

JOURNAL OF THE SENATE

Wednesday, April 15, 1959

55

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Tuesday, April 14, 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:

We thank Thee, our Father, for this sacred moment when our hearts may be united in prayer. Give us the assurance that this can be more than a formality, and that Thou wilt hear and answer if we trust Thee.

Give us a spirit of unity this day, Father. Where our opinions may conflict, give us love for one another; when our attitudes may differ, give us a gracious spirit; and when our points of view clash, give us the vision to see the merits in both sides.

We lift our hearts in prayer for Secretary of State Dulles and pray for his family that Thou wilt prepare them to accept the suffering which will be theirs in the days ahead. Help them to know that this body has stood in prayer for them, and give them strength through our prayer. In Jesus name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, April 13, 1959, was further corrected as follows:

Page 33, column 2, at the end of line 24, add the following: "(By Request)—"

Also—

Page 34, column 1, line 15, strike out the word "State" and insert in lieu thereof the word "said."

And as further corrected was approved.

The Senate daily Journal of Tuesday, April 14, 1959, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Beall, Chairman of the Committee on Transportation and Traffic, reported that the Committee had carefully considered the following Bills:

S. B. No. 75—A bill to be entitled An Act relating to the Florida Highway Patrol; amending Section 321.04, Florida Statutes, by authorizing additional rank classifications of members of the Highway Patrol; limiting the total number of patrol personnel; amending Section 321.071, Florida Statutes, by authorizing additional special service officers; providing an effective date.

S. B. No. 37—A bill to be entitled An Act relating to the employees and officers of the Florida Highway Patrol; amending Section 321.07, Florida Statutes, relating to base pay of the several classifications of employees and officers; providing an appropriation; providing an effective date.

—and recommends that the same pass.

And the Bills contained in the preceding report were referred to the Committee on Appropriations, under the original joint references.

Senator Beall, Chairman of the Committee on Transportation and Traffic, reported that the Committee had carefully considered the following Bill:

S. B. No. 72—A bill to be entitled An Act to amend Chapter 322, Florida Statutes, relating to driver's licenses by adding Section 322.111, providing that no driver's or chauffeur's license shall be issued to a minor under eighteen (18) years of age without first having successfully completed an approved driver education course; providing free enrollment for driver training courses in the public schools; and providing an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was referred to the Committee on Education, under the original joint reference.

ENGROSSING REPORT

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

S. J. R. No. 123—A Joint Resolution relating to apportionment; proposing an amendment to Article VII. of the Florida Constitution; providing for forty-two senatorial districts; providing plan for apportioning House of Representatives.

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

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

And Senate Joint Resolution No. 123, contained in the above report, was placed on the Calendar of Senate Bills and Joint Resolutions on Third Reading.

ENROLLING REPORT

Your Enrolling Clerk, to whom was referred—

S. B. No. 5

S. B. No. 6

—reports 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 April 15, 1959, for his approval.

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

Senator Carraway, Chairman of the Committee on Appropriations, moved that Senate Bill No. 125 be withdrawn from the Committee on Education and re-referred to the Committee on Appropriations.

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

Senator Rawls, Chairman of the Committee on Constitutional Amendments and Governmental Reorganization, moved that Senate Bill No. 108, previously referred to the Committee on State Institutions, be also referred to the Committee on Constitutional Amendments and Governmental Reorganization.

Which was agreed to by a two-thirds vote and Senate Bill No. 108 was also referred to the Committee on Constitutional Amendments and Governmental Reorganization.

Senator Kelly, Chairman of the Committee on Public Roads

and Highways, moved that the rules be waived and the Committee on Public Roads and Highways be allowed an additional ten days to report on all bills now referred to the Committee.

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

The President announced that Senate Bill No. 127, previously referred to the Committee on Judiciary "A", was also referred to the Committee on Banking.

Senator Edwards, Chairman of the Committee on Education, moved that the rules be waived and the Committee on Education be allowed an additional ten days to report on all bills previously referred to the Committee.

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

Senator Stenstrom moved that the rules be waived and the Senate immediately reconsider the vote by which House Bill No. 87 passed the Senate on April 14, 1959:

H. B. No. 87—A bill to be entitled An Act authorizing the Board of County Commissioners of Brevard County to cause to be issued special permits in certain cases and requiring public hearings pursuant to advertised notice.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 87 passed the Senate on April 14, 1959?"

