

JOURNAL OF THE SENATE

Thursday, April 6, 1961

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Wednesday, April 5, 1961.

The President in the Chair.

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

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

—37.

A quorum present.

Senator Kelly was excused from attendance upon the Session.

The following Prayer was offered by the Senate Chaplain, Reverend James H. Paddock:

"Most Holy Father we thank Thee for this day and its opportunities for serving our fellow men. Enable us, therefore, to walk uprightly before Thee and to speak truth with our neighbors. Forgive our transgressions and deliver us from evil. May we be willing to work together with Thee for the many good things needed in our State. We pray that these honorable men may be rewarded for their untiring efforts to make our State what it can be. In the name of our Lord. Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 5, 1961, was corrected as follows:

Page 21, column 1, strike out line 13, counting from the bottom of the column, and insert in lieu thereof the following:

"Gresham, Blank, Mapoles, Galloway, Sutton, Price and Young—"

Also—

Page 26, column 2, strike out line 17, and insert in lieu thereof the following:

"By Senators Gautier, Connor, David, Young and Price—"

Also—

Page 27, column 2, strike out line 23, counting from the bottom of the column, and insert in lieu thereof the following:

"By Senators Ripley and Pope—"

And as corrected was approved.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Ripley—

S. B. No. 80— A Bill to be entitled An Act relating to search and seizure and providing that an affi-

datav based solely upon the affiant's alleged observation of an offense shall not be deemed to show probable cause for the issuance of a search warrant unless it shows that such observation occurred within ten days prior to the making of the affidavit.

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

By Senator Ripley—

S. B. No. 81— A Bill to be entitled An Act requiring adjustments of gasoline and motor fuels delivered to retail dealers on the basis of temperature; providing for the time and manner of taking temperature; providing for the type of inspection and approval of thermometers by the department of agriculture; providing the scale of adjustments to be used in determining gallonage, and providing for an effective date.

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

By Senator Ripley—

S. B. No. 82— A Bill to be entitled An Act relating to justice of the peace courts in all counties of the state not having home rule under the constitution and having a population of four hundred fifty thousand (450,000) or more inhabitants, according to the latest official state-wide decennial census; providing trial jurisdiction in certain misdemeanor cases; providing an effective date.

Which was read the first time by title only.

Senator Ripley moved that the rules be waived and Senate Bill No. 82 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 82 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 82 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. 82 was read the third time in full.

Upon the passage of Senate Bill No. 82 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 82 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Ripley—

S. B. No. 83— A Bill to be entitled An Act relating to forest protection; amending section 590.26, Florida Statutes; providing for collection of costs of suppressing woods fire by authorized agents of Florida board of forestry; providing an effective date.

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

By Senator Pope—

S. B. No. 84— A Bill to be entitled An Act authorizing the board of public instruction of St. Johns County, to enter into and make contracts for purchases of materials, supplies and services without requiring competitive bidding thereon, for a sum not to exceed one thousand dollars (\$1,000.00) for each such purpose, and repealing chapter 27230, Laws of Florida, 1951.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 84 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 Pope moved that the rules be waived and Senate Bill No. 84 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 84 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 84 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. 84 was read the third time in full.

Upon the passage of Senate Bill No. 84 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kicliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 84 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Pope—

S. B. No. 85— A Bill to be entitled An Act authorizing and directing the Tax Collector of St. Johns County and the Tax Collector of the City of St. Augustine to cancel taxes levied and assessed by St. Johns County and by the City of St. Augustine respectively for 1960 on lands conveyed in 1960 to the St. Augustine Historical Restoration and Preservation Commission and still owned by it; 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. 85 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 Pope moved that the rules be waived and Senate Bill No. 85 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 85 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 85 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. 85 was read the third time in full.

Upon the passage of Senate Bill No. 85 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kicliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 85 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Pope—

S. B. No. 86— A Bill to be entitled An Act authorizing the board of public instruction of St. Johns county to provide for and pay an annual compensation of nine thousand dollars (\$9,000.00) to the superintendent of public instruction of St. Johns county and repealing chapter 57-598, Laws of Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 86 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 Pope moved that the rules be waived and Senate Bill No. 86 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 86 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 86 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. 86 was read the third time in full.

