The Senate convened at 10:00 o'clock A.M., pursuant to adjournment on Tuesday, April 25, 1961.

The President in the Chair.

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

Mr. President David 
Barton Davis 
Beall Edwards 
Blank Kieler 
Boyd Galloway 
Bronson Gautier 
Carraway Getzen 
Clarke Gibbons 
Connor Gresham 
Cross Herrell 

Johns Ripley 
Johnson Roberts 
Kieliter Stratton 
Mapolis Sutton 
Melton Tucker 
Parish Williams 
Pearce Young

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

"Lord, because of our willingness to serve the people, we are now in our places for fellowship with Thee. Help us to concentrate on those things we should today, and forget the things which disturb us. As for those things which are beyond our control, may we leave them with Thee. Remember in mercy the sick everywhere. In Jesus' name. Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, April 24, 1961, was further corrected as follows:

- Page 383, column 2, line 13, counting from the bottom of the column, strike out the figure “1,” and insert in lieu thereof the figure “2.”
- Page 414, column 1, line 24, strike out the word “House” and insert in lieu thereof the word “Senate.”

And as further corrected was approved.

The Senate daily Journal of Tuesday, April 25, 1961, was corrected as follows:

- Page 497, column 2, line 19, strike out the figures “107” and insert in lieu thereof the figures “707.”

And as corrected was approved.

REPORTS OF COMMITTEES

Senator Gautier, Chairman of the Committee on Judiciary “A”, reported that the Committee had carefully considered the following Bills:

S. B. No. 493— A Bill to be entitled An Act to provide for simplification of fiduciary security transfers; to repeal all laws or parts of laws in conflict here- with; and providing for the effective date of the act.

S. B. No. 234— A Bill to be entitled An Act relating to larceny of dogs; amending section 811.19, Florida Statutes, providing for advertisement of dogs found; providing a penalty.

S. B. No. 278— A Bill to be entitled An Act relating to sale or destruction of personal property in custody of court; providing for sale or destruction of unclaimed personal property coming into custody of court during progress of criminal case; providing for disposition of proceeds of sale.

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

Senator Gautier, Chairman of the Committee on Judiciary “A”, reported that the Committee had carefully considered the following Bills:

S. B. No. 498— A Bill to be entitled An Act relating to fraud or attempted fraud of hospitals; making the furnishing of false information prima facie evidence of intent to defraud; providing a penalty; and providing an effective date.

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

Senator Gautier, Chairman of the Committee on Judiciary “A”, reported that the Committee had carefully considered the following Bills:

S. B. No. 233— A Bill to be entitled An Act relating to obstructing justice; amending section 843.01, Florida Statutes, providing penalty for resisting certain officers with violence to their person to include municipal police officers.

H. B. No. 337— A bill to be entitled An Act relating to common law marriages; amending section 99.061, Florida Statutes, for registration of such marriages consummated prior to January 1, 1962.

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

Senator Gautier, Chairman of the Committee on Judiciary “A”, reported that the Committee had carefully considered the following Bills:
H. B. No. 475— A bill to be entitled An Act relating to forgery and uttering forged instruments; amending section 831.01, Florida Statutes, prescribing the punishment for altering or forging an order for money or other property; amending section 831.02, Florida Statutes, prescribing the punishment for uttering and publishing as true an altered or forged order for money or other property and providing an effective date.

H. B. No. 476— A bill to be entitled An Act relating to indecent exposure; amending section 800.03, Florida Statutes; providing a penalty; providing an effective date.

—and recommends that the same pass.

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

Senator Gibbons, Chairman of the Committee on Drainage and Water Conservation, reported that the Committee had carefully considered the following Bill:

S. B. No. 485— A Bill to be entitled An Act creating southwest Florida water management district in Florida; defining the boundaries of said district; imposing taxes on all property in said district; providing that said district shall operate under chapter 372, Florida Statutes, with certain exceptions; providing for creation of basin water management boards within said district; providing for the establishment of the Peace river valley water conservation and drainage district created by chapter 29222, Laws of Florida, 1953, and the Oklawaha recreation and water conservation and control authority created by chapter 29222, Laws of Florida, 1953, and transferring certain functions.

—and recommends that the same pass.

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

Senator Williams, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bills:

S. B. No. 289— A Bill to be entitled An Act relating to retirement; amending section 1 of chapter 39795, Laws of Florida, 1947; fixing the amount of retirement to be paid Dr. John J. Tigert, President emeritus, University of Florida.

S. B. No. 511— A Bill to be entitled An Act for the relief of Robert W. Singletary; providing an appropriation from the general revenue fund to compensate said Robert W. Singletary for damage and loss incurred through carelessness of the state prison farm.

—and recommends that the same pass.

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

Senator Williams, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bill:

S. B. No. 481— A Bill to be entitled An Act for the relief of Henry A. Landis of Boca Raton, Florida; appropriating funds from the office of Motor Vehicle Commissioner; providing effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was referred to the Committee on Appropriations, under the original joint reference.
And Senate Bill No. 532, contained in the above report was ordered certified to the House of Representatives.

ENROLLING REPORT
Your Enrolling Clerk, to whom was referred—
S. B. No. 256—
—reports same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 26, 1961, for his approval.

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

Senator Williams, Chairman of the Committee on Pensions and Claims, moved that the rules be waived and the Committee on Pensions and Claims be allowed an additional ten days to report on Senate Bill No. 451, now referred to the Committee.

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

Senator Barron, Chairman of the Committee on Judiciary "B", moved that the rules be waived and the Committee on Judiciary "B" be allowed an additional ten days to report on Senate Bills Nos. 280 and 282, now referred to the Committee.

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

Senator Pope requested unanimous consent of the Senate to be included as a co-introducer of Senate Bill No. 514.

Unanimous consent was granted.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS
By Senator Price—
S. B. No. 567—
A Bill to be entitled An Act relating to circuit judges; providing for payment of supplemental compensation for circuit judges, qualified and serving as such, and residing in Manatee or Sarasota Counties of the Twelfth Judicial Circuit of the State of Florida, except retired circuit judges; repealing laws in conflict herewith; 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. 567 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 Price moved that the rules be waived and Senate Bill No. 567 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 567 was read the second time by title only.

Senator Price moved that the rules be further waived and Senate Bill No. 567 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. 567 was read the third time in full.

Upon the passage of Senate Bill No. 567 the roll was called and the vote was:
S. B. No. 571—A Bill to be entitled An Act relating to the secretary of state; amending section 16.14, Florida Statutes, to exclude the publishing of a list in the biennial report of the secretary of state of all persons commissioned as a notary public.

