

# JOURNAL OF THE SENATE

Friday, May 1, 1959

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The Senate convened at 10:00 o'clock A.M., pursuant to adjournment on Thursday, April 30, 1959.

The President in the Chair.

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

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

—37.

A quorum present.

Senator Dickinson was excused from attendance upon the Session.

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

Our Father, we confess that in our hearts we know how much we need Thee, yet our pride keeps us from seeking Thy help.

Forgive us for making so many needless blunders because we have not sought Thy leadership.

Make this weekend a good one for each of us, and help us to honor Thee. In Jesus name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, April 28, 1959, was further corrected as follows:

Page 248, column 1, at the end of line 2, strike out the Roman numeral "X."

And as further corrected was approved.

The Senate daily Journal of Wednesday, April 29, 1959, was further corrected as follows:

Page 260, column 1, line 11, counting from the bottom of the column, strike out the figures "951" and insert in lieu thereof the figures "591."

Also—

Page 260, column 1, line 25, counting from the bottom of the column, strike out the figures "951" and insert in lieu thereof the figures "591."

Also—

Page 264, column 2, at the end of line 3, strike out the period and add the following:

" , from the further consideration of the Senate."

Also—

Page 276, column 2, between lines 4 and 5, insert the following:

"In Section 1, line 5, page 1."

And as further corrected was approved.

The Senate daily Journal of Thursday, April 30, 1959, was corrected and as corrected was approved.

## REPORT OF COMMITTEE

Senator Price, Chairman of the Committee on Oil and Nat-

ural Resources, reported that the Committee had carefully considered the following Bill:

S. B. No. 413—A bill to be entitled An Act relating to the State Board of Conservation; amending Subsection (1) of Section 373.021, and Subsections (1) and (2) of Section 373.051, Florida Statutes, to transfer supervisory power over artesian wells from representatives of State Geological Survey to Water Resources Department.

—and recommends that the same pass.

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

## INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Knight, Sutton, Cross, Gibbons, Eaton, Gautier, Beall, Belser, Houghton, Ripley, Johnson, Dickinson, Getzen and Tedder—

S. B. No. 640—A bill to be entitled An Act relating to the grounds for divorce; amending Section 65.04, Florida Statutes by adding a new Subsection thereto; providing for incurable insanity as grounds for divorce; fixing an effective date.

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

By Senator Knight—(By Request)—

S. B. No. 641—A bill to be entitled An Act repealing Section 320.59 Florida Statutes, 1957 relative to liability to guests or passengers in motor vehicles.

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

By Senator Eaton—(By Request)—

S. B. No. 642—A bill to be entitled An Act relating to pari-mutuel wagering, location and operation of dog and horse racing establishments, Chapter 550, Florida Statutes; amending Subsection (4) of Section 550.02, relating to powers and duties of racing commission; amending the second unnumbered paragraph of Section 550.05, relating to applications for permits to conduct race meetings and establishment of racing plants; amending the second unnumbered paragraph of Section 550.09; amending the first unnumbered paragraph of Section 550.10, relating to the issuance of occupational licenses; amending Section 550.12; amending Section 550.161, relating to taxes on pari-mutuel pools at horse (running) race tracks having a total daily play of less than four hundred thousand dollars (\$400,000.00); repealing Subsection (2) of Section 550.161; amending Section 550.164, providing that unclaimed pari-mutuel tickets shall escheat to the state after one (1) year has elapsed from which said ticket was issued; amending Subsection (1) of Section 550.35, relating to the transmission of racing information; providing an effective date.

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

By Senator Eaton—

S. B. No. 643—A bill to be entitled An Act relating to dismissal of prosecution; amending Chapter 915, Florida Statutes, by adding Section 915.02, providing for the dismissal of certain criminal charges if such charges are not tried within three (3) terms of court after written demand for trial by the person charged.

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

By Senator Eaton—

S. B. No. 644—A bill to be entitled An Act relating to the sale of securities, amending Section 517.07, Florida Statutes, relating to the registration of securities and providing that

permit holders who conduct pari-mutuel wagering shall not be permitted to register any securities or offer same for sale to the public until a period of three (3) years of continual operation has expired.

