

JOURNAL OF THE SENATE

32

Monday, April 13, 1959

The Senate convened at 4:00 o'clock P.M., pursuant to adjournment on Friday, April 10, 1959.

The President in the Chair.

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

Mr. President	Clarke	Gresham	Pope
Adams	Connor	Hair	Price
Beall	Cross	Hodges	Rawls
Belser	Davis	Houghton	Ripley
Boyd	Dickinson	Johns	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kicliter	Sutton
Bronson	Gautier	Knight	Tedder
Carlton	Getzen	Melton	
Carraway	Gibbons	Pearce	

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend L. B. Thomason:

Our Father, as we seek Thy blessing upon our work, remind us that there are some things which cannot have Thy blessing.

So guide us, dear Father, in the decisions which we make in order that Thou canst bless the things that come out of our work.

Give us wisdom this week to know Thy will and faith to accept it. Through Jesus Christ our Lord. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 8, 1959, was further corrected as follows:

Page 13, column 2, line 3, counting from the bottom of the column, strike out the word "five" and insert in lieu thereof the word "seven."

Also—

Page 14, column 1, line 24, strike out the word "Engrossing" and insert in lieu thereof the word "Engrossed."

Also—

Page 14, column 1, line 29, counting from the bottom of the column, strike out the word "State" and insert in lieu thereof the word "Senate."

Also—

Page 16, column 2, line 12, counting from the bottom of the column, strike out the word "rule" and insert in lieu thereof the word "rules."

Also—

Page 17, column 2, line 3, strike out the word "Rule" and insert in lieu thereof the word "Rules."

And as further corrected was approved.

The Senate daily Journal of Friday, April 10, 1959, was corrected and as corrected was approved.

REPORT OF COMMITTEE

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

S. B. No. 63— A bill to be entitled An Act to apportion the representation of the State of Florida in the Senate; amending Section 10.01, Florida Statutes; providing an effective date.

—and the Committee recommends that the Committee Substitute therefor, as reported herewith, pass.

And the Bill contained in the preceding report, with the recommended Committee Substitute attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Carraway moved that Senate Bill No. 75, previously referred to the Committee on Transportation and Traffic, be also referred to the Committee on Appropriations.

Which was agreed and it was so ordered.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Ripley—

S. B. No. 90—A bill to be entitled An Act relating to Prosecuting Attorneys; amending Section 34.11, Florida Statutes; providing compensation in connection with bonds forfeited or estreated.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Ripley—

S. B. No. 91—A bill to be entitled An Act relating to Prosecuting Attorneys employed by County Commissioners; amending Section 125.04, Florida Statutes; providing compensation in connection with bonds forfeited or estreated.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Ripley—

S. B. No. 92—A bill to be entitled An Act relating to Taxation; amending Section 193.25, Florida Statutes, relating to the completion of assessment roll, equalization of assessments, and public meeting to hear complaints; by providing for written notice of increased assessments to owner or agents of property together with written notice of meetings; providing an effective date.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By Senator Ripley—

S. B. No. 93—A bill to be entitled An Act relating to cost of prosecutions; amending Subsection 902.19, Florida Statutes, by providing for payment of witness fees and mileage to sheriffs, deputy sheriffs, constables, deputy constables, highway patrolmen and other persons engaged in law enforcement.

Which was read the first time by title only and referred to the Committee on Judiciary "A" and the Committee on Appropriations.