Which was agreed to by a two-thirds vote.

So the Senate reconsidered the vote by which House Bill No. 87 passed the Senate on April 14, 1959.

The question recurred on the passage of House Bill No. 87.

Pending roll call on the passage of House Bill No. 87, Senator Stenstrom moved that the further consideration thereof be informally passed.

Which was agreed to and House Bill No. 87 was placed on the Calendar of Local Bills, pending roll call.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Cross—(By Request)—

S. B. No. 145—A bill to be entitled An Act relating to divorce, alimony and custody of children, amending Chapter 65, Florida Statutes; by adding Section 65.21 pertaining to social investigations and recommendations by the State Welfare Department in certain cases.

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. 146—A bill to be entitled An Act relating to jurors; amending Chapter 40, Florida Statutes, by adding Section 40.231 to provide that any person summoned for jury service in any county of the State shall be deemed eligible for and subject to jury service in any court of the county without further summons.

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. 147—A bill to be entitled An Act relating to judicial proof; amending Chapter 90, Florida Statutes, by adding Section 90.25, pertaining to common law marriages by providing that clear and convincing evidence be required in proving such marriages when they were not entered into in accordance with the forms of law of the state wherein they were entered into, without indulging any presumptions.

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. 148—A bill to be entitled An Act relating to execution; amending the third paragraph of Section 922.11, Florida Statutes, by providing for delivery of convicted persons sentenced to death to the superintendent of the State Prison to await the death warrant; providing an effective date.

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

By Senators Pearce, Davis, Edwards, Price, Gautier, Tedder, Kicliter, Rawls, Pope, Carlton and Houghton—

S. B. No. 149—A bill to be entitled An Act relating to education; making an appropriation to the county boards of public instruction for purposes of capital outlay for the construction of buildings and the purchase of equipment for the public junior colleges as authorized by the State Board of Education; appropriating additional funds for expenses incurred in surveying new junior college areas; amending Section 230.55, Florida Statutes; repealing Sections 236.072 and 236.073, Florida Statutes; providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 150—A bill to be entitled An Act relating to the State Budget Commission; amending Section 216.171, Florida Statutes, defining the authority of the State Budget Commission in relation to salaries and job classification of state officers and employees; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 151—A bill to be entitled An Act relating to legislation; amending Chapter 11, Florida Statutes, by adding thereto Section 11.28, creating the Appropriations and Auditing Committee of the Legislative Council; providing for the composition and appointment of such committee; prescribing the powers, functions and duties of such committee; providing for the Legislative Reference Bureau to furnish personnel and other services needed by the committee; providing for all costs of this activity to be an expense of the Legislative Reference Bureau; repealing Section 21.011, Florida Statutes, relating to the Legislative Auditing Committee; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 152—A bill to be entitled An Act relating to the Internal Improvement Fund; providing an appropriation from said fund to repay said fund for moneys advanced from the Internal Improvement Fund for the construction of certain state buildings pursuant to Chapters 11340 and 11341, Laws of Florida, 1925; authorizing the trustees of said fund to adjust their records accordingly; and repealing Section 253.48, Florida Statutes; providing an appropriation to repay said moneys from the General Revenue Funds; providing an effective date.

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

By Senators Carraway and Cross—

S. B. No. 153—A bill to be entitled An Act relating to certain institutions under the Board of Control; amending Section 216.291, Florida Statutes, relating to reversion of incidental moneys of state universities to the General Revenue Fund; exempting the agricultural experiment stations and the agricultural extension service from the provisions thereof; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 154—A bill to be entitled An Act relating to airways, emergency landing fields and airports; repealing Sections 331.01 to 331.09, inclusive, Florida Statutes; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 155—A bill to be entitled An Act relating to finance

and taxation for school purposes; amending Subsection (3) of Section 236.074, Florida Statutes, providing for the creation of the county school fund for additional capital outlay and providing an appropriation and allocation thereof; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 156—A bill to be entitled An Act relating to the Florida Development Commission; amending Section 288.20, Florida Statutes; providing for the disposition of moneys on hand July 1, 1959; adding new Sections 288.201-288.204, Florida Statutes; providing for the disposition of securities; providing an appropriation and creating a revenue bond expense revolving fund; providing for general administrative expenses of the revenue bond department; providing for fees to be charged; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 157—A bill to be entitled An Act relating to tax on sales; amending Section 212.20, Florida Statutes, providing for the disposition of sales tax by the Comptroller by deleting therefrom provisions relating to the County School Sales Tax Fund; amending Chapter 236, Florida Statutes, relating to finance and taxation for school purposes, by adding Section 236.075, to provide for the creation of the County School Sales Tax Fund; providing an appropriation from sales tax receipts; providing for distribution of said fund to the several counties; and providing an effective date.