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

By Senator Sutton—(By Request)—

S. B. No. 645—A bill to be entitled An Act amending Subsection (1) of Section 99.021, Florida Statutes, 1957, to provide that every candidate for nomination to any office is required to take and subscribe to an oath or affirmation in writing; to provide for the contents of said oath; and to provide the form of said oath.

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

By Senators Price and Eaton—

S. B. No. 646—A bill to be entitled An Act relating to the State Road Department, amending Subsection (4) of Section 339.08, Florida Statutes, relating to the use of gas tax revenue by the department; and providing an effective date.

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

By Senator Carraway—

S. B. No. 647—A bill to be entitled An Act relating to teachers in detention homes and schools for delinquent children in certain counties; repealing Chapter 57-894, Laws of Florida, 1957, which authorized boards of public instruction in all counties of the state having a population of not less than four hundred thousand (400,000) to employ and pay such teachers from units allocated for such purpose by the State Board of Education pursuant to the minimum foundation program; fixing an effective date.

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

By Senator Stratton—

S. B. No. 648—A bill to be entitled An Act relating to Small Claims Courts in Nassau County; amending Section 2 of Chapter 27268, Acts of 1951; removing the requirement that the judge of the small claims court shall be a member of the Bar of Nassau County.

Which was read the first time by title only.

Senator Stratton moved that the rules be waived and Senate Bill No. 648 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 648 was read the second time by title only.

Senator Stratton moved that the rules be further waived and Senate Bill No. 648 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. 648 was read the third time in full.

Upon the passage of Senate Bill No. 648 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 648 passed, title as stated, and the action

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

By Senators Brackin and Belser—

S. B. No. 649—A bill to be entitled An Act designating and naming a certain highway in Walton and Okaloosa Counties; 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 Beall—

S. B. No. 650—A bill to be entitled An Act relating to drivers' licenses; amending Subsection (1) of Section 322.25 by authorizing courts to revoke drivers' licenses of persons convicted of a felony; authorizing court with authority to suspend license six (6) times length of sentence upon conviction of misdemeanor.

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

By Senator Beall—

S. B. No. 651—A bill to be entitled An Act relating to weapons and firearms; amending Section 790.19, Florida Statutes, by prohibiting firing of firearms or throwing missiles in, into or at buildings, occupied or not, buses, trains, vessels, aircraft, or other vehicles; repealing Section 790.20, Florida Statutes; providing penalties.

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

By Senator Beall—

S. B. No. 652—A bill to be entitled An Act relating to desertion of wife and children; amending the first paragraph of Section 856.04, Florida Statutes, by providing imprisonment in State prison or county jail for not more than five (5) years and deleting fine formerly imposed.

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

By Senator Pope—

S. B. No. 653—A bill to be entitled An Act to amend Subsection (1) of Section 215.47, Florida Statutes, relating to authorized investments by the State Board of Administration by adding Paragraph (f) to authorize investment in certain corporate obligations.

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

By Senators Gautier and Hair—

Senate Memorial No. 654:

A MEMORIAL TO CONGRESS REQUESTING A HEARING ON ALL BILLS RELATING TO THE UNIFORMITY OF PAY FOR RETIRED PERSONNEL OF THE ARMED SERVICES BE CALLED BY THE CHAIRMEN OF BOTH HOUSE AND SENATE ARMED SERVICES COMMITTEES.