Upon the passage of Senate Bill No. 86 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kicliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 86 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Blank—

S. B. No. 87— A Bill to be entitled An Act relating to drainage districts created under Chapter 298, Florida Statutes; amending Section 298.22, Florida Statutes, relating to the powers of the Board of Supervisors of said districts; adding a new section to said Chapter 298, to provide for an alternate procedure for the levy, collection and enforcement of drainage district taxes; providing for verifiability of the provisions of this act; providing that the act shall take precedence over any conflicting law to the extent of such conflict; and providing an effective date.

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

By the Committee on Public Roads and Highways—

S. B. No. 88— A Bill to be entitled An Act amending Section 334.21 (8) (b), F.S., relating to the execution of the budget of the State Road Department, by providing for a moratorium on the provisions requiring the department to maintain an average cash working balance on hand equivalent to at least 20% of the day-to-day moving average amount of all obligations outstanding during the budget year, and that the total day-to-day moving average amount of obligations outstanding during the year shall not exceed five times the moving average cash working balance on hand during the year between January 1, 1961, and June 30, 1961, and providing an effective date.

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

By Senators Connor, Fraser, Hodges, Johnson, Herrell, Price, Cross, Gibbons, Blank, Carraway, Edwards, Getzen, David, Williams, Kicliter, Johns, Melton, Pope, Roberts, Young and Sutton—

Senate Joint Resolution No. 89—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII, SECTION 5 OF THE STATE CONSTITUTION; AUTHORIZING PRINCIPAL OF ESCHEATED FUNDS TO BE EXPENDED FOR CAPITAL OUTLAY AT COLLEGE LEVEL.

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

That article XII, section 5 of the Florida constitution be amended as set forth below and that said amendment be submitted to the electors of Florida for ratification or rejection at the general election to be held in November, 1962:

SECTION 5. PRINCIPAL OF STATE SCHOOL FUND TO REMAIN INVIOLEATE; EXCEPTION.—The principal of the state school fund shall remain sacred and inviolate except that the proceeds of escheated property or forfeitures referred to in section 4 may be expended on behalf of capital outlay for state institutions of higher learning.

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

By Senator Carraway—

S. B. No. 90— A Bill to be entitled An Act relating to institutions of higher learning; amending section 241.412, Florida Statutes; providing for a seven man board of trustees for the Florida agricultural and mechanical university hospital; providing an effective date.

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

By Senator Carraway—

S. B. No. 91— A Bill to be entitled An Act to authorize the board of control to construct an infirmary at the Florida state university; providing for payment of costs thereof from certain collections and funds; and providing an effective date.

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

By Senator Carraway—

Senate Concurrent Resolution No. 92—

A CONCURRENT RESOLUTION APPROVING THE TYPES, AMOUNTS AND USE OF REGISTRATION FEES, TUITION FEES, AND COURSE FEES RECOMMENDED BY THE BOARD OF CONTROL TO BE CHARGED AND COLLECTED FROM STUDENTS ENROLLED IN THE INSTITUTIONS OF HIGHER LEARNING UNDER THE BOARD DURING THE 1961-63 BIENNIUM.

WHEREAS Section 239.022 of the Florida Statutes provides that the Board of Control shall each biennium recommend to the legislature the types, amounts and use of the registration fees, tuition fees, and course fees which shall be charged and collected from students in the respective state universities, and

WHEREAS Section 239.022 further provides that the legislature shall consider the recommendations of the Board of Control and shall approve, alter, amend or change in any manner it determines to the best interest of the state the types and amounts of said fees and the disposition and use of said fees for the ensuing biennium, and

WHEREAS the Board of Control, after making a study of fees charged at comparable institutions did adopt, at its regularly scheduled meeting May 20, 1960, a proposed schedule of fees to be charged during the 1961-63 biennium, and

WHEREAS the schedule of fees proposed by the Board of Control appears proper and to the best interest of the state; NOW, THEREFORE,

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

Section 1. The 1961 Legislature, in regular session, hereby approves the types, amounts and use of the registration fees, tuition fees, and course fees recommended by the Board of Control and adopted by that Board at its regularly scheduled meeting May 20, 1960, for the school years 1961-62 and 1962-63.

Which was read the first time in full and referred to the Committee on Education.

By Senators Williams, Price and Kelly—

S. B. No. 93— A Bill to be entitled An Act relating to the Peace River Valley water conservation and drainage district; amending sections 2, 4, 5 and 6 of chapter 59-1002 by enlarging purposes, power, and duties, and by providing for the right of eminent domain, and by increasing maximum tax rates; providing an effective date.

Which was read the first time by title only.