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

By Senators Carraway and Kelly—

S. B. No. 158—A bill to be entitled An Act relating to mental health; amending Section 402.07, Florida Statutes, by requiring repayment of scholarships to be either by service in the employ of the State or by money.

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

By Senators Carraway, Adams and Hair—

S. B. No. 159—A bill to be entitled An Act relating to State finance; amending Section 215.32(5), Florida Statutes, relating to the trust fund in the State Treasury.

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

By Senators Carraway, Adams and Hair—

S. B. No. 160—A bill to be entitled An Act relating to the trustees of the Internal Improvement Fund; ratifying and confirming the advance made by the trustees of the Internal Improvement Fund for certain repairs and renovation of the Capitol Building; and providing an appropriation therefor; authorizing the trustees to adjust their records accordingly.

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

By Senators Carraway, Adams and Hair—

S. B. No. 161—A bill to be entitled An Act relating to the State Budget Commission; amending Section 216.24, Florida Statutes; limiting the expenditure of state moneys for the purpose for which appropriated and providing exceptions thereto; and providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 162—A bill to be entitled An Act relating to the licensing of aircraft and airports; amending Sections 330.10(3), 330.11(5), 330.13 and 330.23, Florida Statutes, to provide for the deposit of moneys collected incident to the licensing of aircraft and airports in the General Revenue Fund and for the payment of expenses of the Aviation Department of the Flor-

ida Development Commission therefrom; and repealing Sections 330.24 and 330.37, Florida Statutes, limiting the use of said moneys; providing an effective date.

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

By Senators Carraway, Adams and Hair—

S. B. No. 163—A bill to be entitled An Act relating to state finance; amending Section 215.18, Florida Statutes, providing a limitation upon the transfer of funds between accounts; and providing an effective date.

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

By Senators Hair and Adams—

S. B. No. 164—A bill to be entitled An Act relating to the Department of Public Welfare, amending Chapter 409, Florida Statutes, by adding a provision for a sworn statement on forms submitted by applicant for, or recipient of, benefits; and penalty for misstatement.

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

By Senators Hair and Adams—

S. B. No. 165—A bill to be entitled An Act relating to the Department of Public Welfare, Chapter 409, Florida Statutes, providing for recoupment of payments erroneously made.

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

By Senators Hair and Adams—

S. B. No. 166—A bill to be entitled An Act relating to the Department of Public Welfare; amending Subsection (5) of Section 409.16, Florida Statutes, to provide a two year limitation on gratuitous transfers.

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

By Senators Hair and Adams—

S. B. No. 167—A bill to be entitled An Act relating to dependent children; amending Section 409.182, Florida Statutes, by requiring an action for support by relatives prior to receiving assistance.

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

By Senators Hair and Adams—

S. B. No. 168—A bill to be entitled An Act relating to the Department of Public Welfare; amending Section 409.01, Florida Statutes, to increase membership and set terms of members of State Welfare Board.

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

By Senators Hair and Adams—

S. B. No. 169—A bill to be entitled An Act amending Section 409.18, Florida Statutes, relating to eligibility for aid to dependent children by providing for a suitable home.

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

By Senators Hair and Adams—

S. B. No. 170—A bill to be entitled An Act providing for registration of common-law marriages; enforcement by parties to marriage.

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

By Senator Adams—

S. B. No. 171—A bill to be entitled An Act naming and designating a certain bridge as the S. D. "Sam" Saunders Bridge and providing suitable markers to be erected thereon by the State Road Department and providing an effective date therefor.