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

By Senator Gresham—

S. B. No. 572—A Bill to be entitled An Act relating to Lee County; creating and establishing a mosquito control district, excepting therefrom certain territory of said county; dividing said district into areas for purposes of selecting members of the Board of Commissioners; naming the Board of Commissioners of said district and their terms of office; providing qualifications for said members and the method and time of elections; prescribing the powers and duties of said Board; setting the compensation of said Board; providing books to be audited and time of meetings; providing procedure for adopting a budget; granting said board the power of eminent domain and the power to tax; dissolving existing mosquito control districts in said County and transferring the assets and liabilities of said districts; relieving the Boards of Commissioners of said districts of duty; providing a limitation on actions against the said districts; repealing Chapter 57-2059, Laws of Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 572 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.

By Senator Gresham—

S. B. No. 569—A Bill to be entitled An Act relating to the control of mosquitoes, sand flies, and other arthropods; providing that all public lands of whatever nature owned by the state, counties, districts, cities, or other political units, shall be subject to arthropod control of the state board of health, and other public agencies which are authorized to work in cooperation with the state board of health for the control of arthropods; providing that all grants of lands hereafter made by the state or any county, city, district, or other political unit of the state, to the United States, or any federal agency, shall contain a reservation or condition providing that arthropod control operations shall be conducted thereon if deemed necessary by the state board of health, except in cases where the governor shall otherwise agree with the United States, or any federal agency, that such reservation or condition would be unnecessary; providing that as to all lands lying in the state now held and owned by the United States, or any federal agency, that the state board of health is authorized to negotiate agreements with the federal owners, lessees, or occupants for the right to carry on arthropod control operations thereon.

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

By Senator Gresham—

S. B. No. 570—A Bill to be entitled An Act relating to rehabilitation of alcoholics; amending section 396.121, Florida Statutes, by amending subsection (1) to provide for certain expenditures and by adding a new subsection (2) to impose certain conditions on said expenditures; renumbering the present subsection (2) to subsection (3); providing an effective date.

Which was read the first time by title only and referred to the Committee on Temperrance and the Committee on Finance and Taxation.
council of the city of Tampa shall have the power to license privileges, businesses, occupations and professions carried on and engaged in within the city limits of the city of Tampa; providing that the amount of such license tax or taxes shall not be dependent upon the general state law; providing for the repeal of that part of section 3, chapter 7714, Laws of Florida, Acts of 1917, which places a limitation upon the amount of the license or occupational tax fixed or assessed against certain utilities and businesses; amending section 3, chapter 7714, Laws of Florida, Acts of 1917; and prescribing the effective date hereof.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 573 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 Gibbons moved that the rules be waived and Senate Bill No. 573 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 573 was read the second time by title only.

Senator Gibbons moved that the rules be further waived and Senate Bill No. 573 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. 573 was read the third time in full.

Upon the passage of Senate Bill No. 573 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 573 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gibbons—

S. B. No. 574— A Bill to be entitled An Act authorizing the city council of the city of Tampa to determine by ordinance the amount to be credited to city prisoners as gain time or allowance for good conduct or work performed because of non-payment of fines and costs, 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. 574 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 Gibbons moved that the rules be waived and Senate Bill No. 574 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 574 was read the second time by title only.

Senator Gibbons moved that the rules be further waived and Senate Bill No. 574 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. 574 was read the third time in full.

Upon the passage of Senate Bill No. 574 the roll was called and the vote was:

Yeas—38.

Mr. President Connor Getzen Mapoiles
Barron Cross Galloway Melton
Beall David Gresham Parrish
Blank Davis Herrell Price
Boyd Edwards Johnson Pope
Bronson Fraser Johnson Ripley
Carraway Galloway Kelly Rawls
Clarke Gautier Kicliter Stratton

Nays—None.

So Senate Bill No. 574 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.
April 26, 1961

JOURNAL OF THE SENATE

Roberts  Sutton  Williams
Stratton  Tucker  Young

Nays—None.

So Senate Bill No. 575 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Hodges—

S. B. No. 577— A Bill to be entitled An Act to cancel and release all state, county, municipal and district taxes and tax liens owned, and held by the state, Levy County, or any municipality or district in said Levy county encumbering or purporting to encumber the Williston Air Port property in Levy County.

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

By Senator Ripley—(By Request)—

S. B. No. 578— A Bill to be entitled An Act authorizing the Florida Board of Parks and Historic Memorials to pay to Milton D. Boyles a sum of money in an amount not exceeding three hundred dollars ($300.00) as and for compensation for personal injuries sustained by the said Milton D. Boyles at Gold Head Branch State Park on May 16, 1959.

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

By Senator Ripley—

S. B. No. 579— A Bill to be entitled An Act granting to William A. Pinkerton, an employee in the signal bureau of the city of Jacksonville and a member of the pension fund created by chapter 18610, laws of Florida, acts of 1937, full credit in said pension fund for a prior period of service with the city as if said service had been continuous within the meaning of said pension fund law, under certain conditions; providing an effective date.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 579 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. 579 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 579 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 579 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. 579 was read the third time in full.

Upon the passage of Senate Bill No. 579 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 579 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Hodges—

S. B. No. 577— A Bill to be entitled An Act to cancel and release all state, county, municipal and district taxes and tax liens owned, and held by the state, Levy County, or any municipality or district in said Levy county encumbering or purporting to encumber the Williston Air Port property in Levy County.

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

By Senator Ripley—(By Request)—

S. B. No. 582—A Bill to be entitled An Act relating to conservation, archeology and geology; amending section 370.02, Florida Statutes, 1959; creating a state board of conservation; providing its membership; establishing divisions of said board; providing powers and duties of the division; amending chapter 370, Florida Statutes, 1959, by adding new sections 370.021 and 370.061; providing power to make rules and regulations and other administrative duties and powers and setting procedure for confiscation of property and salt water products; amending section 378.06, Florida Statutes, 1959, providing for the employment of persons for conducting geological surveys; amending section 378.131, Florida Statutes, 1959, relating to general powers and duties; amending section 378.07, Florida Statutes, 1959, relating to administration of oil and gas resources conservation laws; amending section 378.06, Florida Statutes, 1959, establishing relationship between board of conservation and flood control districts; repealing sections 373.111, 373.121, 377.08 and 377.09, Florida Statutes, 1959; setting effective date.

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

By Senator Blank—(By Request)—

S. B. No. 583—A Bill to be entitled An Act relating to political parties; amending subsections (1) (a) and (b) of Section 103.121, Florida Statutes, providing for the adoption of uniform constitutions and by-laws by county political party executive committees.

