsection (4) under Section 1

Senator Rood moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Rood also offered the following amendment to House Bill No. 2166:

(Typewritten bill) strike out the title and insert in lieu thereof the following:

A bill to be entitled An Act to amend Subsection (2) of Section 199.11, Florida Statutes, by increasing Class B intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5)(c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

Senator Rood moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Carlton and Pope offered the following amendment to House Bill No. 2166:

In Section 1, line 1 (typewritten bill) Subsection 2 at end of word "Class" and before the letter "B" insert the letter "A" and.

Senator Pope moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Pope offered the following amendment to House Bill No. 2166:

In title, as amended, strike out title, as amended, and insert in lieu thereof the following:

A bill to be entitled An Act to amend Subsection (2) of Section 199.11, Florida Statutes, by increasing Class "A" and "B" intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5) (c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

Senator Pope moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Pearce moved that the rules be further waived and House Bill No. 2166, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 2166, as amended, was read the third time in full.

Upon the passage of House Bill No. 2166, as amended, the roll was called and the vote was:

Yeas—26.

Mr. President	Carraway	Hair	Pearce
Adams	Connor	Johns	Pope
Bishop	Davis	Johnson	Rawls
Boyd	Dickinson	Kelly	Rood
Brackin	Eaton	Kickliter	Stenstrom
Branch	Edwards	Knight	
Carlton	Getzen	Neblett	

Nays—10.

Barber	Bronson	Hodges	Stratton
Beall	Clarke	Houghton	
Belser	Gautier	Morgan	

So House Bill No. 2166 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The Senate resumed the consideration of messages from the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has reconsidered the vote by which passed, has amended and passed as amended—

By Senator Rood—

S. B. No. 1292—A bill to be entitled An Act to abolish the present municipal government of the Town of Longboat Key, in the Counties of Manatee and Sarasota, and State of Florida, and to establish, organize and constitute a municipality to be known as "Town of Longboat Key" in the Counties of Manatee and Sarasota, State of Florida; to provide a charter for said town; to fix its territorial limits and boundaries; to provide for its government, and prescribe its jurisdiction, powers and privileges; to provide for miscellaneous provisions relating to such established municipality, and to provide for a referendum for the approval of this Act.

Which amendments read as follows—

Amendment No. 1—

In Section 7, on page seven in the third line from the top of said page strike out: "ten years" and insert the following in lieu thereof: "thirty years"

Amendment No. 2—

In Section 7, Subsection m, at the end of said subsection strike out the period and add the following: "; provided, however, that this subsection shall not apply to any public utility which is regulated by the Florida Railroad and Public Utilities Commission."

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 1292, contained in the above message, was read by title, together with House Amendments thereto.

Senator Rood moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 1292.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 1292.

Senator Rood moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 1292.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 1292.

And Senate Bill No. 1292, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to grant the request of the Senate for the return of—

By Senator Rood—

S. B. No. 1366—A bill to be entitled An Act relating to Sheriffs salaries in all counties having a population of not less than four thousand (4,000) nor more than five thousand (5,000) inhabitants, according to the last official state-wide census; providing salary; and providing an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives requests the return of—

By Messrs, Westberry, Maness and Mathews of Duval—

H. B. No. 2070—A bill to be entitled An Act to amend Section 95 of Chapter 29308, Laws of Florida, Special Acts of 1953, entitled "An Act to abolish the existing municipality in Duval County, Florida, known as the town of Neptune Beach, creating in lieu thereof a municipality to be known as the City of Neptune Beach, providing for the government, jurisdiction and powers of the City of Neptune Beach hereby created, and providing for a referendum election", by conferring upon said City Council traffic supervisory powers over certain state and county roads, and providing for a referendum election.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Morgan moved that the request of the House of Representatives, as contained in the foregoing message, be granted.

Which was agreed to and House Bill No. 2070 was ordered returned to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members of the House of Representatives present on June 6, 1957, the Governor's objections to the contrary notwithstanding—

By Senators Brackin and Rawls—

S. B. No. 344—(1957 Regular Session)—An Act authorizing the State Plant Board to initiate a program to control and eradicate, wherever possible, the imported fire ant and the white fringed beetle within the State; authorizing the State Plant Board to join with the U. S. Department of Agriculture in the program; providing appropriations for this program; and providing an effective date.

The Governor's objections attached thereto as follows:

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 1, 1957

Honorable W. A. Shands
President of the Senate
State Capitol
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 344, enacted by the Legislature of 1957, and entitled:

"AN ACT AUTHORIZING THE STATE PLANT BOARD TO INITIATE A PROGRAM TO CONTROL AND ERADICATE, WHEREVER POSSIBLE, THE IMPORTED FIRE ANT AND THE WHITE FRINGED BEETLE WITHIN THE STATE; AUTHORIZING THE STATE PLANT BOARD TO JOIN WITH THE U. S. DEPARTMENT OF AGRICULTURE IN THE PROGRAM; PROVIDING APPROPRIATIONS FOR THIS PROGRAM; AND PROVIDING AN EFFECTIVE DATE."

This appropriation, and the program it is designed to finance, might well be utilized to the advantage of the State. Had the extension of the session permitted me as Governor the normal 20 day period I would have postponed my decision on its merits until I had the opportunity to review our overall financial position in the light of the ultimate decisions of the Legislature on appropriations and tax measures. But this I am now precluded from doing because today appears to be the last day I can hold the same under the Constitution.

This appropriation of $550,000 is not dependent upon the development of a Federal program in this field. There is no flexible authority expressly provided by the terms of this bill for withholding the appropriation in the event the Federal Government does not sanction, or cooperate in, an eradication program.

With the financing of our educational programs, our health programs, our institutional programs, all remaining in jeopardy, I cannot approve this proposal to expend such a vast sum fighting fire ants and white fringed beetles.

For the foregoing reasons, I, therefore, withhold by approval from Senate Bill No. 344, Regular Session of the Legislautre, 1957, and do hereby veto the same.

Respectfully,

LeROY COLLINS
Governor

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 344 was ordered certified to the Secretary of State.

Senator Carraway moved that the Senate reconsider the vote by which House House Bill No. 1587, still in possession of the Senate, passed the Senate on June 5, 1957.

By the Committee on Motor Vehicles and Carriers—

H. B. No. 1587—A bill to be entitled An Act relating to motor vehicle registration; amending Section 320.14, Florida Statutes, providing a new method of computation of fractional year registration on trucks, tractors, buses, trailers or semi-trailers.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 1587 passed the Senate on June 5, 1957?"

Which was agreed to.

So the Senate reconsidered the vote by which House Bill No. 1587 passed the Senate on June 5, 1957.

Senator Carraway moved that the further consideration of House Bill No. 1587 be indefinitely postponed.

Which was agreed to and House Bill No. 1587 was indefinitely postponed.

Senator Adams requested unanimous consent of the Senate to take up and consider Senate Bill No. 1239, out of its order.