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

By Senators Carlton, Pope, Price, Eaton and Gibbons—

S. B. No. 172—A bill to be entitled An Act providing for the establishment of a State purchasing department of the State of Florida and for an executive board to control and supervise the duties and functions thereof; providing for the duties and powers of the executive board; providing the duty and authority to purchase all commodities and services required by the State and to supervise and regulate all purchasing and purchasing practices; providing the authority to authorize any agency to purchase directly specified commodities and services; providing for the employment of a director of purchasing and other employees; providing the duty and authority to sell all State commodities declared to be surplus; providing for the adoption and enforcement of rules and regulations by the executive board of the State purchasing department and the effect thereof; requiring specified methods of soliciting competitive bidding and providing for the supervision and regulation of all competitive bidding; providing for emergency purchases; requiring all public printing to be done by printing establishments in the State of Florida wherever practicable; providing a preference to Florida bidders in the case of tie bids; providing for personal liability for the costs of purchases contrary to this Act and the rules and regulations thereof; prohibiting financial interest in the purchase of or contract for any commodities or services by certain officers and employees of this agency and the State; prohibiting certain persons from offering to give or giving anything of value or any promise, obligation or contract for future reward or compensation to certain officers or employees of this agency and of the State and making violation thereof a misdemeanor; providing for the designation, transfer and funding of surplus property, and for the transfer of such property to and between the various State agencies; providing for the transfer to the State purchasing department of all records, equipment, files and other personal property held by the State purchasing commission under Chapter 287; providing for the repeal of all laws and parts of laws relating to the purchase of commodities or services by State agencies in any way in conflict with this Act, including Chapters 283 and 287; providing for an appropriation; providing an effective date.

Which was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization and the Committee on Appropriations.

By Senators Johnson, Rawls and Clarke—

S. B. No. 173—A bill to be entitled An Act cancelling certain tax sales certificates issued in Jefferson County, Florida, for nonpayment of taxes for the year 1930 upon certain lands upon which taxes have been levied and collected for all subsequent years.

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

By Senator Stenstrom—

Senate Joint Resolution No. 174:

A JOINT RESOLUTION RELATING TO APPORTIONMENT; PROPOSING AN AMENDMENT TO SECTION 3 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR FORTY-THREE (43) SENATORIAL DISTRICTS AND PROVIDING PLAN FOR APPORTIONING REPRESENTATION IN HOUSE OF REPRESENTATIVES.

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

That the following amendment to Section 3 of Article VII of the Constitution of the State of Florida relating to apportionment of representation in the Senate and House of Representatives be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for approval or rejection at the next general election to be held in November, 1960:

Section 3. Apportionment of Representation in Senate and House of Representatives.—The Legislature that shall meet in regular session A. D. 1961, and those that shall meet in 1965 and every ten (10) years thereafter, shall apportion the

Representation in the Senate, and shall provide for forty-three (43) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each District shall have one (1) Senator; and, at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow five (5) Representatives to the most populous county, four (4) Representatives to each of the next three (3) most populous counties; three (3) Representatives to each of the next seven (7) most populous counties, two (2) Representatives to each of the next eighteen (18) most populous counties, and one (1) Representative to each of the remaining counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, which ever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty (30) days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the Representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty (20) days or at all, until reapportionment is affected, and shall consider no business other than such reapportionment).

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

By Senator Stenstrom—

S. B. No. 175—A bill to be entitled An Act to apportion the representation in the State of Florida in the Senate and in the House of Representatives; amending Sections 10.01 and 10.03, Florida Statutes; providing an effective date, November 8, 1960, upon the adoption of a constitutional amendment providing a formula for reapportionment; directing the Governor to call a special election to fill vacancies created.

Which was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

By Senators Price, Knight and Beall—

S. B. No. 176—A bill to be entitled An Act relating to public libraries by providing for appropriation to State Library Board for disbursement as operating and equalization grants to counties qualifying and providing for State Library Board to promulgate rules, regulations, standards and require reports; and providing an effective date.

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

By Senators Pearce, Houghton, Kicliter, Hair, Pope, Cross, Davis, Clarke, Melton, Johnson, Connor, Hodges, Johns, Beall, Tedder, Stratton, Gautier and Gresham—