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

By Senator Blank—(By Request)—

S. B. No. 584—A Bill to be entitled An Act relating to vacancies in political party offices; amending subsection (5) of section 103.121, Florida Statutes.

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

By Senator Blank—(By Request)—

S. B. No. 585—A Bill to be entitled An Act relating to political parties; repealing subsection (1) (e) of Section 103.121, Florida Statutes, relating to furnishing of printed sworn statements by county political party executive committees.

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

By Senator Edwards—

S. B. No. 586—A Bill to be entitled An Act relating to licensing of airport sites; amending subsection (5) of Section 330.30, Florida Statutes, to provide that only airports owned or operated by the United States shall be exempt from the provisions of Section 330.30; providing an effective date.

Which was read the first time by title only and referred to the Committee on Veterans Affairs, Aviation, Radio and Television.

By Senator Edwards—

S. B. No. 587—A Bill to be entitled An Act relating to the state board of osteopathic medical examiners; organization; quorum; powers and duties; amending Section 459.08 Florida Statutes by deleting the require-
Be It Resolved by the Senate of the State of Florida:

WHEREAS, Tallahassee, the Capitol of Florida, was the only capital of the Southern states during that tragic era which was not invaded, and

WHEREAS, Florida has a rich historical lore of facts and memories surrounding the Confederacy and its ideals and precedents, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That we on this day do take this moment to recognize this official Florida holiday, and pay tribute to the memories of the Confederate boys of the West Florida Seminary Cadets, and to our many forbears who fought and sacrificed for the principles in which they believed.

That it is deemed timely and expedient that we pause briefly in our deliberations to recognize, and pay homage and honor to the memory of that heroic generation of men and women whose patriotism, courage and devotion, rendered their memory immortal in the history of American civilization.

That we do, on this occasion, rise as our tribute in commemoration of this Confederate Memorial Day, April 26, 1961.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 589 was adopted, by a rising vote of the Senate.

CONSIDERATION OF RESOLUTION ON SECOND READING

House Concurrent Resolution No. 1294—

A Concurrent Resolution directing the legislative council to set up a committee to study the mechanics' lien law and make a report and recommendations to the 1963 session of the Legislature.

Section 1. That the legislative council, through the legislative reference bureau, set up a committee to study the mechanics' lien law and make a report and recommendations to the 1963 session of the Legislature.

Section 2. The committee is authorized such help, both expert and lay, as is necessary to effectuate the purposes of the committee. The activities of the committee shall be coordinated as completely as possible with those affected and hearings shall be held to consider their views and suggestions in order to evolve a practical and workable mechanics' lien law.

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

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

Which was agreed to and House Concurrent Resolution No. 1294 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received:

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

April 25, 1961

The Honorable W. Randolph Hodges
President, Florida Senate

The Honorable William V. Chappell, Jr.
Speaker, House of Representatives

Gentlemen:

The Legislature, this administration, and the people of Florida are seriously concerned with the conduct of the affairs of the State Road Department. It is right that we are. During the fiscal year 1959-60 this Department disbursed $306,092,230.83; its six thousand employees made and executed plans that affected the lives and fortunes of us all. Indeed, there are few departments or functions of government which affect all of our people so significantly.

The legal framework within which the Road Department works is basically sound, designed as it was by the Legislature of 1955 to insure efficient and equitable management of the resources and powers entrusted to the Department. Yet the record is clear:

1. As of January 3, 1961, $8,300,000 of primary road funds in excess of that legally available had been spent, and it is apparent that in July of 1960 this excess was far greater. The law was not at fault—the administration of the law was.

2. More than $9,000,000 had been transferred prior to January 3, 1961, from the Secondary Road Fund for use in the construction of primary roads, in violation of the clear intent of the law.

3. Roads which were not authorized were built with funds not legally available under the guise of a "change order." The law was not at fault—the administration of the law was.

4. Funds were "borrowed" from county funds for construction of primary roads upon promises for repayment that were not kept, in violation of the spirit of separation of the primary and secondary road program.

5. Prescribed right-of-way procedures were not followed. The fault here lies in both the legal and administrative
structure. At present the right-of-way function is fragmented into at least three different parts as follows:

1. The Right-of-way Engineer, working under the direct supervision of the Assistant State Highway Engineer for Planning in the Engineering Division is responsible for the determination of the right-of-way requirements and the preparation of the right-of-way maps and deeds and other legal instruments.

2. The appraisal and actual acquisition functions are lodged with the Legal Division under the supervision of the Resident Attorney. Condemnation functions are also his responsibility.

3. The rental, maintenance and disposal of improvements on rights-of-way is the responsibility of the Properties and Advertising branch of the Administrative Division under the supervision of the Executive Director of the Department.

Because there is no single organizational head responsible for right-of-way in its entirety there is constant confusion among employees of the Department as to whose responsibility is responsible for what. Field offices in the district do not know whom to turn for direction. The headquarters office does not know upon whom to rely for performance. There is no training program because there is no one responsible for the same. There is necessarily a complete breakdown of communication between the three major units now dealing with right-of-way matters; between each of these and field employees; between the district offices and headquarters; and between highway department employees generally and property owners and others involved in the right-of-way operation.

It is inevitable that in addition to the increased cost of right-of-way which results there are extensive delays.

6. An adequate testing program was not established, and the results of the tests made were sometimes ignored.

7. Accounting procedures were inadequate to permit prompt detection and correction of variations from propriety, and the information that was developed was frequently deliberately ignored.

8. Employee practices creating conflicting interests and loyalties were in evidence on such a wide scale that they must have been known to the Road Board—or should have been known in the exercise of the due care for the state welfare required of them. There was ample power to deal with these practices, but it was not used.

9. Contractors engaged in practices damaging or fraught with danger to the integrity of the Road Department, on such a wide scale that they must have been known to the Road Board—or should have been known in the exercise of the due care for the state welfare required of them. The Road Code is inadequate to deal with that situation.

10. Members of the Road Board engaged in business dealings which supported rumors and a widespread belief that their conduct was selfishly motivated and not in the public interest, with the consequence that Department employees were encouraged to establish the same pattern of conduct. The Road Code is inadequate to deal with that situation.

In addition to the above there are other factors in this subject area that deserve consideration.

11. At the present time the State pays attorneys for litigants in right-of-way cases a fee based upon the total recovery, rather than upon only that portion in excess of the appraised value granted to the litigant. We are the only state that pays any attorney fees for land owners. To eliminate this excess payment will not only reduce the cost of litigation—it will also reduce litigation. 12. The law is not clear in eminent domain cases as to whether enhancement value may be set off against both general and special damages to the remainder land.