Unanimous consent was granted, and—

S. B. No. 1239—A bill to be entitled An Act relating to Florida State hospitals; minimum age of admittance; amending Section 394.24, Florida Statutes; providing effective date.

Was taken up.

Senator Adams moved that the rules be waived and Senate Bill No. 1239 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1239 was read the second time by title only.

Senator Adams moved that the rules be further waived and Senate Bill No. 1239 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 1239 was read the third time in full.

Upon the passage of Senate Bill No. 1239 the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rood
Bishop	Davis	Johnson	Stenstrom
Boyd	Dickinson	Kelly	Stratton
Brackin	Eaton	Kickliter	
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 1239 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Davis presiding.

SPECIAL AND CONTINUING ORDER

Senator Johnson moved that the Senate resume the consideration of Senate Joint Resolution No. 1294, as a Special and Continuing Order of Business, which was pending amendment when the Senate reverted to the consideration of Messages from the House of Representatives, having been read the second time in full at the morning Session, this day.

Which was agreed to, and—

Senate Joint Resolution No. 1294:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE EXECUTIVE DEPARTMENT OF THE GOVERNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following proposed amendment to the Constitution of the State of Florida relating to the Executive Department of the Government is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November of 1958, that is to say:

ARTICLE IV

EXECUTIVE

Section 1. **Executive officers.**—The elective state executive officers constituting the Cabinet shall be the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Su-

perintendent of Education, and Commissioner of Agriculture. The other executive officers shall be a Budget Director appointed by the Cabinet and two Budget Commissioners, one to be appointed by the Senate and one to be appointed by the House of Representatives of the Legislature.

Section 2. **Executive officers—qualifications—limitation on succession to governorship—term—duties.**—Each cabinet member shall be at least thirty years of age when elected and shall have been a citizen and resident of the state for ten years immediately prior thereto. No person who has served as governor by election or succession shall be eligible to again serve as governor until four years after the expiration of the term during which he shall have served as governor. Each cabinet member shall be elected quadrennially at a state-wide general election and shall begin his term of four years at noon on the first Tuesday after the first Monday of the following January. Each appointed executive officer shall serve at the pleasure of his appointing authority. The legislature may authorize any executive officer to appoint general or special deputies, who shall serve at his pleasure and for whose acts he shall be responsible, but no deputy shall act for him at any cabinet or board meeting.

Section 3. **Executive and administrative officers—duties—reports of executive officers.**—Each state executive or administrative officer or agency shall perform the duties specified herein, and all except the governor shall perform such other duties as the legislature may provide.

Each state officer of the executive branch shall at the beginning of each regular session of the legislature and at such other times as the governor may request, make report to the governor of his official acts and of the receipts, expenditures, and requirements of his office. The governor shall lay the reports before the legislature at the beginning of such session.

Each state, county, district, or municipal executive officer, agency head, or employee, shall furnish information regarding his department, office, or employment upon the request of either house of the legislature. The governor may require information in writing from any state executive or administrative officer and from any county officer regarding his executive or administrative duties.

Section 4. **Governor—chief executive—commander-in-chief—grants—commissions.**—The supreme executive power shall be vested in the governor. He shall take care that the laws are faithfully executed, be commander-in-chief of the state armed forces unless they are called into the active service of the United States, transact all executive business with state civil and military officers, and sign all grants. He shall issue each state and county officer a commission in the name of the state, bearing its great seal attested by the secretary of state, and shall sign it unless otherwise provided by law.

Section 5. **Governor—message to legislature.**—At least once in each regular session the governor shall by message inform the legislature concerning the condition of the state and recommend measures in the public interest.

Section 6. **Governor—suspensions.**—By executive order stating the ground and filed with the secretary of state, the governor may suspend from office any officer of the militia not in the active service of the United States, any state officer not subject to impeachment, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

The suspended officer shall be deemed to have acquiesced in the suspension and surrendered all claim to the office unless within thirty days from the filing of the suspension order he shall file with the secretary of state a written demand for a hearing. The hearing shall be accorded promptly before the governor or a disinterested cabinet member designated by him in writing. All evidence supporting the suspension and all evidence that the officer has in his defense shall be presented and recorded at the hearing, and a transcript thereof and all documentary evidence shall be filed with the secretary of state. The governor shall thereupon file with the secretary of state a further order stating his findings and finally confirming or revoking the suspension. If the order does not reinstate the officer, the secretary of state shall transmit to the senate, on the next day it is in regular, special, or extra session, certified copies of the orders and of the record of the hearing. The senate may take further evidence and shall sustain or disapprove the suspension. If it disapproves or fails to act before adjourning, the officer shall be reinstated and shall receive from the state compensation to the date of reinstatement or to the date of expiration of his term of office, whichever is earlier. The proceedings hereunder shall not affect his criminal or civil liability.

Section 7. **Vacancies in office.**—Unless otherwise provided herein, the governor shall fill by appointment all vacancies in state and county offices except the offices of Budget Director and Budget Commissioner, which vacancies shall be filled by the appointing authority. All appointments by the governor to fill vacancies in state and county offices shall be for a term ending at noon on the first Tuesday after the first Monday in January following the next succeeding state-wide general election. Vacancy occurs upon failure to qualify within fifteen days from commencement of the term of office to which elected, removal, impeachment, resignation, death, or unexplained absence for six months. The governor may fill by appointment any office the incumbent of which has been suspended.

Section 8. (a) **Pardon Board—application for pardon.**—The cabinet shall constitute the Pardon Board. The governor and any three others may grant full or conditional pardons, commute punishment, and remit fines and forfeitures in all cases except treason. The legislature shall prescribe the manner of applying for pardons.

(b) **Governor — reprieves — remissions or suspensions of fines.**—The governor may suspend collection of fines and forfeitures and grant reprieves not exceeding sixty days in all cases except treason. In cases of treason the reprieve may extend to the next legislative session, and at the commencement thereof the governor shall report the treason cases to the legislature, which may direct execution of the sentence or grant a pardon or further reprieve. If it adjourns without disposing of the case the governor shall enforce the sentence.

(c) **Parole commission.**—The legislature may create a Parole commission, prescribe the qualifications, method of selection, and terms of its members, and empower it to supervise persons on probation and to grant parole or conditional releases to persons under sentence for crime.

Section 9. **Advisory opinions of justices.**—The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented. They shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

Section 10. **Successor to office of governor.**—Upon failure of the governor-elect to qualify, or in case of the impeachment of the governor, his removal from office, death, resignation or inability to discharge his official duties, the president of the Senate shall become governor for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the president of the senate, the speaker of the house of representatives shall become governor for the residue of the term, or until the disability of the president of the senate shall cease.

Section 11. **Board of commissioners of state institutions.**—The cabinet shall constitute the Board of Commissioners of State Institutions, which board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

Section 12. **Secretary of State—duties.**—The Secretary of State shall keep the records of official Acts of the legislative and executive departments and when requested by either house of the legislature shall deliver them and all related matters to it. He shall attest all grants and commissions and be custodian of the Great Seal of the State.

Section 13. **Attorney General—duties.**—The Attorney General shall be the legal advisor to each officer of the State executive branch.