WHEREAS, The Congress by Public Law 85-422, enacted a new military pay law, designed to increase the incentive for making careers in the uniformed forces, and partially to compensate for the shrunken dollar value, and

WHEREAS, Said Public Law created in effect an "Elite List" consisting of those persons who retired after June 1, 1958, and an "Inferior List" consisting of those persons who retired prior to June 1, 1958, and

WHEREAS, Those persons on the "Elite List" were authorized to have their retired pay computed at the increased rate, while those on the "Inferior List" were denied the right to have their retired pay computed at the increased rate, and

WHEREAS, Said Public Law 85-422 recognizes the right of the widows of officers retired prior to June 1, 1958, to have their pensions based on the higher pay scale, it nevertheless denies to those retired before June 1, 1958, including those retired because of disability incurred in line of duty to have their retired pay computed at the increased rate, and

WHEREAS, It has been the time-honored national policy

that the retired pay of its national defenders be geared to that of the active duty personnel, and the principle thus established will have an adverse effect upon the retention rates of personnel currently serving on active duty, thereby destroying a principal objective of the law in question, and

WHEREAS, A number of bills seeking to correct this inequity have been introduced in the House and Senate of the Congress, and thus restore the national policy of uniformity of pay for its retired personnel, and

WHEREAS, Said bills have been referred to the House Armed Services Committee and the Senate Armed Services Committee for report and recommendation, NOW, THEREFORE,

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

That the Chairman of the House Armed Services Committee, the Honorable Carl Vinson of Georgia, and the Chairman of the Senate Armed Services Committee, the Honorable Richard B. Russell of Georgia, be requested that a hearing on these bills be called at their earliest convenience.

BE IT FURTHER RESOLVED, That the Senate and the House of Representatives of Florida urge the favorable consideration of legislation to equalize the retired pay of personnel under similar circumstances, and that a copy of this memorial be sent to all Members of Congress from Florida.

Which was read the first time in full.

Senator Gautier moved that the rules be waived and Senate Memorial No. 654 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 654 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to, and Senate Memorial No. 654 was adopted and the action of the Senate was ordered certified to the House of Representatives.

By Senators Stenstrom, Stratton and Pope—

S. B. No. 655—A bill to be entitled An Act requiring that employees be given two (2) hours off for voting upon prior application; amending Chapter 101, Florida Statutes, to add a new section thereto to be designated 101.012; amending Chapter 104, Florida Statutes, to add a new section thereto to be designated 104.092; providing penalties; providing an effective date.

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

By Senator Ripley—

S. B. No. 656—A bill to be entitled An Act to amend Sections 1 and 2 of Chapter 57-1279, Laws of Florida, Acts of 1957, relating to deputy traffic officers, lieutenant traffic officers and a chief traffic officer for Duval County, limiting their number and their compensation, and authorizing increases in their salaries; repealing all laws in conflict therewith; and providing an effective date.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 656 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 Ripley moved that the rules be waived and Senate Bill No. 656 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 656 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 656 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. 656 was read the third time in full.

Upon the passage of Senate Bill No. 656 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 656 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Stratton, Getzen, Johns and Belser—

S. B. No. 657—A bill to be entitled An Act creating a special Interim Committee to be known as the Prisons and Convicts Study Committee; providing for appointment of members and committee expenses; defining the duties and responsibilities of said committee; providing an effective date.

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

By the Committee on Constitutional Amendments and Governmental Reorganization—

S. B. No. 658—A bill to be entitled An Act to apportion the representation in the State of Florida in the Senate; providing an effective date upon the adoption of a Constitutional Amendment providing a formula for reapportionment; and providing that vacancies as are created shall be filled by the electors at the general election in November, 1960.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Constitutional Amendments and Governmental Reorganization—

S. B. No. 659—A bill to be entitled An Act relating to a special election to be held on the first Tuesday after the first Monday in November, 1959, as provided by the Legislature under authority of Article XVII of the Constitution of Florida; providing for publication of notice for submission of a proposed amendment to the Constitution for approval or rejection; providing effective date.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Constitutional Amendments and Governmental Reorganization—

Senate Joint Resolution No. 660—

A JOINT RESOLUTION RELATING TO APPORTIONMENT; PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE FLORIDA CONSTITUTION; PROVIDING FOR FORTY-FOUR SENATORIAL DISTRICTS; PROVIDING PLAN FOR APPORTIONING HOUSE OF REPRESENTATIVES; AND PROVIDING THAT VACANCIES AS ARE CREATED SHALL BE FILLED BY THE ELECTORS AT THE GENERAL ELECTION IN NOVEMBER, 1960.