S. B. No. 177—A bill to be entitled An Act relating to police officers' retirement fund, Chapter 185, Florida Statutes; amending Subsections (5) and (6) of Section 185.02, relating to and defining aggregate number of years of service; amending Section 185.05, relating to the Board of Trustees, members and term of office; amending Subsections (1), (2) and (4) of Section 185.06, relating to the powers of the Board of Trustees and adding Subsection 8 thereto; adding Section 185.061, relating to the use of annuity or insurance policies; amending Subsections (2) and (4) of Section 185.07, relating to creation and maintenance of the fund; amending Sections 185.14, 185.15, 185.16, 185.18, 185.19, and 185.21, relating to contributions, new employees, requirements for retirement, disability retirement, separation from municipal service, refunds; and death prior to retirement; refunds or death benefits; and add-

ing Sections 185.161, 185.162, 185.191, 185.221, 185.231, 185.232, 185.35 and 185.36, providing for optional forms of retirement income; beneficiaries; lump sum payment of small retirement income; report to State Treasurer; appointment of advisory committee; reports to the Legislature; relating to municipalities having their own pension plans; rights of police officers under former law; and repealing Sections 185.17, 185.20, 185.22, 185.26, 185.28 and 185.34, and providing for an effective date.

Which was read the first time by title only and referred to the Committee on General Legislation.

By Senators Pope, Adams and Pearce—

S. B. No. 178—A bill to be entitled An Act relating to armories; amending Section 250.20, Florida Statutes, by providing for maintenance and expense allowances.

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

By Senators Pope, Adams and Pearce—

S. B. No. 179—A bill to be entitled An Act relating to the Florida National Guard, amending Section 250.07, Florida Statutes, to organize the State Headquarters of the Florida National Guard so as to establish a department for Army and a department for Air, in accordance with executive order by the Governor of Florida, dated December 17, 1956, and in consonance with the requirements of the United States Department of Defense.

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

By Senator Edwards—

S. B. No. 180—A bill to be entitled An Act to amend Chapter 57-406, Acts of 1957, being Section 458.081, Florida Statutes, 1957, to permit the State Board of Health to award one scholarship each year to a candidate for the degree of Doctor of Osteopathy.

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

By Senator Edwards—

S. B. No. 181—A bill to be entitled An Act relating to equalization of tax assessments; amending Chapter 193, Florida Statutes, by adding a new section to be numbered Section 193.251, requiring the filing of taxpayers written statement under oath before the Board of County Commissioners sitting as a board of equalization of tax assessments shall change or adjust any tax assessment; providing an effective date.

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

By Senator Edwards—

S. B. No. 182—A bill to be entitled An Act relative to homestead tax exemptions; amending Chapter 192, Florida Statutes, by adding new section to be numbered 192.121; requiring the filing of the instrument upon which the homestead tax exemption is founded on or before January 1; providing an effective date.

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

By Senator Carraway—

S. B. No. 183—A bill to be entitled An Act to amend Sections 401.02 and 401.06, Florida Statutes 1957, by adding licensed doctors of osteopathy to those authorized to certify medically indigent persons for hospital service by the State Board of Health.

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

MESSAGE FROM THE GOVERNOR

The following Communication from the Governor was read:

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

April 13, 1959.

Honorable Dewey M. Johnson
President
Florida State Senate
Capitol Building
Tallahassee, Florida

Dear Mr. President:

Pursuant to the provisions of Senate Rule 59, I hereby designate my Executive Assistant, Mr. William L. Durden, as my official representative to the 1959 Senate.

With kind personal regards, I am

Sincerely,

LEROY COLLINS,
Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 14, 1959.

The Honorable Dewey M. Johnson,
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. Askew and Stone of Escambia—

H. B. No. 208—A bill to be entitled An Act authorizing the Governor of the State of Florida to designate and appoint William T. Washburn, residing in Madrid, Spain, as agent and attorney in fact for the State of Florida to represent said state in accepting on loan from the Republic of Spain, or any department division or agency thereof, the properties thereof, including without limitation, arms, armour, pictures, tapestries, maps, books, documents, antiques, artifacts, and any other items or articles requested of or furnished by the Republic of Spain for exhibition purposes in Florida, and to make such agreements as shall be required by the said Republic of Spain, or any of its departments, divisions or agencies thereof, for the transportation, preservation, protection, security and return of any items loaned for exhibition in the State of Florida during its quadricentennial celebration: and, from time to time, to designate any other qualified American citizen as attorney in fact to do and perform any and all of said acts authorized hereunder; to enter into agreements with the Quadricentennial Commission of Pensacola, and any other statutory quadricentennial commission, whereby such commission shall undertake to perform all of the obligations imposed upon the state by any agreement made by an attorney in fact appointed hereunder and whereby such commission shall indemnify the state against any liability hereunder.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 208, contained in the above message, was read the first time by title only.