Section 14. **Comptroller—duties.**—The Comptroller shall examine, preaudit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

Section 15. **Treasurer—duties.**—The Treasurer, in the manner prescribed by law, shall keep all funds and securities and make all disbursements, but he shall not disburse funds without the order of the comptroller, countersigned by the governor as a ministerial duty enforceable by writ of mandamus.

Section 16. **Superintendent of Education—duties.**—The State Superintendent of Education shall be the executive head of the public school system and shall perform the duties with respect thereto prescribed by law.

Section 17. **Commissioner of Agriculture—duties.**—The Commissioner of Agriculture shall perform the duties prescribed by law relating to agriculture, shall maintain the Bureau of Agricultural Information, and shall be custodian of records pertaining to public lands.

Section 18. **Budget Commission—duties.**—The budget director, who shall be the chairman, and the budget commissioners shall constitute the Budget Commission, which shall perform such duties as may be prescribed by law.

Section 19. **Public Utilities Commission.**—The Legislature shall establish a Public Utilities Commission and prescribe its membership, duties, and powers, including quasi-judicial powers.

Section 20. **Public health.**—The Legislature shall establish a State Board of Health for the supervision of public health and may establish a County Board of Health in any county. The Legislature shall prescribe their membership, duties, and powers.

Section 21. **Welfare.**—(a) The Legislature shall establish and prescribe the powers and duties of a State Welfare Board.

(b) The Legislature may provide by general law for a uniform system of benefits to residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune. No person shall receive State benefits unless (i) he has been a resident of the State for five years immediately preceding application, and (ii) has reached the age of sixty-five years if application is based solely on age; provided, when necessary to secure State participation in federal funds the Legislature may adopt the requirements specified by the United States.

(c) Counties shall provide in the manner prescribed by law for residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune.

Section 22. **Correctional institutions—benevolent institutions.**—The Legislature shall provide, as the public good may require, for correctional institutions, institutions for the insane, the blind, and the deaf, and other benevolent institutions.

Section 23. **Director of Conservation—duties.**—The Director of Conservation shall pursuant to law supervise and conserve the fish, shellfish and game resources of the State.

Was taken up, pending further amendment.

The Committee on Constitutional Amendments offered the following amendment to Senate Joint Resolution No. 1294:

In Section 23, line 3, (typewritten bill) strike out the words: "and conserve the fish, shellfish and game resources of the state." and insert in lieu the following: "all matters pertaining to salt water fish and salt water products, game and fresh water fish and perform such other duties as may be prescribed by law."

Senator Johnson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Brackin offered the following amendment to Senate Joint Resolution No. 1294:

In Section 15, line 5, (typewritten bill) after the word "mandamus" strike the period, insert a comma, and add: "and he shall supervise all insurance companies and their agents and perform such other duties as may be prescribed by law."

Senator Brackin moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Pope offered the following amendment to Senate Joint Resolution No. 1294:

In Article IV strike out all of Section 1 and insert in lieu thereof the following as a new Section 1:

Section 1. **Cabinet—duties as board of commissioners of state institutions—election—term—qualifications.**—The Cabinet shall consist of the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Education, and Commissioner of Agriculture. It shall constitute the Board of Commissioners of State Institutions, which shall supervise state institutions in the manner prescribed by law. There shall be a Lieutenant Governor, who shall be an executive officer and shall perfrom the duties prescribed herein. Each cabinet member and the lieutenant governor shall be elected quadrennially at the same state-wide general election for a term of four years and when elected shall be at least thirty years of age and for the ten immediately preceding years shall have been a citizen and resident of the state. No person who has become governor or lieutenant governor by election or succession shall be eligible to be elected governor or lieutenant governor until three years from the termination of such service.

Senator Pope moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Pope also offered the following amendment to Senate Joint Resolution No. 1294:

In Article IV strike out all of Section 1 and insert in lieu thereof the following: as a new Section 1:

Section 1. **Cabinet—duties as board of commissioners of State institutions—election—term—qualifications.**—The Cabinet shall consist of the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Education, and Commissioner of Agriculture. It shall constitute the Board of Commissioners of State Institutions, which shall supervise State Institutions in the manner prescribed by law. Each cabinet member shall be elected quadrennially at the same State-wide general election for a term of four years and when elected shall be at least thirty years of age and for the ten immediately preceding years shall have been a citizen and resident of the State. No person who has become governor shall be eligible to be elected governor until three years from the termination of such service.

Senator Pope moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Pope also offered the following amendment to Senate Joint Resolution No. 1294:

In Article IV, Section 3, first paragraph, at the end of the first paragraph insert the following:

The Legislature may authorize any board composed entirely of cabinet members to appoint a director of any department under the supervision of such board.

Senator Pope moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Pope also offered the following amendment to Senate Joint Resolution No. 1294:

In Article IV, Section 8, strike out all of Section 8 and insert in lieu thereof the following:

Section 8. (a) **Pardon and parole board—application for pardon.**—The Legislature shall prescribe the manner of applying for pardons and establish a Pardon and Parole Board consisting of not less than three or more than five members, who shall be appointed by the cabinet and confirmed by the Senate in the manner prescribed by law and shall serve for staggered terms of six years. The board shall supervise persons on probation and may according to law remit fines and forfeitures, grant parole or conditional releases, restore civil rights, and grant full or conditional pardons to persons not sentenced to death or convicted of treason.

(b) **Governor—suspensions of fines—reprieves—commuta-**

tion of death sentences.—In all cases except treason the governor may suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days, and, with the concurrence of three additional cabinet members, may commute sentence of death to life imprisonment. In cases of treason the reprieve may extend to the next Legislative Session, and at the commencement thereof the governor shall report the treason cases to the Legislature, which may direct execution of the sentence or grant a pardon or further reprieve. If it adjourns without disposing of the case the governor shall enforce the sentence.

(c) **Reports.**—At the beginning of each regular session the date of each pardon, commutation, remission, reprieve, and suspension granted, the name of the convict, the crime, and the sentence and its date shall be reported to the Legislature.

Senator Pope moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Johnson moved that the rules be waived and Senate Joint Resolution No. 1294, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 1294, as amended, was read the third time in full as follows:

Senate Joint Resolution No. 1294:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE EXECUTIVE DEPARTMENT OF THE GOVERNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following proposed amendment to the Constitution of the State of Florida relating to the Executive Department of the Government is hereby agreed to and shall be submitted to the electors of the State for ratification or rejection at the next general election to be held in November of 1958, that is to say:

ARTICLE IV

EXECUTIVE

Section 1. **Executive officers.**—The elective State executive officers constituting the Cabinet shall be the Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Superintendent of Education, and Commissioner of Agriculture. The other executive officers shall be a Budget Director appointed by the Cabinet and two Budget Commissioners, one to be appointed by the Senate and one to be appointed by the House of Representatives of the Legislature, and a Director of Conservation who shall be appointed by the Cabinet.