Proofs of publication of Notices were attached to Senate Bill No. 93 when it was introduced in the Senate, and evidence that such Notices had been published was estab-

lished by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Williams moved that the rules be waived and Senate Bill No. 93 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 93 was read the second time by title only.

Senator Williams moved that the rules be further waived and Senate Bill No. 93 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. 93 was read the third time in full.

Upon the passage of Senate Bill No. 93 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 93 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Blank—

S. B. No. 94— A Bill to be entitled An Act relating to road districts; amending section 334.06, Florida Statutes, to provide six (6) districts instead of five (5); 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 Blank—

S. B. No. 95— A Bill to be entitled An Act amending Section 167.74, Florida Statutes, relating to investment of surplus funds by municipalities.

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

By Senator Ripley—

S. B. No. 96— A Bill to be entitled An Act Excepting the Deerwood Golf Club, a corporation, of Duval County, Florida, from the provisions of subsection 561.34 Florida Statutes as the same relates to the time that a Golf Club is required to be chartered and to have been in continuous active existence and operative before becoming entitled to a license under the provisions thereof; and also excepting the said Deerwood Golf Club from the provisions of any other laws of a general, special or local nature of the state of Florida fixing the time that a club is required to have been chartered or to have been in continuous active existence and operating before becoming entitled to a license under sub-section 11 of section 561.34, Florida Statutes.

Which was read the first time by title only.

Senator Ripley moved that the rules be waived and Senate Bill No. 96 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 96 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 96 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. 96 was read the third time in full.

Upon the passage of Senate Bill No. 96 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 96 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senator Ripley—

S. B. No. 97— A Bill to be entitled An Act relating to constables in all counties in the state not having home rule under the constitution and having a population of four hundred fifty thousand (450,000) or more inhabitants according to the latest official statewide decennial census; authorizing each constable in said counties to employ deputies; providing the number and control of, and compensation for such deputies; providing an effective date.

Which was read the first time by title only.

Senator Ripley moved that the rules be waived and Senate Bill No. 97 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 97 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 97 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. 97 was read the third time in full.

Upon the passage of Senate Bill No. 97 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieliter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 97 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Fraser, Ripley and Connor—

S. B. No. 98— A Bill to be entitled An Act amending section 171.04, Florida Statutes, relating to the contraction and extension of territorial limits of municipalities; relating to the annexation of vacant and uninhabited areas and of areas owned solely by one individual person, firm or corporation; relating to the requirement that any area to be annexed shall constitute a reasonable compact addition to the incorporated territory which it is annexed; and providing compulsory procedure for annexation of tracts containing less than ten (10) registered voters and compulsory procedure for annexation of tracts containing ten (10) or more registered voters including compulsory submission of the ordinance proposing to annex such tract to a separate vote of the registered voters of the city or town and of said tract of land, and providing for repeal of all conflicting laws.

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

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

Senator Cross moved that Senate Bill No. 77, now on the Calendar of Local Bills on Second Reading, be referred to the Committee on Judiciary "C".

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

S. B. No. 79— A Bill to be entitled An Act relating to the office of county solicitors of all criminal courts of record in all counties of the state which have now or may hereafter have a population of four hundred fifty thousand (450,000) or more according to the last preceding federal or state census, whichever may be the later; and which do not have a metropolitan form of government, authorizing said county solicitors to employ an "Administrative Assistant," and providing for the qualifications and compensation of such office; providing for such office to be classified in the county Civil Service Merit System and for appointments of such "Administrative Assistant," to be made on the basis of merit and fitness to be ascertained by competitive examination.

Was taken up in its order.

Senator Ripley moved that the rules be waived and Senate Bill No. 79 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 79 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 79 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. 79 was read the third time in full.

Upon the passage of Senate Bill No. 79 the roll was called and the vote was:

Yeas—37.

Mr. President	David	Johns	Ripley
Barron	Davis	Johnson	Roberts
Beall	Edwards	Kieflter	Stratton
Blank	Fraser	Mapoles	Sutton
Boyd	Galloway	Melton	Tucker
Bronson	Gautier	Parrish	Williams
Carraway	Getzen	Pearce	Young
Clarke	Gibbons	Pope	
Connor	Gresham	Price	
Cross	Herrell	Rawls	

Nays—None.

So Senate Bill No. 79 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the rules be waived and when the Senate adjourns at this Session, it adjourn to reconvene at 4:00 o'clock P.M., Monday, April 10, 1961.

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

Senator Davis moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:18 o'clock A.M., until 4:00 o'clock P.M., Monday, April 10, 1961.