By Senator Ripley—

S. B. No. 94—A bill to be entitled An Act relating to bail bonds; amending Section 903.16, Florida Statutes; providing a conclusive presumption of consent to the sale of non-registered bonds deposited as bail under the provisions of Section 903.16, Florida Statutes.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Ripley—

S. B. No. 95—A bill to be entitled An Act relating to bail bonds; amending Subsection (1) of Section 903.26 and Section 903.28, Florida Statutes; providing for disposition of moneys and bonds, and enforcement of forfeitures; creating and adding to Chapter 903, Florida Statutes, Section 903.281; providing for enforcement of forfeitures in justice of peace courts.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Dickinson—

S. B. No. 96—A bill to be entitled An Act to declare, designate and name U.S. Highway 90 and certain portions of U.S. Highways 98, 19, 319 within the State of Florida as "Blue Star Memorial Highway"; authorizing the State Road Department to mark such route with appropriate markers; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Dickinson—

S. B. No. 97—A bill to be entitled An Act to declare, designate and name a certain part of U.S. Highway 92 within the State as "Blue Star Memorial Highway"; authorizing the State Road Department to mark such route with appropriate markers; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Dickinson—

S. B. No. 98—A bill to be entitled An Act authorizing the Chairman of the State Road Department of Florida, in cooperation with the Florida Federation of Garden Clubs, Inc., to designate certain roads and highways as portions of the Blue Star Memorial Highway; providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Dickinson—

S. B. No. 99—A bill to be entitled An Act relating to trucks; providing that all open trucks transporting trash or garbage be equipped with a covering; providing a penalty; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Carraway—

S. B. No. 100—A bill to be entitled An Act relating to chiropractic practice; amending Subsection (2) (d) and adding Subsection (5) to Section 460.11, amending Section 460.27; providing for use and services of certain laboratories; providing chiropractors' testimony be accepted as expert in trials; providing annual license renewal and certain exemptions to provisions of said section; providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Dickinson—

S. B. No. 101—A bill to be entitled An Act prohibiting the giving of false reports or information concerning crimes and providing penalties for violation.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Dickinson—

S. B. No. 102—A bill to be entitled An Act requiring reports of purchases and sales by pawn brokers to law enforcement officers.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Dickinson—

S. B. No. 103—A bill to be entitled An Act relating to the selection, transcription, preservation and certification of jury lists, by requiring that names included on such lists be at all times accompanied by the addresses of such persons.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Dickinson—

S. B. No. 104—A bill to be entitled An Act relating to mortgages on real property; providing for limited closing costs and limited mortgage broker's fees when handled through mortgage brokers; defining certain terms; providing civil remedies and recovery of attorney's fees by parties damaged; setting effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Dickinson—

S. B. No. 105—A bill to be entitled An Act relating to wounds by violence; requiring the immediate report to the sheriff by doctors, nurses, hospitals or employees thereof the treatment or request for treatment of any gunshot and certain other wounds; and providing penalty for failure to so report; providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Eaton—

S. B. No. 106—A bill to be entitled An Act relating to motor vehicles; creating special committee known as "Motor Vehicle Services Committee"; authorizing said committee to study laws and services of certain state agencies; recommending to Legislature a plan for unified and coordinated program of motor vehicle services to be rendered by the state government; defining powers, duties and responsibilities of said committee; providing an appropriation therefor; providing effective date.

Which was read the first time by title only and referred to the Committee on Transportation and Traffic and the Committee on Appropriations.

By Senator Connor—(By Request)—

S. B. No. 107—A bill to be entitled An Act relating to county purchases in each county having a population of not less than six thousand one hundred (6,100) nor more than six thousand three hundred (6,300) according to the latest official state-wide decennial census; providing that the Board of County Commissioners may make purchases of up to one thousand dollars (\$1,000.00) without bids; providing an effective date.

Which was read the first time by title only.

Senator Connor moved that the rules be waived and Senate Bill No. 107 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 107 was read the second time by title only.

Senator Connor moved that the rules be further waived and Senate Bill No. 107 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. 107 was read the third time in full.

Upon the passage of Senate Bill No. 107 the roll was called and the vote was:

Yeas—38.