Section 2. **Executive officers—qualifications—limitation on succession to governorship—term—deputies.**—Each cabinet member shall be at least thirty years of age when elected and shall have been a citizen and resident of the State for ten years immediately prior thereto. No person who has served as governor by election or succession shall be eligible to again serve as governor until four years after the expiration of the term during which he shall have served as governor. Each cabinet member shall be elected quadrennially at a state-wide general election and shall begin his term of four years at noon on the first Tuesday after the first Monday of the following January. Each appointed executive officer shall serve at the pleasure of his appointing authority. The Legislature may authorize any executive officer to appoint general or special deputies, who shall serve at his pleasure and for whose acts he shall be responsible, but no deputy shall act for him at any cabinet or board meeting.

Section 3. **Executive and administrative officers—duties—reports of executive officers.**—Each State executive or administrative officer or agency shall perform the duties specified herein, and all except the governor shall perform such other duties as the Legislature may provide.

Each State officer of the executive branch shall at the beginning of each regular session of the Legislature and at such other times as the governor may request, make report to the governor of his official acts and of the receipts, expenditures, and requirements of his office. The governor shall lay the reports before the Legislature at the beginning of such session.

Each State, county, district, or municipal executive officer, agency head, or employee, shall furnish information regarding his department, office, or employment upon the request of either house of the Legislature. The governor may require information in writing from any State executive or administrative officer and from any county officer regarding his executive or administrative duties.

Section 4. **Governor—chief executive—commander-in-chief—grants—commissions.**—The supreme executive power shall be vested in the governor. He shall take care that the laws are faithfully executed, be commander-in-chief of the state armed forces unless they are called into the active service of the United States, transact all executive business with state civil and military officers, and sign all grants. He shall issue each state and county officer a commission in the name of the state, bearing its great seal attested by the secretary of state, and shall sign it unless otherwise provided by law .

Section 5. **Governor—message to legislature.**—At least once in each regular session the governor shall by message inform the legislature concerning the condition of the state and recommend measures in the public interest.

Section 6. **Governor—suspensions.**—By executive order stating the ground and filed with the secretary of state, the governor may suspend from office any officer of the militia not in the active service of the United States, any state officer not subject to impeachment, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony.

The suspended officer shall be deemed to have acquiesced in the suspension and surrendered all claim to the office unless within thirty days from the filing of the suspension order he shall file with the secretary of state a written demand for a hearing. The hearing shall be accorded promptly before the governor or a disinterested cabinet member designated by him in writing. All evidence supporting the suspension and all evidence that the officer has in his defense shall be presented and recorded at the hearing, and a transcript thereof and all documentary evidence shall be filed with the secretary of state. The governor shall thereupon file with the secretary of state a further order stating his findings and finally confirming or revoking the suspension. If the order does not reinstate the officer, the secretary of state shall transmit to the senate, on the next day it is in regular, special, or extra session, certified copies of the orders and of the record of the hearing. The senate may take further evidence and shall sustain or disapprove the suspension. If it disapproves or fails to act before adjourning, the officer shall be reinstated and shall receive from the state compensation to the date of reinstatement or to the date of expiration of his term of office, whichever is earlier. The proceedings hereunder shall not affect his criminal or civil liability.

Section 7. **Vacancies in office.**—Unless otherwise provided herein, the Governor shall fill by appointment all vacancies in State and county offices except the offices of Budget Director and Budget Commissioner and Director of Conservation, which vacancies shall be filled by the appointing authority. All appointments by the Governor to fill vacancies in State and county offices shall be for a term ending at noon on the first Tuesday after the first Monday in January following the next succeeding state-wide general election. Vacancy occurs upon failure to qualify within fifteen days from commencement of the term of office to which elected, removal, impeachment, resignation, death, or unexplained absence for six months. The Governor may fill by appointment any office the incumbent of which has been suspended.

Section 8. (a) **Pardon board—application for pardon.**—The cabinet shall constitute the Pardon Board. The Governor and any three others may grant full or conditional pardons, commute punishment, and remit fines and forfeitures in all cases except treason. The Legislature shall prescribe the manner of applying for pardons.

(b) **Governor—reprieves—remissions or suspensions of fines.**—The Governor may suspend collection of fines and for-

feitures and grant reprieves not exceeding sixty days in all cases except treason. In cases of treason the reprieve may extend to the next legislative session, and at the commencement thereof the Governor shall report the treason cases to the Legislature, which may direct execution of the sentence or grant a pardon or further reprieve. If it adjourns without disposing of the case the Governor shall enforce the sentence. A record of each pardon, commutation, remission, reprieve and suspension granted shall be filed with the Secretary of State.

(c) **Parole commission.**—The Legislature may create a Parole Commission, prescribe the qualifications, method of selection, and terms of its members, and empower it to supervise persons on probation and to grant parole or conditional releases to persons under sentence for crime.

Section 9. **Advisory opinions of justices.**—The Governor may request in writing the opinion of the Justices of the Supreme Court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The Justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented. They shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

Section 10. **Successor to office of governor.**—Upon failure of the Governor-elect to qualify, or in case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the President of the Senate shall become Governor for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the Speaker of the House of Representatives shall become Governor for the residue of the term, or until the disability of the President of the Senate shall cease.

Section 11. **Board of commissioners of state institutions.**—The cabinet shall constitute the Board of Commissioners of State Institutions, which board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

Section 12. **Secretary of state—duties.**—The Secretary of State shall keep the records of official acts of the legislative and executive departments and when requested by either house of the Legislature shall deliver them and all related matters to it. He shall attest all grants and commissions and be custodian of the great seal of the State.

Section 13. **Attorney general—duties.**—The Attorney General shall be the legal advisor to each officer of the State executive branch; and shall perform such other legal duties as may be prescribed by law.

Section 14. **Comptroller—duties.**—The Comptroller shall examine, preaudit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

Section 15. **Treasurer—duties.**—The Treasurer, in the manner prescribed by law, shall keep all funds and securities and make all disbursements, but he shall not disburse funds without the order of the Comptroller, countersigned by the Governor as a ministerial duty enforceable by writ of mandamus.

Section 16. **Superintendent of education—duties.**—The State Superintendent of Education shall be the executive head of the public school system and shall perform the duties with respect thereto prescribed by law.

Section 17. **Commissioner of agriculture—duties.**—The Commissioner of Agriculture shall perform the duties prescribed by law relating to agriculture, shall maintain the Bureau of Agricultural Information, and shall be custodian of records pertaining to public lands, and shall perform such other duties as may be prescribed by law.

Section 18. **Budget commission—duties.**—The Budget Director, who shall be the chairman, and the Budget Commissioners shall constitute the Budget Commission, which shall in the manner prescribed by law:

(1) study continually the fiscal operations of the government and all its agencies;

(2) at each regular session report to the Legislature the financial condition of the State, and submit an estimate of receipts and recommended expenditures of State revenue for the next fiscal biennium;

(3) make recommendations to the Legislature for efficient fiscal administration, for providing adequate State revenue, and for just distribution of the tax burden;

(4) assist State officers in preparing their budgets, and recommend to them practices for efficient fiscal administration;

(5) allocate, subject to the approval of the Cabinet, for such State purposes as the Budget Commission deems necessary, moneys to any State department from any general contingency or emergency fund, subject to such limitations and conditions as the Legislature may prescribe.