WHEREAS, The Legislature of the State of Florida has determined that an emergency requiring an early decision by the electors of the State does exist, and,

WHEREAS, An amendment to the Constitution dealing with the subject matter of reapportionment should be submitted to the voters of the State of Florida at the earliest possible time, NOW, THEREFORE,

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

That the following amendment of Article VII of the Constitution 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 a special called election as provided by Article XVII, Section 3 of the Florida Constitution.

That three-fourths (¾) of all members elected to each house of the Legislature does determine that an emergency requiring an early decision by the electors of the State does exist with reference to this amendment to Article VII of the Constitution.

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-four (44) senatorial districts designated by number in consecutive order. Such apportionment shall provide fairness and equity among districts based upon population, geographic area and economic affinity; provided:

- (1) There shall be only one senator for each district;
- (2) No district shall be composed of more than three (3) counties.
- (3) Counties forming a district shall not be separated by territory of another district and must be contiguous.
- (4) No county shall be divided in creating a district.
- (5) Vacancies that are created by the reapportionment providing for forty-four (44) senatorial districts of the Senate shall be filled by the electors in the general election in November, 1960. Upon election, new senators shall be elected in the new districts for the following terms:

- District 39 for four (4) years.
- District 40 for two (2) years.
- District 41 for four (4) years.
- District 42 for two (2) years.
- District 43 for four (4) years.
- District 44 for two (2) years.

Thereafter, all senators shall be elected for a four year term.

(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 be in accordance with statute designating the senatorial districts and the representation in the House adopted at the 1959 Session of the Legislature, and the next apportionment shall be at the regular session in 1971, 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 until reapportionment has been effected.

(d) Failure to reapportion at regular session, and providing for extraordinary 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 extraordinary 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 extraordinary 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.

Which was read the first time in full and placed on the Calendar of Bills on Second Reading, without reference.

Senator Rawls moved that the rules be waived and Senate Bill No. 659, Senate Joint Resolution No. 660, and Senate Bill No. 658 be made a Special and Continuing Order of Business for consideration by the Senate at 10:50 o'clock A.M., this day, May 1, 1959.

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

Senator Rawls moved that the Senate recess until 10:50 o'clock A.M., this day.

Which was agreed to and the Senate took a recess at 10:20 o'clock A.M.

The hour of 10:50 o'clock having arrived, the Senate was called to order and upon call of the roll the following Senators answered to their names:

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

—37.

A quorum present.

#### SPECIAL AND CONTINUING ORDER

Pursuant to the motion made by Senator Rawls, this day, and the hour having arrived, the Senate took up for consideration Senate Bill No. 659, Senate Joint Resolution No. 660 and Senate Bill No. 658 as a Special and Continuing Order of Business.

S. B. No. 659—A bill to be entitled An Act relating to a special election to be held on the first Tuesday after the first Monday in November, 1959, as provided by the Legislature under authority of Article XVII of the Constitution of Florida; providing for publication of notice for submission of a proposed amendment to the Constitution for approval or rejection; providing effective date.

Was taken up.

Senator Rawls moved that the rules be waived and Senate Bill No. 659 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 659 was read the second time by title only.

Senator Rawls moved that the rules be further waived and Senate Bill No. 659 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. 659 was read the third time in full.

Upon the passage of Senate Bill No. 659 the roll was called and the vote was:

Yeas—36.

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

Nays—1.

Houghton

So Senate Bill No. 659 passed by the required Constitutional three-fourths 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.

Senate Joint Resolution No. 660—

A JOINT RESOLUTION RELATING TO APPORTIONMENT; PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE FLORIDA CONSTITUTION; PROVIDING FOR FORTY-FOUR SENATORIAL DISTRICTS; PROVIDING PLAN FOR APPORTIONING HOUSE OF REPRESENTATIVES; AND PROVIDING THAT VACANCIES AS ARE CREATED SHALL BE FILLED BY THE ELECTORS AT THE GENERAL ELECTION IN NOVEMBER, 1960.