Senator Beall moved that the rules be waived and House Bill No. 208 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 208 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 208 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. 208 was read the third time in full.

Upon the passage of House Bill No. 208 the roll was called and the vote was:

Yeas—35.

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

Nays—None.

So House Bill No. 206 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Gresham asked unanimous consent of the Senate to take up and consider House Bill No. 103, out of its order.

Unanimous consent was granted, and—

H. B. No. 103—A bill to be entitled An Act providing a salary for each, the judge, and the clerk of the Small Claims Court, in and for Monroe County, State of Florida, and fixing the time when and the fund out of which said salaries shall be paid; providing that all fees collected by said court shall be deposited monthly in the depository of said county to the credit of the fine and forfeiture fund; further providing that the Board of County Commissioners of said county shall continue to furnish suitable quarters to house such court and to provide said court with all necessary equipment, maintenance and supplies; and providing when this act shall take effect.

Was taken up.

Senator Gresham moved that the rules be waived and House Bill No. 103 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 103 was read the second time by title only.

Senator Gresham moved that the rules be further waived and House Bill No. 103 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. 103 was read the third time in full.

Upon the passage of House Bill No. 103 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
Bronson	Gautier	Knigh	Tedder
Carlton	Getzen	Melton	
Carraway	Gibbons	Pearce	

Nays—None.

So House Bill No. 103 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON THIRD READING

Senate Joint Resolution No. 123—

A JOINT RESOLUTION RELATING TO APPORTIONMENT; PROPOSING AN AMENDMENT TO ARTICLE VII OF THE FLORIDA CONSTITUTION; PROVIDING FOR FORTY-TWO SENATORIAL DISTRICTS; PROVIDING PLAN FOR APPORTIONING HOUSE OF REPRESENTATIVES.

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

That the following amendment of Article VII of the Con-

stitution of the State of Florida relating to apportionment in the Senate and House of Representatives be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for approval or rejection at the next general election to be held in November, 1960.

Section 1. Sections 1, 2, 3 and 4 of Article VII are hereby repealed and in lieu thereof the following sections are hereby adopted:

ARTICLE VII

Section 1. Representation—Apportionment—

(a) Senate—The state shall be apportioned into forty-two senatorial districts designated by number in consecutive order. Such apportionment shall provide fairness and equity among districts based upon population and such other pertinent factors as may be determined by the Legislature at the time of apportionment; provided:

(1) There shall be only one senator for each district;

(2) No district shall be composed of more than three counties, save and except the twenty-seventh district, which shall be composed of no more than four counties, until such time as further reapportionment may reduce this district to the three county limit.

(3) Counties forming a district shall not be entirely separated by territory of another district.

(4) No county shall be divided in creating a district.

(b) House of Representatives—The representation in the House of Representatives shall be apportioned as follows:

Three representatives to and for each of the five most populous counties, and two representatives to and for each of the eighteen more populous counties, and one representative to and for each of the remaining counties of the state at the time of such apportionment.

(c) First apportionment—reapportionment.—The first apportionment of each legislative house shall become effective upon adoption hereof, and at the regular session in 1965 and decennially thereafter the legislature shall reapportion its representation in accordance herewith. Should it fail to do so, its duty shall continue in every session, of whatever type.

(d) Failure to reapportion at regular session, and providing for extra ordinary session to perform reapportionment. Should the legislature fail to reapportion the representation in the legislature at any regular session as required, the Governor or the Legislature itself shall call the Legislature into extra ordinary session to perform its duty within thirty days after adjournment. No other business shall be transacted during such session and the session shall not recess for more than seventy-two hours, except that after a period of sixty days from the date the extra ordinary session is convened, the Governor may, by proclamation, or the Legislature may, by concurrent resolution, recess the Legislature to a future date, or may adjourn the Legislature sine die.

(e) Representation of a newly created county—A newly created county shall have one representative in the House of Representatives until the succeeding reapportionment and until that time it shall be part of such adjoining senatorial district as the Legislature shall determine.

Was taken up in its order and read the third time in full.

Upon the passage of Senate Joint Resolution No. 123 the roll was called and the vote was:

Yeas—24.

Mr. President	Bronson	Edwards	Knight
Adams	Carraway	Getzen	Melton
Beall	Clarke	Gresham	Pearce
Belser	Connor	Hair	Rawls
Brackin	Cross	Hodges	Ripley
Branch	Davis	Johns	Stratton

Nays—14.