(6) perform such other duties as may be prescribed by law.

Section 19. **Public utilities commission.**—The Legislature shall establish a Public Utilities Commission and prescribe its membership, duties, and powers, including quasi-judicial powers.

Section 20. **Public health.**—The legislature shall establish a State Board of Health for the supervision of public health and may establish a County Board of Health in any county. The legislature shall prescribe their membership, duties, and powers.

Section 21. **Welfare.**—(a) The legislature shall establish and prescribe the powers and duties of a State Welfare Board.

(b) The legislature may provide by general law for a uniform system of benefits to residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune. No person shall receive state benefits unless (i) he has been a resident of the state for five years immediately preceding application, and (ii) has reached the age of sixty-five years if application is based solely on age; provided, when necessary to secure state participation in federal funds the legislature may adopt the requirements specified by the United States.

(c) Counties shall provide in the manner prescribed by law for residents having claim upon the aid and sympathy of society by reason of age, infirmity, or misfortune.

Section 22. **Correctional institutions—benevolent institutions**—The legislature shall provide, as the public good may require, for correctional institutions, institutions for the insane, the blind, and the deaf, and other benevolent institutions.

Section 23. **Director of conservation—duties.**—The director of conservation shall pursuant to law supervise all matters pertaining to salt water fish and salt water products, game and fresh water fish and perform such other duties as may be prescribed by law.

Upon the passage of Senate Joint Resolution No. 1294, as amended, the roll was called and the vote was:

Yeas—23.

Mr. President	Branch	Edwards	Knight
Adams	Bronson	Getzen	Neblett
Beall	Carraway	Hair	Pearce
Belser	Clarke	Hodges	Rawls
Bishop	Connor	Johns	Stratton
Brackin	Davis	Johnson	

Nays—13.

Boyd	Eaton	Kickliter	Stenstrom
Cabot	Gautier	Morgan	
Carlton	Houghton	Pope	
Dickinson	Kelly	Rood	

So Senate Joint Resolution No. 1294 passed, as amended, by the required Constitutional three-fifths vote of all members elected to the Senate for the 1957 Session of the Florida Legislature, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Pearce moved that the rules be waived and the Senate revert to the consideration of a Message from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By the Committee on Finance and Taxation—

H. B. No. 2167—A bill to be entitled An Act imposing an excise tax on the severance of natural resources; providing for procedure for collection and distribution of collected funds; making an appropriation, apportionment and distribution of revenues; setting effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2167, contained in the above message, was read the first time by title only.

Senator Pope moved that the rules be waived and House Bill No. 2167 be placed on the Calendar of Bills on Second Reading, without reference.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Pope, the vote was:

Yeas—12.

Bishop	Carlton	Houghton	Pope
Boyd	Dickinson	Johns	Rood
Cabot	Eaton	Kickliter	Stenstrom

Nays—25.

Mr. President	Bronson	Getzen	Neblett
Adams	Carraway	Hair	Pearce
Barber	Clarke	Hodges	Rawls
Beall	Connor	Johnson	Stratton
Belser	Davis	Kelly	
Brackin	Edwards	Knight	
Branch	Gautier	Morgan	

So the motion failed of adoption and House Bill No. 2167 was referred to the Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

The following Communication from the Governor was received and read:

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

TALLAHASSEE

June 6, 1957.

Honorable W. A. Shands
President of the Senate

Honorable Doyle E. Conner
Speaker of the House

Sirs:

I send you herewith a copy of an advisory opinion which I have just received from the Supreme Court holding that the Legislature must adjourn its current session sine die by midnight of Saturday, June 8, the time specified in the concurrent resolution previously adopted.

I trust you will agree with me that it was most essential to have an answer to this question not only so that I could determine the time allowed me for the consideration of bills passed by the Legislature, but further in order to avoid the possibility of action being taken during any later period which subsequently would have been found to be unauthorized and void.

In a spirit of cooperative effort, I wish to take this opportunity also to state my own present thinking about the situation which thus confronts us.

As I see it, the most urgent task which the Legislature of 1957 has yet to perform is the raising of revenue to assure a balanced budget. I strongly feel that, in the interest of sound and orderly government, this should be done during the balance of this week else a special session immediately following will be made necessary.

The appropriations made by the current session, both through the general appropriations act and by separate measures, are for the biennium which begins on July 1 of this year.

Preparing for the commencement of a new fiscal year involves much detailed work by every department and institution. In turn the Budget Director must pass on every budget before it is submitted to the Budget Commission for approval. Unless reliance can be had on the amounts appropriated, it is exceedingly difficult to proceed. This reliance cannot safely be made when revenues obviously fail by a wide margin to balance with authorized expenditures.

If in the end the Legislature fails to provide adequate revenue to balance the budget, the Budget Commission may under the general law withhold from the departments and institutions. Aside from the hardships which will result, this procedure also requires advance planning if it is utilized intelligently and prudently. It should be noted, too, that 80% of the operating appropriations go to the functions of education, welfare and public health. If all other agencies were cut back to the 1955-57 appropriations, a total reduction of only $25,000,000 would result.

It is obvious also that new or expanded programs cannot be allowed to get under way on July 1 if there is an inherent danger of great losses by later curtailment.

It has been suggested by some that we might approach a balanced budget by delaying much of the building program or eliminating some of the projects proposed. This, however, would mean all planning would have to be delayed and the start of actual construction would be further put off even if the State's financial condition later improved to such an extent that the projects could be undertaken.

Furthermore, recent experience has shown that delay increases the cost of construction. And, of course, the fact remains that most of these projects are sorely needed to provide expanded facilities for the mentally ill, for retarded children and for our penal and other institutions. It is my feeling that the size of the building program which has been approved only allows sufficient flexibility for minimizing our concern in the event a desired working reserve is not in sight.

Without making provision for such a reserve, it appears to me, on the basis of the general appropriations act and other appropriations bills approved by both Houses that the amounts appropriated by this Legislature will exceed the funds anticipated from current sources for the next two years by some $95,000,000. This figure makes no provision for funds to enable the State Road Department to assume responsibility for acquiring certain highway rights of way or for other appropriations now pending in one house or the other. Nor does it include additional sources of revenue which it has been assumed would have to be made available to the counties to enable them to meet the full requirements of the laws which have been enacted with reference to school construction and teachers' salaries.

I further realize both houses have been, in recent days, actively engaged in the consideration of revised articles which would enable us to reach the goal of submitting to the people of Florida a new Constitution. I regard the completion of this task as second only in priority to the development of an adequate tax program and it is my hope that both can be accomplished during the same early period.