13. The State Road Department should, and can under present law, obtain title to all right-of-way prior to receipt of bids for construction on the same. Failure to do so frequently results in excessive costs, and seldom results in a saving of time.

14. There has been a great lack of state-wide, long range road construction planning.

15. A long range plan for right-of-way acquisition is a critical need, both to relieve local government and to facilitate state-wide planning of roads.

It is apparent from a review of these problems that most of them can and should be solved by good administrative practice. This is not to say that improvements cannot be made in the law—but rather that improvement of the law will not take the place of good administration. A good Road Code cannot take the place of a good Road Board. At the most it is an aid.

Many of the instances cited above were occasioned not because of a weak law, but in spite of a strong law. For instance, the application of the 20% cash requirement law was well understood—it was simply ignored. Again, the legal prohibition against building unauthorized roads through change orders was well known—it was simply ignored.

What can be done by way of improving the statutory framework within which the Department works should be done. I therefore recommend:

1. All right-of-way functions in the Department should be consolidated under a new major division of the Department, responsible directly to the Chairman, effecting the necessary coordination with the three major divisions of the Department in the same manner that the three existing divisions effect coordination among themselves at the present time. The major subdivisions of the right-of-way division would then be administratively established as follows:

(a) Appraising and Appraisal Review Division. (It should be noted that last year more than a quarter of a million dollars was spent on fee appraisers, much of which could be saved by a properly staffed appraisal unit, fee appraisers to be used principally in litigated cases.)

(b) Negotiation Division.

(c) Property Management Division, which would manage the disposal of structures and handle excess properties, right-of-way research and right-of-way training, maps and descriptions, and liaison with cities, counties, etc. Provision should be made that only articles on rights of way of less than $500 value may be sold by a negotiated sale.

(d) Administration of Right-of-way Division which would handle public utility adjustment and railroad problems. Federal aid for right-of-way, fiscal accounting, records and other necessary right-of-way functions.

2. Administrative procedures have already been established to insure that the titles to right-of-way shall have been secured prior to the receipt of bids for construction on the same. This may well be implemented by a statute requiring such a policy to be followed.

3. The Road Department should be authorized to enter into an agreement with the State and County Retirement System Investment Board as described in Section 122.14, Florida Statutes, and/or with the Retirement System for School Teacher Board of Trustees as described in Section 238.10, Florida Statutes, for the acquisition of
real property necessary for the completion of the Federal Interstate Highway System in Florida and the extension or improvement of the primary road system in Florida, provided that the amount involved under all such agreements with each board shall not at any one time exceed 10% of the total assets of each of said funds respectively. Titles should be acquired in the name of the respective fund and the Road Department required to purchase the same from said fund within two years from the date of acquisition by the fund, with options for renewal at the discretion of the fund managers. The department should be required to pay interest to the fund annually at a rate agreed upon by the managers of the funds. Counties should be authorized to participate in the plan by securing their indebtedness with secondary gasoline tax funds.

4. The Executive Director of the Road Department should be placed under the direction of the State Highway Engineer.

5. A Testing Division should be established as a major division of the Road Department, with direct authority over offices of the Testing Division in district headquarters, with all reports to be made in duplicate to the Chief Highway Engineer and the Chairman of the Board. All decisions relative to waiver of specifications should be made by the Chief Highway Engineer upon the filing in writing of the decision to make such waiver with the justification therefor with each the Testing Division head and the Chairman of the Board.

6. Legal provision should be made to keep separate and inviolate primary and secondary funds. Authority should be granted to utilize surplus secondary funds for the purchase of rights-of-way upon the same terms and conditions as provided for the borrowing from retirement funds hereinabove set forth, the managing authority to be the State Finance Committee of the Cabinet. Experience has shown that a surplus is always available so that county requirements can always be met.

7. In accordance with the terms of a bill already introduced (House Bill 1479), a limitation upon the contractual authority of the Road Department should be established.

8. The State Road Board has already entered upon a long range state-wide planning and construction program by dedicating $40 million during this quadrennium for acts of statewide importance regardless of district boundaries. Statutory provision may well be made requiring long range state-wide planning on a permanent basis.

9. Statutory authority for the payment of attorneys' fees to lititants upon that portion of the decree against the state represented by the appraised value should be repealed.

10. The law relative to the setoff of enhancement value against damage to the remainder land of the property owner should be made to clearly apply to both general and special damages.

11. Express provision against conflict of interest at all levels within the Road Department should be enacted, and criminal statutes directed at parties contracting with the Road Department creating such conflict of interest should likewise be enacted.

12. A right-of-way acquisition fund should be created by the enactment of an excise tax upon the charges of public utilities in the amount of 11/2%, the proceeds thereof to be used in the counties from which collected to meet the obligations so far as possible now borne by local governments for the acquisition of rights-of-way, with provision for the purchase of other than primary rights-of-way under proper local auspices.

With these suggested changes and the new administrative procedures being established within the Road Department it is respectfully submitted that an aggressive, efficient and honest road program can be achieved.

Respectfully submitted,
Farris Bryant
Governor

And the foregoing message from the Governor was referred to the Committee on Public Roads and Highways.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages from the House of Representatives were received and read:

Tallahassee, Florida
April 26, 1961

The Honorable W. Randolph Hodges
President of the Senate

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

By Senator Gibbons—

S. B. No. 457— A Bill to be entitled An Act relating to conveyances of lands in certain instances by the board of county commissioners of Hillsborough County, Florida, to the City of Temple Terrace, Florida.

Proof of publication attached.
Also—

By Senator Ripley—

S. B. No. 467— A Bill to be entitled An Act amending sections 3, 4, 5, 6, 7, and 9 of chapter 18610, Laws of Florida, acts of 1937, entitled, "an act providing for pensions for employees of the city of Jacksonville", as amended, so as to increase the amounts required to be paid into said fund and changing provisions relating to the administration of said fund, the benefits payable thereunder and the status of employees therein providing an effective date.

Proof of publication attached.
Also—

By Senator Ripley—

S. B. No. 470— A Bill to be entitled An Act to authorize the Duval County hospital board to construct, expand, extend, renovate, repair, improve, furnish and equip hospital units, out-patient clinics, nurses homes and schools and indigent relief departments and to authorize the board of county commissioners of Duval County, Florida, and the Budget Commission of Duval County, Florida, to levy and appropriate the sum of six hundred fifty-one thousand five hundred four dollars ($651,504.00) per annum for the years 1961 and 1962 for such purposes; providing for the filing of annual reports; and providing an effective date.