WHEREAS, The Legislature of the State of Florida has determined that an emergency requiring an early decision by the electors of the state does exist, and,

WHEREAS, An amendment to the constitution dealing with the subject matter of reapportionment should be submitted to the voters of the State of Florida at the earliest possible time, NOW, THEREFORE,

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

That the following amendment of Article VII of the Constitution 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 a special called election as provided by Article XVII, Section 3 of the Florida Constitution.

That three-fourths (¾) of all members elected to each house of the Legislature does determine that an emergency requiring an early decision by the electors of the state does exist with reference to this amendment to Article VII of the Constitution.

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-four (44) senatorial districts designated by number in consecutive order. Such apportionment shall provide fairness and equity among districts based upon population, geographic area and economic affinity; provided:

- (1) There shall be only one senator for each district;
- (2) No district shall be composed of more than three (3) counties.
- (3) Counties forming a district shall not be separated by territory of another district and must be contiguous.
- (4) No county shall be divided in creating a district.
- (5) Vacancies that are created by the reapportionment providing for forty-four (44) senatorial districts of the Senate shall be filled by the electors in the general election in November, 1960. Upon election, new senators shall be elected in the new districts for the following terms:

- District 39 for four (4) years.
- District 40 for two (2) years.
- District 41 for four (4) years.
- District 42 for two (2) years.
- District 43 for four (4) years.
- District 44 for two (2) years.

Thereafter, all senators shall be elected for a four year term.

(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 be in accordance with statute designating the senatorial districts and the representation in the house adopted at the 1959 session of the Legislature, and the next apportionment shall be at the regular session in 1971, 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 until reapportionment has been effected.

(d) Failure to reapportion at regular session, and providing for extraordinary 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 extraordinary 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 extraordinary 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.

Senator Rawls moved that the rules be waived and Senate Joint Resolution No. 660 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 660 was read the second time in full.

Senator Rawls moved that the rules be further waived and Senate Joint Resolution No. 660 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. 660 was read the third time in full.

Upon the passage of Senate Joint Resolution No. 660 the roll was called and the vote was:

Yeas—32.

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

Nays—5.

Davis	Gibbons	Houghton	Tedder
Eaton			

So Senate Joint Resolution No. 660 passed by the required Constitutional three-fourths 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.

EXPLANATION OF VOTES

The following explanations of votes were filed with the Secretary:

I am voting "Aye" on Senate Joint Resolution No. 660 for the following reasons:

- 1. The adoption of this Resolution would preclude any further reapportionment until 1971.

2. It would provide that no District shall contain more than three counties. This would preclude the grouping of a large number of small counties into a Senatorial District.

3. I have a firm commitment and agreement with my colleagues that this body will pass a Constitutional Amendment guaranteeing the continued equal distribution of race tax revenue among the sixty-seven counties.

W. Randolph Hodges  
Senator, 21st District

I have voted for this Resolution with the understanding that the House of Representatives will grant better reapportionment and that certain amendments will be forthcoming. I reserve the right to vote against this Resolution if these amendments are not made.

Ed H. Price Jr.  
Senator, 36th District

We are voting for this legislation with the hopes that proper reapportionment will be made in the House. If this does not happen we reserve the right to vote against this legislation in its final draft.

Doyle E. Carlton Jr.  
Senator, 27th District

Verle A. Pope  
Senator, 31st District

My vote on this compromise reapportionment is made with full awareness of its inadequacies and inequities, but with the absolute conviction that this is the very best that can be obtained under present circumstances.

My support is conditioned upon a fair reapportionment of the House of Representatives, and bearing in mind that the people will ultimately make the final decision in any event.

John A. Sutton  
Senator, 19th District

S. B. No. 658—A bill to be entitled An Act to apportion the representation in the State of Florida in the Senate; providing an effective date upon the adoption of a constitutional amendment providing a formula for reapportionment; and providing that vacancies as are created shall be filled by the electors at the general election in November, 1960.