Boyd	Gautier	Kicliter	Sutton
Carlton	Gibbons	Pope	Tedder
Dickinson	Houghton	Price	
Eaton	Kelly	Stenstrom	

So Senate Joint Resolution No. 123 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1959 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

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.

Was taken up in its order.

Senator Rawls moved that the rules be waived and Senate Bill No. 63 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 63 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 63:

By the Committee on Constitutional Amendments and Governmental Reorganization—

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

Was read the first time by title only.

Senator Rawls moved that the rules be waived and the Committee Substitute for Senate Bill No. 63 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 63 was read the second time by title only.

Senator Rawls moved the adoption of the Committee Substitute for Senate Bill No. 63.

Which was agreed to and the Committee Substitute for Senate Bill No. 63 was adopted.

Senator Rawls moved that the rules be further waived and Committee Substitute for Senate Bill No. 63 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 63 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 63 the roll was called and the vote was:

Yeas—24.

Mr. President	Bronson	Edwards	Knight
Adams	Carraway	Getzen	Melton
Beall	Clarke	Gresham	Pearce
Belser	Connor	Hair	Rawls
Brackin	Cross	Hodges	Ripley
Branch	Davis	Johns	Stratton

Nays—14.

Boyd	Gautier	Kicliter	Sutton
Carlton	Gibbons	Pope	Tedder
Dickinson	Houghton	Price	
Eaton	Kelly	Stenstrom	

So Committee Substitute for Senate Bill No. 63 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

S. B. No. 36—A bill to be entitled An Act relating to the Highway Patrol; amending Chapter 321, Florida Statutes, by adding Section 321.021, providing for the qualifications of the director of the State Department of Public Safety.

Was taken up in its order.

Senator Brackin moved that the rules be waived and Senate Bill No. 36 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 36 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 36 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. 36 was read the third time in full.

Upon the passage of Senate Bill No. 36 the roll was called and the vote was:

Yeas—12.

Mr. President	Boyd	Carraway	Johns
Beall	Brackin	Connor	Melton
Belser	Branch	Hodges	Rawls

Nays—26.

Adams	Eaton	Houghton	Ripley
Bronson	Edwards	Kelly	Stenstrom
Carlton	Gautier	Kicliter	Stratton
Clarke	Getzen	Knight	Sutton
Cross	Gibbons	Pearce	Tedder
Davis	Gresham	Pope	
Dickinson	Hair	Price	

So Senate Bill No. 36 failed to pass.

S. B. No. 74—A bill to be entitled An Act prohibiting the sale for use in motor vehicles of hydraulic brake fluid below the minimum standard of SAE heavy duty type brake fluid; requiring all containers of brake fluid to be marked; providing for the submission of certified samples to the Department of Public Safety; providing penalties for violation thereof and providing an effective date.

Was taken up in its order.

Senator Eaton moved that the rules be waived and Senate Bill No. 74 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 74 was read the second time by title only.

Senator Pope offered the following amendment to Senate Bill No. 74:

In Section 2, line 6, page 1, strike out the words: "Department of Public Safety" and insert in lieu thereof the following: Department of Agriculture.

Senator Pope moved the adoption of the amendment.

Pending consideration of the motion made by Senator Pope, Senator Eaton moved that the further consideration of Senate Bill No. 74, with pending amendment, be informally passed, the bill retaining its place on the Calendar of Bills on Second Reading.

Which was agreed to and Senate Bill No. 74, with pending amendment, was placed on the Calendar of Bills on Second Reading.

Senator Davis moved that the Senate proceed to the consideration of Executive Business.

Which was agreed to.

And the Senate went into Executive Session at 12:32 o'clock P.M.

The Senate emerged from Executive Session at 1:00 o'clock P.M., and resumed its Session.

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

Mr. President	Bronson	Dickinson	Hair
Adams	Carlton	Eaton	Hodges
Beall	Carraway	Edwards	Houghton
Belser	Clarke	Gautier	Johns
Boyd	Connor	Getzen	Kelly
Brackin	Cross	Gibbons	Kicliter
Branch	Davis	Gresham	Knight

Melton
Pearce
Pope

Price
Rawls
Ripley

Stenstrom
Stratton
Sutton

Tedder

A quorum present.

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:01 o'clock P.M., until 11:00 o'clock A. M., Thursday, April 16, 1959.