Proof of publication attached.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 457, 467 and 470, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.
The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Senator Gibbons—

S. B. No. 456—A Bill to be entitled An Act enacting and extending the corporate limits of the city of Temple Terrace, Florida, so as to include therein additional lands in Hillsborough County bordering on the west and north of Temple Terrace, and extending the current jurisdiction and powers of the city of Temple Terrace to the annexed territory.

Proof of publication attached.

Also—

By Senator Ripley—

S. B. No. 468—A Bill to be entitled An Act relating to conveyances by the board of county commissioners of Hillsborough County, Florida to the city of Temple Terrace, Florida of title to all streets, roads, alleys and rights of way contained within the corporate limits of the city of Temple Terrace, Florida, presently contained within the corporate limits of the city of Temple Terrace or contained within such territory as may hereafter be annexed.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 256, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

Tallahassee, Florida
April 26, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Senators Johns, Williams, Gibbons, Fraser, Gressham, Mapoles and Galloway—

S. B. No. 4—A bill to be entitled An Act relating to lending, leasing, displaying, exhibiting, and promulgating motion picture films; adding a new Section 521.011, Florida Statutes, stating the Legislative intent; amending Section 521.02, Florida Statutes, by providing increased penalties for second and subsequent offenses; and providing for injunctive relief, authorizing temporary restraining orders without bond, exempting the state and the local prosecuting attorney from liability for costs and attorney fees if damages are awarded by reason of such restraining orders, providing for speedy hearings and decisions and prescribing practice and procedure in injunction suits, and placing upon the defendant in an injunction suit the burden of showing the approval or licensing required by this act; repealing all laws and parts of laws in conflict with this act; fixing the effective date of this act; and providing for a referendum; and providing that no other election or referendum except as provided for in this act shall be necessary to fully effectuate this act.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 256, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

Tallahassee, Florida
April 26, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Senator David—

S. B. No. 256—A Bill to be entitled An Act relating to harness horse racing or horse racing in harn-
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son” for the purposes of this act; and providing an effective date.”

Also—
By Senator Johns—

S. B. No. 336— A Bill to be entitled An Act relating to the insurance code; stock and mutual insurers, organizations, etc., chapter 628, Florida Statutes; amending section 628.451, relating to mergers and consolidations of stock insurers, providing that presentation of a proposal must be approved by two-thirds (2/3) of the directors or a majority of the stock and it may be adopted by seventy-five per cent (75%) of the stock after due notice; and providing an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 4 and 336, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The Honorable W. Randolph Hodges
President of the Senate

Tallahassee, Florida
April 25, 1961

Sir:

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

By Senator Parrish—

S. B. No. 163— A Bill to be entitled An Act relating to horse racing in harness; validating and restoring certain permits to conduct horse racing in harness, notwithstanding the distance limitation from other tracks contained in section 550.05, Florida Statutes, or any other law relating to distances between race tracks; providing that other pertinent provisions of chapter 550, Florida Statutes, relating to the conduct of horse racing in harness, shall apply to the operation of any race track conducted by means of any permits being ratified and restored by this act; providing that this act shall not prevent cancellation, revocation or recall of any such permit as provided by law and amending chapter 550, Florida Statutes, providing for quarter horse racing and providing an effective date.

Also—
By Senator Parrish—

S. B. No. 164— A Bill to be entitled An Act confirming and validating certain harness racing permits and licenses herefore issued by the state racing commission, notwithstanding distance limitations from other tracks contained in section 550.05, Florida Statutes, or any other law relating to distances between race tracks; stating the legislative purpose and intent of this act; repealing all laws in conflict herewith and providing an effective date.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 163 and 164, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The Honorable W. Randolph Hodges
President of the Senate

Tallahassee, Florida
April 25, 1961

Sir:

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

By Senator Gibbons—

S. B. No. 441— A Bill to be entitled An Act creating a board of public assistance in any county in the state having a population of not less than three hundred ninety thousand (390,000) inhabitants and not more than four hundred fifty thousand (450,000) inhabitants according to the latest official state wide decennial census; stating the purpose of the act; declaring the responsibilities of the board, including the ownership, operation, maintenance, and construction of hospitals, nursing homes, clinics, nursing schools, rehabilitation centers, and other health related institutions; requiring the board to provide sufficient hospital and health related facilities for the county; requiring the board to provide for the indigent including medical care and general assistance; prohibiting any person in need of medical care from being denied admission to any hospital within the jurisdiction of the act because of his inability to pay; declaring the board to be exercising a public and essential governmental function and prescribing its power including the power to sue and be sued, to make and execute contracts, to acquire by any means and operate hospitals and other health related facilities and projects, to provide for the construction or repair of useful buildings, to lease or rent buildings or other facilities, to establish rates and charges, to accept gifts, to acquire property by eminent domain, purchase, lease, or other means, to furnish relief to the indigent, to provide a home for the aged, to provide for the hospitalization of the indigent dead, and to operate cemeteries for that purpose, to coordinate, by voluntary methods, public and private health and welfare agencies and services, to appoint and remove employees of the board, to borrow money, to mortgage, pledge or assign real or personal property, and to levy an ad valorem tax; providing for the annual budget; requiring the board to certify its budget; providing for an annual audit; providing for the composition and organization of the board, and the qualifications, compensation, and election of members of said board; providing for public meetings and records; authorizing the board to issue and sell negotiable revenue anticipation certificates or revenue bonds and prescribing the procedure therefore; directing the board to carry out the purpose of this act; providing for the transfer of the powers, duties, and responsibilities of the board to the board of county commissioners and providing for an annual tax; providing for the pensioning and retirement of board employees; providing for civil service coverage; providing for the reallocation of any funds to the county welfare board, and employees of any other facility acquired by the board, to become employees of the board; providing for the successful employment of board employees; providing for the reversion of property should the board be dissolved; providing that if any section herein is held invalid, the remaining sections shall not be affected; providing for the repeal of all laws or parts of laws in conflict herewith; and providing for an effective date.

Which amendments read as follows:

Amendment No. 1—

In Section 1, Paragraph 1, strike out: entire first paragraph, and insert the following in lieu thereof: “Section 1. There is hereby created in each county in this state having a population of not less than three hundred ninety thousand (390,000) inhabitants and not more than four hundred fifty thousand (450,000) inhabitants according to the latest official state wide decennial census a “Board of Public Assistance” hereinafter referred to as the board.”
Amendment No. 2—

In Section 5, strike out: entire section, and insert the following in lieu thereof: "Section 5. No person in need of medical care shall be denied admission to any hospital under the jurisdiction of the board because of his inability to pay the fees, charges and costs for which ordinarily he would be responsible."