Was taken up.

Senator Rawls moved that the rules be waived and Senate Bill No. 658 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 658 was read the second time by title only.

Senator Rawls moved that the rules be further waived and Senate Bill No. 658 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. 658 was read the third time in full.

Upon the passage of Senate Bill No. 658 the roll was called and the vote was:

Yeas—32.

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

Nays—5.

Davis	Gibbons	Houghton	Tedder
Eaton			

So Senate Bill No. 658 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

#### EXPLANATION OF VOTE

I have voted "Aye" on S. B. 658, S. B. 659 and S. J. R. 660 with the thought and hope in mind that they comprise a good faith beginning toward the ultimate solution of a fair reapportionment of the Senatorial Districts of our State. This problem can never be solved unless a beginning is made, and these bills comprise a sincere effort in this direction. I reserve the right to oppose these bills and this resolution when and if they are returned by the House to the Senate.

Douglas Stenstrom  
Senator, 37th District

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that when the Senate adjourns this day, it adjourn to reconvene at 4:00 o'clock P.M., on Monday, May 4, 1959.

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

Senator Davis moved that effective Monday, May 4, 1959, all introductions of visitors to the Senate, as authorized by Senate Rule 62, be made by the President upon written request of the Senators.

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

Senator Hair moved that Senate Bill No. 423 be re-referred to the Committee on Welfare.

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

#### CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

Senate Bill No. 10, with pending amendment offered by Senator Connor on April 28, 1959, was taken up in its order and the consideration thereof was informally passed, the Bill retaining its place on the Calendar of Bills on Second Reading.

S. B. No. 267—A bill to be entitled An Act relating to the establishment, construction, reconstruction and maintenance of wayside parks, access roads to public waters, boat ramps and other facilities by the State Road Department, amending Section 335.16, Florida Statutes, and providing for an effective date.

Was taken up in its order.

Senator Gautier moved that the rules be waived and Senate Bill No. 267 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 267 was read the second time by title only.

Senator Gautier offered the following amendment to Senate Bill No. 267:

Strike out Section 1 and Section 2, and insert in lieu thereof the following:

Section 1. Section 335.16, Florida Statutes is amended to read: 335.16 Wayside Parks and access roads to public waters.

(1) The Board is authorized to adopt regulations and to expend State primary road funds for the establishment, construction, reconstruction, and maintenance of wayside parks, boat ramps and other park facilities on and near the edge of public waters and/or along the State highway system.

(2) The Board is authorized to adopt regulations and to expend primary State road funds for the establishment, construction, reconstruction and maintenance of those access roads which extend from a State road to a wayside park, boat ramp or other park facilities which is contiguous to said State road.

(3) Such access roads leading to public waters, as described in Subsection (2) above, shall be included in the appropriate State road system as determined by the State Road Board.

Section 2. This Act shall take effect immediately upon its becoming a law.

Senator Gautier moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Gautier moved that the rules be further waived and Senate Bill No. 267, 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 Bill No. 267, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 267, as amended, the roll was called and the vote was:

Yeas—30.

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

Nays—6.

Beall	Branch	Davis	Johns
Belser	Bronson		

So Senate Bill No. 267 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senate Bill No. 72 was taken up in its order and the consideration thereof was informally passed, the Bill retaining its place on the Calendar of Bills on Second Reading.

Senator Sutton moved that Senate Bill No. 476 be withdrawn from the Committee on Privileges and Elections.

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

By unanimous consent, Senator Sutton withdrew Senate Bill No. 476 from the further consideration of the Senate.

Senator Sutton moved that the Senate reconsider the vote by which Senate Bill No. 272, as amended, failed to pass the Senate on Thursday, April 30, 1959.

And the motion went over under the rule.

Senator Ripley, Chairman of the Committee on Game and Fisheries, moved that the Committee on Game and Fisheries be allowed an additional ten days to report on Senate Bill No. 266 now referred to the Committee.