I am hopeful that, on the same ballot with the articles

proposing overall revision, there will be submitted to the people a more workable and more equitable plan of apportionment of representation in the Legislature so that I will not continue to be faced with the duty, spelled out in the Constitution (Article VII), to again call the Legislature into extraordinary session for the sole purpose of reapportioning legislative representation. I have long been convinced that fair reapportionment could not be adequately achieved under the present Constitutional provisions, and that, as a practical matter, it would be more realistic to assume the Legislature would have less difficulty in writing a new Constitutional plan than in attempting to proceed under the present one.

Recent action by a majority of the House indicates a contrary view. While this is of course the prerogative of the Legislature, I sincerely hope that due regard will be given to our joint and several responsibilities to reapportion under the Constitution as it now stands.

It is my desire to be as helpful as possible in working with the Legislature in the accomplishment of the great tasks remaining before you.

Respectfully,

LeROY COLLINS
Governor

SUPREME COURT OF FLORIDA

GLENN TERRELL, CHIEF JUSTICE

TALLAHASSEE

June 6, 1957

Honorable LeRoy Collins
Governor of Florida
Tallahassee, Florida

Dear Governor:

We have the honor to acknowledge your letter of June 5, 1957, submitting to us under Section 13 of Article IV of the Constitution of Florida a request for advice relating to your executive powers and duties. Your letter reads as follows:

"Honorable Glenn Terrell, Chief Justice, and
Honorable Justices of the Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida

Gentlemen: Re: Effect of extended session upon time within which Governor may act upon bills presented to him within last five days of extended session.

Section 28 of Article III of the Florida Constitution provides in part:

'If any bill shall not be returned within five days after it shall have been presented to the Governor, (Sunday excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment prevent such action, such bill shall be a law, unless the Governor within twenty (20) days after the adjournment, shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.'

This provision was adopted by the people of Florida at the general election in 1954.

In 1956, the people adopted an amendment to Section 2 of Article III, reading in part:

'Regular sessions of the Legislature may extend to sixty (60) days, but no special session convened by the Governor shall exceed twenty (20) days. The regular sixty (60) day biennial session of the Legislature may, by a three-fifths vote of the membership of both houses, be extended not exceeding a total of thirty (30) days which need not be consecutive. Recesses in such extended session shall be taken only by joint action of both houses. No extended session may last beyond September 1st following the regular biennial session. During such extended session, no additional proposed legislation shall be introduced unless consent is first obtained by a two-thirds (2/3) vote of the members of the House into which it is sought to be introduced.'

The Legislature, at its current biennial session, has, by House Concurrent Resolution No. 2078, agreed to extend the session through Saturday, June 8th, to midnight. A copy of said resolution is attached.

As a result of the extension of the regular session for said period of time, I have considered it to be my duty to act upon any bills enacted during the regular session but delivered to me during the extended session, within five days after the same have been presented to me. This has resulted in a large and unanticipated volume of work.

In addition to the increased burden resulting from the extended session and the pressure of having to act within said five day period as aforesaid, I am now faced with the further problem that large numbers of bills passed during the regular session are now being processed daily by the Legislature and its staffs and presented to me for action. I anticipate that this deluge of bills will increase daily during the remainder of this extended session.

Under the above circumstances, and pursuant to the authority of Section 13 of Article IV of the Constitution of Florida, I respectfully ask your advice upon the following question:

Will I have twenty days after June 8 within which to act upon bills reaching me during the last five days of the extended session?

As I see it, this necessarily involves the basic question of whether or not the extension provided under the aforesaid resolution is the final action which this Legislature may take in extending the term of the current regular biennial session.

Respectfully,

LeROY COLLINS
Governor"

Enclosure

Your question is answered in the affirmative.

By House Concurrent Resolution No. 2078 the regular sixty-day session resolved as follows:

"Section 1. Under the authority of Article III, Section 2, of the Constitution, the Legislature of Florida extends the present session, beginning on Saturday, June 1st through Saturday, June 8th, to twelve (12) o'clock midnight."

Implicit in your inquiry is the necessity of determining whether the current extension of the regular sixty-day biennial session can be further extended by Concurrent Resolution beyond the terminal date fixed by House Concurrent Resolution No. 2078. In view of the manner in which the present extended session was accomplished we are of the view that the current extension cannot be further extended.

A legislative body has no inherent power to convene itself in special or extraordinary session for any purpose. It enjoys such power only when so endowed by the organic law. When such authority is granted by the Constitution it must be exercised strictly in accord with the stipulations of the organic grant.

A careful analysis of Section 2, Article III, as amended in 1956, suggests that only "the **regular Sixty (60) day biennial Session**" may be extended. There is no authorization for an extension of an "extended session." The exercise of the power to extend the "regular session" is explicitly limited to the regular sixty day session by the following language of the Constitution itself, towit:

"The regular sixty (60) day biennial session of the Legislature may, by a three-fifths vote of the membership of both houses, be extended . . ."

So it is that by virtue of the specific language of the Constitution the power to vote an "extension" under Section 2, Article III, expires at the end of the sixtieth day of the regular biennial session.

This leads us to the view that such action as the Legislature takes making provision for an extension of its regular session must be taken during the regular session itself. The Legislature **could** have provided for an extension of a certain number of days not exceeding thirty and not necessarily consecutive. It then could have recessed from time to time within the extended period by joint action of the two Houses. This course, however, was not employed. **Instead** the Legislature extended its session for a stipulated period and established a definite terminal date and hour. Having done this it spent its authority under the organic provision quoted.

You may therefore safely assume that you will have twenty (20) days after June 8, 1957 within which to consider and act upon any bills presented to you within five days prior to June 8, 1957.

Nothing herein is to be construed as any limitation on the calling of an extra session under the so-called legislative "self-starter" provisions of Section 2, Article III, Florida Constitution, or your own authority as Governor to convene the Legislature in extraordinary session under Section 8, Article IV, of the Constitution.

Respectfully,

GLENN TERRELL, Chief Justice

ELWYN THOMAS, Justice

T. FRANK HOBSON, Justice

B. K. ROBERTS, Justice

E. HARRIS DREW, Justice

CAMPBELL THORNAL, Justice

STEPHEN C. O'CONNELL, Justice

Senator Brackin moved that the Senate revert to the consideration of Messages from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to concur in Senate Amendments to—

By the Committee on Finance and Taxation—

H. B. No. 2166—A bill to be entitled An Act to amend Subsections (2) and (4) of Section 199.11, Florida Statutes, by increasing class B and class D intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5) (c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

Which amendments read as follows—

Amendment No. 1—

In Section 1, lines 6, 7 and 8, (typewritten bill) strike out: all of Sub-section (4) under Section 1.

Amendment No. 2—

Strike out the title and insert in lieu thereof the following:

A bill to be entitled An Act to amend Subsection (2) of Section 199.11, Florida Statutes, by increasing class B intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5) (c) of Section 199.31, Florida Statutes, by appropriating seven million, five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

Amendment No. 3—

In Section 1, line 1 (typewritten bill) of subsection 2 at end of word "Class" and before the letter "B" insert the letter "A" and.