Amendment No. 3—

In Section 6, Sub-section 5, following the words "alteration of any building or" strike out: word "projects" and insert the following in lieu thereof: "facilities."

Amendment No. 4—

In Section 6, Sub-section 17, strike out: entire subsection 17.

Amendment No. 5—

In Section 9, line 7, following the words "office member of said board." strike out: "The three other members of the board shall be qualified electors of said county and shall be elected upon a county wide basis at the general election in November, 1964." and insert the following in lieu thereof: The three other members shall serve for a term of four years, shall be qualified electors of the county and shall be elected upon a county wide basis at the general election, the first of said elected members to be elected in the general election of November, 1964.

Amendment No. 6—

In Section 19, line 7, following the words "financial obligation." strike out: last sentence reading "Should this board be dissolved, then any property contributed to this board by any other governmental agency shall revert to the contributing agency." and insert the following in lieu thereof: Should this board be dissolved, then any property contributed to or acquired by this board under the provisions hereof or otherwise by or from any other governmental agency shall revert to the agency from which it came.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 441, contained in the above message, was read by title, together with House Amendments thereto.

Senator Gibbons moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 441.

Senator Gibbons moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 441.

Senator Gibbons moved that the Senate concur in House Amendment No. 3 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 441.

Senator Gibbons moved that the Senate concur in House Amendment No. 4 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 4 to Senate Bill No. 441.

Senator Gibbons moved that the Senate concur in House Amendment No. 5 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 5 to Senate Bill No. 441.

Senator Gibbons moved that the Senate concur in House Amendment No. 6 to Senate Bill No. 441.

Which was agreed to and the Senate concurred in House Amendment No. 6 to Senate Bill No. 441.

And Senate Bill No. 441, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Senator Parrish—

S. B. No. 107—

Which amendment reads as follows:

add section 2 thereof: This act shall take effect on July 1, 1961.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 107, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Parrish moved that the Senate concur in the House Amendment to Senate Bill No. 107.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 107.

And Senate Bill No. 107, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Peeples of Glades—

House Concurrent Resolution No. 1625—

A CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF FLORIDA TO RETURN TO THE HOUSE AND SENATE FOR AMENDMENT, HOUSE BILL NO. 189, RELATING TO THE CHARTER OF THE CITY OF MOORE HAVEN, GLADES COUNTY, AMENDING SECTIONS 133-142, GLADES COUNTY.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

Section 1. The House of Representatives respectfully requests Governor Farris Bryant, who now has in his possession for examination House Bill No. 189, to return House Bill No. 189 to the house and senate for certain important amendments thereto.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 1626, contained in the above message, was read the first time in full.

Senator Williams moved that the rules be waived and House Concurrent Resolution No. 1626 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 1626 was read the second time in full.

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

Which was agreed to, and House Concurrent Resolution No. 1626 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Costin of Gulf—

H. B. No. 293— A bill to be entitled An Act relating to veterinarians; amending section 474.04, Florida Statutes; providing certain procedures for examination of applicants and preservation of such examination papers by board of veterinary examiners; providing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 351 A bill to be entitled An Act relating to citrus; amending section 601.79 Florida Statutes to permit the coloring of temple oranges; amending section 601.80 Florida Statutes requiring color matter to be approved; amending section 601.81 Florida Statutes by
Sir:

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

By Mr. Griffin of Polk—

H. B. No. 350—A bill to be entitled An Act (1) providing a new subsection to be designated subsection (5) of section 601.82 Florida Statutes to include tangerines in the category of fruits subject to assessment tax; (2) amending section 601.83 Florida Statutes providing for assessment tax on tangerines; (3) repealing subsection (3) and changing the numbering of subsections (3) so that it will be subsection (2); (4) amending section 601.84 Florida Statutes making it unlawful to ship colored oranges (including tangerines) unless accompanied by certificate of inspection; and (5) fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 352—A bill to be entitled An Act relating to citrus; amending section 601.67 Florida Statutes, so as to authorize and empower the Commissioner of Agriculture, in addition to his power to revoke or suspend the license of any citrus fruit dealer under certain circumstances, to impose a fine not to exceed fifty thousand dollars ($50,000.00) against any citrus fruit dealer found guilty, after appropriate proceedings by the Commissioner of Agriculture, of any of the violations contained in said section, and to provide that such fines so levied and paid shall be deposited in the general inspection fund; to provide for duration of suspension periods when the same shall overlap from one shipping season into a succeeding shipping season; and fixing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 350, contained in the above message, was read the first time by title only and referred to the Committee on Citrus Fruits.

And House Bill No. 351, contained in the above message, was read the first time by title only and referred to the Committee on Citrus Fruits.

And House Bill No. 352, contained in the above message, was read the first time by title only and referred to the Committee on Citrus Fruits and the Committee on Judiciary "B".

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
Chief Clerk, House of Representatives.

The Honorable W. Randolph Hodges
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. Bennett and Jones of Bay—

H. B. No. 353—A bill to be entitled An Act relating to citrus; amending subsections (8), (24) and (30) of section 601.03 Florida Statutes, defining the meaning of the words "citrus fruit dealer", " Clementine", and "producer", and adding three new subsections defining the meaning of the words "citrus fruit dealer", " Clementine", and "marketing order" and renumbering the subsections of section 601.03, Florida Statutes, and providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 352, contained in the above message, was read the first time by title only and referred to the Committee on Citrus Fruits.

And House Bill No. 351, contained in the above message, was read the first time by title only and referred to the Committee on Citrus Fruits.

And House Bill No. 350, contained in the above message, was read the first time by title only and referred to the Committee on Livestock.

Sir:

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

By Messrs. Bennett and Jones of Bay—

H. B. No. 354—A bill to be entitled An Act amending chapter 57-1072, Laws of Florida, 1957; adding section 1-A to change the population classification from one hundred eighteen thousand (118,000) and having two (2) or more counties therein having a population in excess of thirty-four thousand (34,000) to one hundred forty-two thousand (142,000) and having two (2) or more counties therein having a population in excess of thirty-six thousand (36,000) providing an effective date.

Also—

By Messrs. Bennett and Jones of Bay—

H. B. No. 355—A bill to be entitled An Act amending chapter 30460, Laws of Florida, 1955; adding section 1-A to change the population classification from more than thirty thousand (30,000) to sixty-four thousand through sixty-eight thousand (64,000-68,000) providing an effective date.