Mr. President	Clarke	Gresham	Pope
Adams	Connor	Hair	Price
Beall	Cross	Hodges	Rawls
Belser	Davis	Houghton	Ripley
Boyd	Dickinson	Johns	Stenstrom
Brackin	Eaton	Kelly	Stratton
Branch	Edwards	Kicliter	Sutton
Eronson	Gautier	Knight	Tedder
Carlton	Getzen	Melton	
Carraway	Gibbons	Pearce	

Nays—None.

So Senate Bill No. 107 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Carlton and Connor—

S. B. No. 108—A bill to be entitled An Act relating to the Board of Commissioners of State Institutions; amending Section 965.01, Florida Statutes, by adding Subsection (4) to provide for the creation of the division of tuberculosis hospitals and the abolition of the State Tuberculosis Board and the transfer of its powers and duties to the Board of Commissioners of State Institutions.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senators Hair, Adams, Johnson, Hodges, Knight, Gibbons, Price, Johns, Kelly, Stenstrom, Gresham, Carraway, Rawls, Cross, Edwards, Eaton, Connor, Branch, Bronson, Getzen, Kicliter, Dickinson, Tedder, Melton, Stratton, Sutton, Boyd, Carlton, Pearce, Gautier, Pope, Ripley, Clarke, Houghton, Beall, Brackin, Davis and Belser—

S. B. No. 109—A bill to be entitled An Act relating to agriculture; providing for reorganization of agricultural services; creating State Department of Agriculture as Chapter 570 Florida Statutes and transferring powers and duties of Florida Livestock Board, State Plant Board, State Agricultural Marketing Board, State Marketing Commissioner, State Chemist, Assistant State Chemists, State Veterinarian and Plant Commissioner to said department; providing for the abolishment of the said boards and officers; repealing Sections 19.01 through 19.08, 19.10, 19.11, 19.19, 19.22, 19.25 through 19.29, 19.42 through 19.47, 19.49 through 19.51, 525.04, 525.05, 581.01, 585.02, 603.01 through 603.05, 603.08 through 603.10, 603.16, 603.18, 603.19 and 603.24, Florida Statutes; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senator Cross—

Senate Joint Resolution No. 110:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF FLORIDA, PROVIDING FOR THE JUDICIAL DEPARTMENT BY AMENDING SECTIONS 15 AND 16 THEREOF, RELATING TO ELECTION AND TERMS OF OFFICE OF JUSTICES OF THE SUPREME COURT, JUDGES OF THE DISTRICT COURTS OF APPEAL AND CIRCUIT JUDGES.

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

That the following amendment to Article V, Sections 15 and 16, of the Constitution of Florida, is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next general election to be held in November, 1960:

SECTION 15. Election of judges.—Circuit judges shall be elected by the qualified electors of their respective judicial circuits as other state and county officials are elected.

Judges of district courts of appeal shall be elected by the qualified electors of their respective districts as other state and county officials are elected.

Justices of the supreme court shall be elected by the qualified electors of the state as other state and county officials are elected.

The judges of district courts of appeal identified as belonging to Group "A" shall be elected in 1968 and every ten (10) years thereafter; those identified as belonging to Group "B" shall be elected in 1970 and every ten (10) years thereafter; and those identified as belonging to Group "C" shall be elected in 1962 and every ten (10) years thereafter. The terms of office of the judges of the district courts of appeal identified as Group "A" elected in 1958 and Group "B" elected in 1960 shall be extended for a period of four (4) years or until their successors are elected and qualified.

Election of circuit judges shall be held in the year 1970 and every ten (10) years thereafter. The terms of office of circuit judges elected in 1960 shall be extended for a period of four (4) years or until their successors are elected and qualified.

Two (2) justices of the supreme court shall be elected in 1968 and every ten (10) years thereafter; three (3) justices of the supreme court shall be elected in 1970 and every ten (10) years thereafter; two (2) justices of the supreme court shall be elected in 1962 and every ten (10) years thereafter. The terms of office of the supreme court justices elected in 1958 and 1960 shall be extended for a period of four (4) years or until their successors are elected and qualified.