Amendment No. 4—

In title, as amended, strike out title, as amended and insert in lieu thereof the following:

An Act to amend Subsection (2) of Section 199.11, Florida Statutes, by increasing class "A" and "B" intangible tax from one (1) mill to two (2) mills; and to amend Subsection (5) (c) of Section 199.31, Florida Statutes by appropriating seven million, five hundred thousand dollars ($7,500,000.00) annually from the increased tax to the county school fund of each county to meet the matching requirements of Chapters 57-334 and 57-297, Laws of Florida.

—and respectfully requests the Senate to recede therefrom.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 2166, contained in the above message, was read by title, together with Senate Amendments thereto.

Senator Rood moved that the Senate do not recede from Senate Amendment No. 1 to House Bill No. 2166.

Which was agreed to and the Senate refused to recede from Senate Amendment No. 1 to House Bill No. 2166.

Senator Rood moved that the Senate do not recede from Senate Amendment No. 2 to House Bill No. 2166.

Which was agreed to and the Senate refused to recede from Senate Amendment No. 2 to House Bill No. 2166.

Senator Morgan moved that the Senate recede from Senate Amendment No. 3 to House Bill No. 2166.

Which was agreed to and the Senate receded from Senate Amendment No. 3 to House Bill No. 2166.

Senator Morgan moved that the Senate recede from Senate Amendment No. 4 to House Bill No. 2166.

Which was agreed to and the Senate receded from Senate Amendment No. 4 to House Bill No. 2166.

Senator Rood moved that the House of Representatives again be respectfully requested to concur in Senate Amendments Nos. 1 and 2 to House Bill No. 2166.

Which was agreed to and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following message from the House of Representatives was read:

Tallahassee, Florida,
June 6, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to recede from House Amendments to—

By Senator Pearce—(By Request)—

S. B. No. 1137—A bill to be entitled An Act to amend Section 212.08, Florida Statutes, relating to specific exemptions from

sales, rental, storage and use tax by rearranging the exemptions in more orderly categories; by eliminating all exemptions on clothing, motor vehicles, lubricating oil, alcoholic beverages (other than malt beverages) when sold for consumption on the premises, and on all other items not specifically exempted by this Act; by allowing a new exemption of one third of the tax imposed on motor vehicles; by increasing the maximum tax imposed on industrial machinery from $300.00 to $1,000.00 and by restricting and clarifying the definition of such machinery; by declaring the Legislative intent of this Act; amending Chapter 588, Florida Statutes, by adding Section 588.24, providing for a three percent (3%) tax on the sale of trading stamps; repealing all laws in conflict herewith and fixing an effective date.

Which amendments read as follows—

Amendment No. 1—

Strike out: Everything after the enacting clause and insert the following in lieu thereof:

Section 1. Section 212.08, Florida Statutes, is hereby amended to read:

212.08 **Sales, rental, storage, use tax; specific exemptions:** —The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property, is hereby specifically exempt from the tax imposed by this Chapter.

212.08(1) **Exemptions; general groceries.** There shall be exempt from the tax imposed by this Chapter foods for human consumption, particularly including foods such as milk and milk products, cereal and cereal products (meal, grits, flour, bread, and other bakery products), meats, (fresh, frozen, canned, salt or cured) and meat products, poultry and poultry products, vegetables and vegetable juices, fruits and fruit juices (not including soft drinks), seafoods, canned goods (including jams, jellies and preserves), nuts, berries, melons, sugar, salt, coffee and coffee substitutes, tea, cocoa, condiments, spices, spreads, relishes, desserts, flavoring, oleomargarine and shortening; also candy when the price at which the same is sold is twenty-five cents (25¢) or less.

PROVIDED, that none of such items of food and/or drink shall mean foods and drinks (which include meals, milk and milk products, fruit and fruit products, sandwiches, salads, processed meats and seafoods, vegetable juices, ice cream in cones or small cups) served, prepared or sold in or by restaurants, drug stores, lunch counters, cafeterias, hotels, or other like places of business, or by any business or place requiring by law to be licensed by the Hotel and Restaurant Commission of the State of Florida, or sold ready for immediate consumption from push carts, motor vehicles, or any other form of vehicle.

212.08(2) **Exemptions; medical.** There is also exempt from the tax imposed by this Chapter medicine compounded in a retail establishment by a pharmacist licensed by the State according to an individual prescription or prescriptions written by a practitioner of the healing arts licensed by the State, and common household remedies recommended and generally sold for the relief of pain, ailments, distress or disorders of the human body, according to a list prescribed and approved by the State Board of Health, which said list shall be certified to the Comptroller from time to time and be included in the rules promulgated by the Comptroller; artificial eyes and limbs, eyeglasses, dentures, hearing aids, crutches, prosthetic and orthopedic appliances; and funerals when the cost thereof is less than five hundred dollars ($500.00). This Subsection shall be strictly construed and enforced.

212.08(3) **Exemptions; items bearing other excise taxes and misc.** Also exempt from the tax imposed by this Chapter are fuels (including crude oil, fuel oil, gasoline, kerosene, diesel oil, natural and artificial gas, coal, coke and cordwood), electric power or energy, malt beverages, water (not exempting mineral water or carbonated water), and ice. The terms "alcoholic beverages" and "malt beverages" as used in this Subsection shall have the same meaning ascribed to them in Subsections three (3) and seven (7), respectively, Section 561.01, Florida Statutes. It is determined by the Legislature that the classification of alcoholic beverages made in this Subsection for the purpose of extending the tax imposed by this Chapter is reasonable and just, and intended that such tax is separate from and in addition to any other tax imposed on alcoholic beverages.

212.08(4) **Exemptions on account of use.**

(a) There shall be exempt from the tax imposed by this Chapter nets and ships designed for and exclusively used by commercial fisheries; feeds for raising poultry and livestock on farms and for feeding dairy cows; fertilizers, insecticides and fungicides used for application on crops or groves; containers used for processing farm products; field and garden seeds; cheesecloth for shading tobacco and seed beds; machines and farm equipment used exclusively by a farmer on a farm owned, leased or share-cropped by him in plowing, planting, cultivating and harvesting crops.

PROVIDED, that such exemption shall not be allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein.

(b) Also exempted are professional, insurance or personal service transactions which involve sales as inconsequential elements for which no separate charges are made.

(c) The above exempted personal service transactions do not exempt the sale of information services involving the furnishing of printed, mimeographed, multigraphed matter or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers. "Information services" shall mean and include the services of collecting, compiling or analyzing information of any kind or nature and furnishing reports thereof to other persons.

212.08(5) **Exemptions; industrial machinery.** There shall be exempt from the tax imposed by this Chapter on any single transaction so much of said tax as shall exceed one thousand dollars ($1,000.00) on the sale or rental to, the use, consumption or storage for use in this state of machines and equipment and parts and accessories therefor used in mining and quarrying, compounding, processing, producing or manufacturing, personal property for sale in this State, or used in furnishing communication, transportation or public utility services. As used in this subsection "single transaction" shall include orders placed and accepted for the sale and delivery within six months by one supplier, and the use in one particular location of specifically described items on which this exemption is allowed; and the term "machines and equipment and parts and accessories therefore" shall mean only such machines, machinery and equipment and parts and accessories therefore which are specifically designed for use in some phase or process of the operations mentioned in this subsection. The Comptroller is authorized to further define the terms used herein by rules and regulations not inconsistent herewith for the purpose of uniformity in the enforcement of this subsection.