Also—

By Messrs. Russell, Holley and Loeffler of Pinellas—

H. B. No. 356—A bill to be entitled An Act relating to construction of roads or streets outside municipalities in areas accepted by county roads or streets in counties having a population of not less than three hundred and fifty thousand (350,000) and not more than three hundred and eighty-five thousand (385,000) according to
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the last official decennial census; providing that the board of county commissioners shall prescribe standards for construction thereof; requiring person, firm or corporation to first secure a permit from county authority prior to construction of said road or street; to authorize the said board of county commissioners as a condition to approve said permit to require security; to guarantee construction of said road or street; providing a penalty for violation; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1344, contained in the above message, was read the first time by title only.

Senator Barron moved that the rules be waived and House Bill No. 1344 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1344 was read the second time by title only.

Senator Barron moved that the rules be further waived and House Bill No. 1344 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. 1344 was read the third time in full.

Upon the passage of House Bill No. 1344 the roll was called and the vote was:

Yeas—38.

Nays—None.

So House Bill No. 1345 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1348, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Walker of Collier—

H. B. No. 219—A bill to be entitled An Act relating to conservation and salt water fisheries; repealing subsection (2) of section 370.13, Florida Statutes, relating to the taking of stone crabs.

Also—

By Mr. Wise of Okaloosa—

H. B. No. 227—A bill to be entitled An Act relating to county health departments; amending chapter 274, Florida Statutes, adding thereto section 274.11, providing that the title to property purchased by county health departments shall be vested in the board of county commissioners of the county affected; and amending section 381.211, Florida Statutes, authorizing the state board of health to transfer title to certain property to the board of county commissioners of any county where said property is located or principally used; and setting an effective date.

Also—

By Mr. Costin of Gulf—

H. B. No. 294—A bill to be entitled An Act relating to administrative boards; amending chapter 455, Florida Statutes, by adding new section 455.011; providing method of conducting examinations of applicants and preservation of records of such examinations by administrative boards as defined in section 455.01, Florida Statutes; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 219, contained in the above message, was read the first time by title only and referred to the Committee on Game and Fisheries and the Committee on General Legislation.

And House Bill No. 227, contained in the above message, was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization.
The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Messrs. Roberts and Thomas of Palm Beach—

H. B. No. 1083— A bill to be entitled An Act to abolish the present municipality of the “City of University Park”, in Palm Beach County, Florida; to create and establish a new municipality to be known as the City of University Park, Florida; to fix and define the territorial boundaries of said city and provide for and authorize the extension of the boundaries hereby established; to provide for the government, powers and privileges of said city and the means for exercising same; to repeal all laws and ordinances in conflict herewith; and to provide for an effective date therefor.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Griffin of Polk—

H. B. No. 354— A bill to be entitled An Act relating to citrus; amending subsection (2) of Section 601.641 F.S. involving false claim as to quantity or producer’s name and address and fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 355— A bill to be entitled An Act relating to citrus; amending Section 601.18 F. S. by adding a new subsection to be designated (5) authorizing the Commission to regulate sizes for grapefruit packed commercially and fixing the minimum juice content for such sizes, and fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 356— A bill to be entitled An Act relating to citrus; amending Section 601.13 F. S. by adding a new subsection (4) providing for expenses for economic and marketing research programs not to exceed 5% of excise taxes in any fiscal year and fixing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bills Nos. 354, 355 and 356, contained in the above message, were read the first time by title only and referred to the Committee on Citrus Fruits.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Griffin of Polk—

H. B. No. 357— A bill to be entitled An Act relating to citrus fruit; amending subsection (2) of Section 601.16 Florida Statutes involving maturity standards for red and pink seedless grapefruit and fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 358— A bill to be entitled An Act to authorize the Florida Citrus Commission under specified conditions and under rules and regulations established by it to issue permits during a specified period each year for export of oranges produced in Florida to all foreign countries other than Canada and Mexico, provided such oranges are within a specified tolerance with respect to standards established by law; to repeal all laws in conflict herewith and to provide an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bills Nos. 357, 358 and 359, contained in the above message, were read the first time by title only and referred to the Committee on Citrus Fruits.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Griffin of Polk—

H. B. No. 363— A bill to be entitled An Act relating to citrus; amending Section 601.61 F.S. by increasing the bond requirements for fruit purchased from pro-
producers but exempting fruit produced by the applicant, or purchased from another dealer and fruit of members of co-operative marketing associations; providing for inspection of records to determine sufficiency of bond and for revocation and fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 366—A bill to be entitled An Act relating to citrus; amending subsection (1) of Section 601.28 F.S. by increasing inspection fees; levying 1 mill for citrus crop estimates and research fund and fixing an effective date.

Also—

By Mr. Griffin of Polk—

H. B. No. 367—A bill to be entitled An Act relating to citrus; amending Section 601.25 vesting in the Commission the power to determine methods by which juice is tested for percentage of solids, acidity and juice content, to provide for such determination prior to action by the Commission, and providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bills Nos. 360, 361 and 362, contained in the above message, were read the first time by title only and referred to the Committee on Citrus Fruits.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Mann of Hillsborough—

H. B. No. 715—A bill to be entitled An Act relating to narcotic drugs; amending subsection (5) of section 398.02, Florida Statutes; defining wholesaler.

Also—

By Messrs. Mitchell and Horne of Leon—

H. H. No. 1022—A bill to be entitled An Act relating to the hotel and restaurant commission; amending paragraph (a) of subsection (1) of Section 509.241; amending paragraph (f) of subsection (1) of Section 509-242, all Florida Statutes, defining public lodging establishments to include apartments; defining apartment for purpose of classification; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bills Nos. 715 and 1022, contained in the above message, were read the first time by title only and referred to the Committee on Public Health.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1961 Session of the Florida Legislature—

By The Committee on Governmental Organization—

H. J. R. No. 1131—A joint resolution proposing an amendment to article 8 of the constitution of Florida by adding thereto an additional section authorizing the legislature to provide by local legislation for county officers' compensation and validating legislation previously enacted.
Be It Resolved by the Legislature of the State of Florida:

That the following amendment to article 8 of the constitution of Florida be added and that an additional section to be known as section 24 of said article 8 be submitted to the electors of the state of Florida for ratification or rejection at the next general election to be held in 1962, as follows:

Section 24. County officers' compensation.—The legislature may provide for compensation to be paid county officers by general law or by local laws enacted separately or jointly as a single act covering named counties following publication of notice under article 3, section 21. Legislation heretofore enacted which would be valid under this amendment is hereby confirmed and shall have the same force and effect as if enacted subsequent to the ratification of this amendment.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 115, contained in the above message, was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Anderson of Jefferson—

H. B. No. 1146— A bill to be entitled An Act relating to financial responsibility; amending section 324.181, Florida Statutes, relating to cancellation of liability policy by providing that when evidence is furnished the commissioner of the holding of a motor vehicle liability policy and subsequently evidence is furnished of the holding of such a policy subsequently acquired, the latter policy shall terminate the earlier policy.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1146, contained in the above message, was read the first time by title only and referred to the Committee on Insurance.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
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. Russell, Holley and Loeffler of Pinellas and McClain of Pasco—

H. B. No. 1353— A bill to be entitled An Act relating to the sixth judicial circuit of Florida; authorizing employment and compensation of secretaries for circuit judges.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1353, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Smith of DeSoto—

H. B. No. 115— A bill to be entitled An Act relating to DeSoto county; fixing the annual salary of the superintendent of public instruction of said county; providing an effective date.