Such elected justices and judges shall take office on the first Tuesday after the first Monday in the following January.

SECTION 16. Terms of office of certain judges.—The terms of office of justices of the supreme court, judges of district courts of appeal and circuit judges shall be ten (10) years.

Which was read the first time in full and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

By Senator Cross—(By Request)—

S. B. No. 111—A bill to be entitled An Act relating to probation and appeals from orders relating to probation; amending Subsections (1) and (3) of Section 948.01, Florida Statutes, prescribing when the court may place a defendant on probation, by dispensing with the necessity of adjudicating the guilt of a defendant placed on probation and by authorizing probation for offenses not punishable by death; amending Subsection (1) of Section 948.06, Florida Statutes, relating to the violation of probation, so as to provide for the disposition of probation violation charges and for adjudication of guilt and imposition of sentence in case of revocation; amending Section 924.06, Florida Statutes, relating to appeals of defendants in criminal cases, by authorizing appeal from an order of probation without adjudication of guilt, with the same scope and effect as if a judgment of conviction had been entered, and by authorizing appeal from an order revoking probation to review only the proceedings after the order of probation, and by eliminating the right of appeal from a judgment entered after the revocation of probation; amending Section 924.09, Florida Statutes, so as to prescribe the time for a defendant to take an appeal from an order granting or revoking probation; providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 112—A bill to be entitled An Act relating to disqualification of judges; amending Section 38.01, Florida Statutes, providing for disqualification when party to suit.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 113—A bill to be entitled An Act relating to forgery; amending Section 831.01, Florida Statutes, to provide that the punishment for altering or forging an order for money or other property shall be the same as for the crime of larceny; amending Section 831.02, Florida Statutes, to provide that punishment for uttering and publishing as true an altered or forged order for money or other property be the same as for the crime of larceny; providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 114—A bill to be entitled An Act relating to suits for divorce; amending Section 65.20, Florida Statutes, as created by Section 1, Chapter 57-258, Laws of Florida, providing that said Section be applicable to divorce proceedings only.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 115—A bill to be entitled An Act relating to abatement of actions at law and suits in equity for lack of prosecution; amending Section 45.19, Florida Statutes; providing for dismissal thereof upon motion of the court.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 116—A bill to be entitled An Act relating to free dealer law of 1943; amending Section 62.42, Florida Statutes, providing for service on husband; amending Chapter 62, Florida Statutes, by adding Section 62.421, to provide for mailing of petition.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 117—A bill to be entitled An Act relating to venue of actions; amending Section 46.01, Florida Statutes, to pro-

vide suit for divorce against nonresident be filed in county of residence of plaintiff.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 118—A bill to be entitled An Act relating to non-suits; repealing Section 54.09, Florida Statutes, relating to time for non-suit; and repealing Section 59.05, Florida Statutes, providing for appeal from order of non-suit.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 119—A bill to be entitled An Act relating to bastardy; amending Section 742.031, Florida Statutes, to require payment of costs by defendant in bastardy proceedings.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

By Senator Cross—(By Request)—

S. B. No. 120—A bill to be entitled An Act relating to jurors; amending Section 40.24, Florida Statutes, providing increase in mileage allowance.

Which was read the first time by title only and referred to the Committee on Judiciary "A."

MESSAGE FROM THE GOVERNOR

The following Communication from the Governor was read:

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

April 7, 1959

GENTLEMEN OF THE LEGISLATURE:

In pursuance of the requirement of Section II of Article IV of the State Constitution, I have the honor to transmit herewith a report covering every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon, or reprieve, since making report to the Legislature, April 2, 1957.

Respectfully submitted,

LEROY COLLINS

Governor

Senator Davis moved that the report be filed.

Which was agreed to and it was so ordered.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:14 o'clock P.M., until 11:00 o'clock A.M., Tuesday, April 14, 1959.