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

S. B. No. 213—A bill to be entitled An Act relating to the sale of spirituous liquors; requiring distributors to file schedules of minimum consumer retail prices with the Director of the Beverage Department; empowering the director to adopt such schedules as rules or regulations in any county or counties of the State when appropriate or necessary to prevent the evils of "price wars" or excessive cutting of retail prices of spirituous liquors; levying and providing for the collection of a special tax on the sale at retail of spirituous liquors sold in package for consumption off premises; providing that such tax be inseverable from the remainder of this Act; providing for the enforcement of this Act and setting the effective date.

Was taken up in its order.

Senator Stratton moved that the rules be waived and Senate Bill No. 213 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 213 was read the second time by title only.

Senator Gibbons offered the following amendment to Senate Bill No. 213:

In Section 8, lines 1 through 11, page 4, strike out all of Section 8 and insert in lieu thereof the following:

Section 8. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this Act is held invalid, the remainder of the Act shall not be affected.

Senator Gibbons moved the adoption of the amendment.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Gibbons, the vote was:

Yeas—20.

Adams	Eaton	Houghton	Rawls
Boyd	Edwards	Kelly	Ripley
Bronson	Gautier	Kicliter	Stenstrom
Carlton	Gibbons	Pope	Sutton
Carraway	Hair	Price	Tedder

Nays—17.

Mr. President	Clarke	Gresham	Pearce
Beall	Connor	Hodges	Stratton
Belser	Cross	Johns	
Brackin	Davis	Knight	
Branch	Getzen	Melton	

So the amendment was adopted.

Senator Stratton moved that the rules be further waived and Senate Bill No. 213, 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 Bill No. 213, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 213, as amended, the roll was called and the vote was:

Yeas—21.

Mr. President	Carraway	Gresham	Stratton
Adams	Clarke	Hair	Sutton
Beall	Connor	Hodges	Tedder
Belser	Cross	Knight	
Brackin	Davis	Melton	
Branch	Getzen	Pearce	

Nays—16.

Boyd	Edwards	Johns	Price
Bronson	Gautier	Kelly	Rawls
Carlton	Gibbons	Kicliter	Ripley
Eaton	Houghton	Pope	Stenstrom

So Senate Bill No. 213 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

EXPLANATION OF VOTE

The following explanation of vote was filed with the Secretary:

SENATE BILL 213

We have long recognized the problems that exist in this state in reference to price wars in the sale of alcoholic beverages. However, the legislation proposed in S. B. 213 does not, in our opinions, legally or practically respond to the question of properly stabilizing the industry. (Incidentally, the beverage industry is otherwise strictly controlled by the state and, in fact, its very existence depends on the will of the Legislature.)

Senate Bill 213, authorizing the state beverage director, under certain circumstances, to establish minimum prices as determined only by the distributor, allows neither the retailer nor the consumer a voice in the process.

In our opinions, such delegation of legislative authority will not stand the tests of the courts. If the legislature can lawfully authorize the setting of minimum prices in this state, in our opinion such authority must be retained by an agency of government where all have a right to be heard rather than be submitted to a segment of an industry.

See also the Robinson-Patman Price Discrimination Act of

June 19, 1936, Sections 13, 13a, 13b, 21a, title 15, United States Code.

**Joe Eaton,**  
Senator, 13th District.  
**Douglas Stenstrom,**  
Senator, 37th District.

Senator Connor moved that the Senate reconsider the vote by which House Bill No. 184 passed the Senate on Thursday, April 30, 1959.

And the motion went over under the rule.

Senator Knight, Chairman of the Committee on Judiciary "C," moved that the Committee on Judiciary "C" 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.

Senator Rawls, Chairman of the Committee on Constitutional Amendments and Governmental Reorganization, moved

that the Committee on Constitutional Amendments and Governmental Reorganization 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.

Senator Melton, Chairman of the Committee on Motor Vehicles, moved that the Committee on Motor Vehicles 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.

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 12:54 o'clock P. M., until 4:00 o'clock P. M., Monday, May 4, 1959, pursuant to the motion made by Senator Davis and adopted by the Senate, on May 1, 1959.