212.08(6) **Exemptions; motor vehicles.** Motor vehicles shall be exempt from the tax imposed by this Chapter. The term "motor vehicle" as used in this subsection shall have the same meaning ascribed in subsection one (1) Section 320.01, Florida Statutes, when used in the plural form.

212.08(7) **Exemptions; political subdivisions, interstate transportation, communications, etc.** There shall also be exempt from the tax imposed by this Chapter sales made to the United States Government, the State or any county, municipality or political subdivision of this State, including sales of tangible personal property made to contractors employed by any such government or political subdivision thereof where such tangible personal property goes into and becomes a part of public works owned by such government or political subdivision thereof. Also exempt are vehicles and vessels and parts thereof used to transport passengers or property in interstate or foreign commerce. Likewise exempt are newspapers, communication services, film rentals, and charges for services rendered by radio and television stations, including line charges, talent fees or charges, and charges for films and transcriptions and other expendable items in producing radio or television broadcasts.

212.08(8) **Exemptions; religious, charitable and educational.** There shall be exempt from the tax imposed by this Chapter articles sold or leased to or by churches or other nonprofit religious, nonprofit educational, or nonprofit charitable institutions, in the course of their customary nonprofit religious, nonprofit educational, or nonprofit charitable activities, in-

cluding cemeteries. Likewise exempt are admissions to athletic contests or other sports events, not prohibited by law, the proceeds of which go entirely to the support of a hospital for crippled children, which hospital is subsidized by the Florida Crippled Children's Commission out of State funds;

PROVIDED that in order to qualify for such exemption, no part of the net proceeds of such athletic contest or other sports event shall inure to the benefit of any private stockholder or individual. Also exempt from payment of the tax imposed by this Chapter on rentals and meals are patients, inmates and guests of any hospital or institution designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated or for any reason dependent upon special care or attention. Also exempt are school books and school lunches.

212.08(9) **Legislative intent.** It is hereby declared to be the legislative intent of this Act:

(a) To raise the additional revenue required to meet the appropriations of the legislature, by eliminating existing sales and use tax exemptions on clothing and fabrics allowed by subsection eight (8) of Section 212.08, Florida Statutes: by eliminating such exemptions allowed by subsection (4) (a) of Section 212.08, Florida Statutes, on lubricating oil, and on alcoholic beverages (other than malt beverages); by increasing the maximum tax fixed in subsection two (2) of Section 212.08, Florida Statutes, on industrial machinery from three hundred dollars ($300.00) to one thousand dollars ($1,000.00) and further restricting and clarifying the definition of such machinery; and by eliminating all other exemptions allowed by Section 212.08, Florida Statutes, not specifically mentioned herein.

(b) To aid in the enforcement of this Chapter by recognizing the effect of court rulings involving such enforcement and to incorporate herein substantial rulings of the Comptroller which have been recognized as necesesary to supplement the interpretation of some of the terms used in this Section.

(c) To arrange the exemptions allowed in this Section in more orderly categories thereby eliminating some of the confusion attendant upon the present arrangement where cross-exemptions frequently occur.

Section 2. Section 212.11, Florida Statutes is hereby amended to read:

212.11 **Tax returns and regulations.**

(1) That the taxes levied hereunder upon rentals, admissions and sales of tangible personal property shall be due and payable monthly beginning on the first day of November, 1949, and for the purpose of ascertaining the amount of tax payable under this Chapter, it shall be the duty of all dealers to make a return, on or before the twentieth day of the month to the comptroller, upon forms prepared and furnished by him, showing the rentals, admissions, gross sales or purchases as the case may be, arising from all leases, rentals, admissions, sales or purchases, taxable under this Chapter during the preceding calendar month. Any dealer who operates two or more places of business for which returns are required to be filed with the Comptroller and who maintains records for such places of business in a central office or place, shall have the privilege on each reporting date of filing a consolidated return for all such places of business in lieu of separate returns for each such place of business.

(2) Gross proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the Comptroller may prescribe.

(3) Whenever the tax on rentals of any machine described in 212.08, shall amount to the total tax which would have been paid on said machine had the same been a sale rather than a rental, then there shall be no further rental tax thereon.

(4) Except as otherwise expressly provided for herein, it is hereby declared to be the intention of this Chapter to impose a tax on the gross proceeds of all leases and rentals of tangible personal property in this State where the lease or rental is a part of the regularly established business, or the same is incidental or germane thereto.

Section 3. It is the Legislative intent that there shall be no pyramiding or duplication of the excise taxes which are levied by the State under this Chapter, and no municipality shall levy any excise tax upon any privilege, admission, lease, rental, sale, use or storage for use or consumption which is subject to a tax under this Chapter unless permitted by General Law, provided however, that this provision shall not impair valid municipal ordinances which are in effect and under which a municipal tax is being levied and collected on July 1, 1957.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed, including any other law previously enacted at this session of the legislature in conflict herewith.

Section 5. This Act shall take effect July 1, 1957.

Amendment No. 2—

Strike out the title and insert the following in lieu thereof: A new title which shall read:

A bill to be entitled An Act to amend Section 212.08, Florida Statutes, relating to specific exemptions from sales, rental, storage and use tax by rearranging the exemptions in more orderly categories; by eliminating all exemptions on clothing, lubricating oil, cigarettes, alcoholic beverages (other than malt beverages), and on all other items not specifically exempted by this Act; by increasing the maximum tax imposed on industrial machinery from $300.00 to $1,000.00 and by restricting and clarifying the definition of such machinery; by declaring the legislative intent of this Act; amending Section 212.11 (1) Florida Statutes to provide for the filing of consolidated reports by certain dealers operating two or more places of business; prohibiting certain excise taxes by municipalities; repealing all laws in conflict herewith and fixing an effective date.

And respectfully requests the President of the Senate to appoint a Conference Committee on the part of the Senate to confer with a like Committee to be appointed by the Speaker of the House of Representatives to adjust the differences existing between the two Bodies on House Amendments to Senate Bill No. 1137.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Pearce moved that the request of the House of Representatives be granted and the President of the Senate appoint a Conference Committee on the part of the Senate to confer with a like committee to be appointed on the part of the House of Representatives, to adjust the differences between the Senate and the House of Representatives on the House Amendments to Senate Bill No. 1137.

Which was agreed to and the President appointed Senators Pearce, Davis and Clarke as the Committee on the part of the Senate.

And the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that when the Senate adjourns, it adjourn to reconvene at 11:00 o'clock A. M., Friday, June 7, 1957.

Which was agreed to and it was so ordered.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 5:36 o'clock P. M., until 11:00 o'clock A. M., Friday, June 7, 1957.