Proof of publication attached.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Williams moved that the rules be waived and the Senate immediately reconsider the vote by which House Bill No. 115, contained in the above message, passed the Senate on April 10, 1961.

The President put the question: "Will the Senate reconsider the vote by which House Bill No. 115 passed the Senate on April 10, 1961?"

Which was agreed to by a two-thirds vote.

So the Senate reconsidered the vote by which House Bill No. 115 passed the Senate on April 10, 1961.

The question recurred on the passage of House Bill No. 115.

Pending roll call on the passage of House Bill No. 115, Senator Williams moved that the further consideration thereof be informally passed.

Which was agreed to and House Bill No. 115 was placed on the Calendar of Local Bills, pending roll call.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Scott of Martin—

H. B. No. 1392— A bill to be entitled An Act amending chapter 57-1094, Laws of Florida, 1957, adding section 1-A to change the population classification from seven thousand five hundred through seven thousand nine hundred (7,500-7,900) to fifteen thousand eight hundred through seventeen thousand (15,800-17,000); providing an effective date.

Also—
By Mr. Scott of Martin—

**H. B. No. 1394**— A bill to be entitled An Act relating to the compensation of a certain official in counties having a population of not less than fifteen thousand eight hundred (15,800) and not more than seventeen thousand (17,000), according to the latest official decennial census; repealing all laws in conflict therewith; providing effective and expiration dates.

Also—

By Mr. Scott of Martin—

**H. B. No. 1395**— A bill to be entitled An Act authorizing the board of county commissioners of all counties in the state having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest official decennial census, to sell and execute deeds of conveyance to the purchaser at the sale of real property now owned by such counties under the provisions of chapter 20722, Laws of Florida, 1941, as amended by chapter 22079, Laws of Florida, 1943, which real property consists of a lot or lots in what are now known as boomtime subdivisions, at the actual value thereof, the provisions of section 44 of chapter 22079, Laws of Florida, 1943, to the contrary notwithstanding; providing for an appraisal of such lands and a finding of fact as to the actual value thereof by the board of county commissioners and for record showing of such finding of fact; repealing all laws in conflict thereof; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1392, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 1392 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1392 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 1392 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. 1392 was read the third time in full.

Upon the passage of House Bill No. 1392 the roll was called and the vote was:

YeaS—38.

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

Nays—None.

So House Bill No. 1392 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1394, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 1394 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1394 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 1394 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. 1394 was read the third time in full.

Upon the passage of House Bill No. 1394 the roll was called and the vote was:

YeaS—38.

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

Nays—None.

So House Bill No. 1394 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

The Honorable W. Randolph Hodges
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
By Mr. Scott of Martin—

H. B. No. 1384—  A bill to be entitled An Act authorizing the board of county commissioners in counties having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest official decennial census, to sell or dispose of real estate owned by said county and not used for county purposes.

Also—

By Mr. Scott of Martin—

H. B. No. 1388—  A bill to be entitled An Act authorizing the board of county commissioners in counties having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest official decennial census, to do all things necessary to make all toll bridges in such counties toll free, in order to take advantage of an act of congress passed August 14, 1937, being c. 626, 50 Stat. 640, as amended; providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1384, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 1384 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1384 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 1384 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. 1384 was read the third time in full. Upon the passage of House Bill No. 1384 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So House Bill No. 1384 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1388, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 1388 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1388 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 1388 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. 1388 was read the third time in full. Upon the passage of House Bill No. 1388 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So House Bill No. 1390 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.
The Honorable W. Randolph Hodges
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. Bennett and Jones of Bay—

H. B. No. 1372— A bill to be entitled An Act amending chapter 23846, laws of Florida, acts of 1947, relating to permanent registration system of qualified electors and applying in all counties of the state having a population of more than 42,000 and less than 48,000 inhabitants according to the last preceding federal or state census by amending said act to apply only to counties having a population of not less than 64,000 and not more than 68,000 inhabitants according to the last preceding official census and relating to compensation of supervisor of registration and deputy supervisor of registration, and the powers and duties of the supervisor of registration; and providing effective date.

Also—

By Mr. Crews of Baker—

H. B. No. 1375— A bill to be entitled An Act directing that taxes on gasoline and like products, accruing under section 208.44, Florida Statutes, to any county in the state with a population of not less than six thousand eight hundred (6,800) and not more than seven thousand four hundred (7,400), according to the latest official decennial census, be distributed to certain funds of the county; providing an effective date.

Also—

By Mr. Scott of Martin—

H. B. No. 1382— A bill to be entitled An Act authorizing the governing bodies of all counties having a population of not less than fifteen thousand eight hundred (15,800) nor more than seventeen thousand (17,000), according to the latest official decennial census, to authorize the retirement of taxes on gasoline and like products; providing an effective date; and providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1372, contained in the above message, was read the first time by title only.

Senator Barron moved that the rules be waived and House Bill No. 1372 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1372 was read the second time by title only.

Senator Barron moved that the rules be further waived and House Bill No. 1372 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. 1372 was read the third time in full.

Upon the passage of House Bill No. 1372 the roll was called and the vote was:

Yeas—38.

Mr. President David David Johnson Rawls Ripley Roberts Stratton Sutton Tucker Williams Young

Barron Edwards Kelly Kicliter Mappes Parrish Pearson Perry Pope Price

Beall Frank Melton Melton Mappes Parrish Pearson Perry Pope Price

Blank Fraser Mappes Parrish Pearson Perry Pope Price

Boyd Galloway Maples Parrish Pearson Perry Pope Price

Bronson Gautier Mappes Parrish Pearson Perry Pope Price

Carraway Getzen Parrish Pearson Perry Pope Price

Clarke Gibbons Pearson Perry Pope Price

Connor Gresham Pope Pope Pope Pope Pope Pope

Cross Herrell Price Price Price Price Price

Nays—None.

So House Bill No. 1372 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1375, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

And House Bill No. 1382, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 1382 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1382 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 1382 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. 1382 was read the third time in full.

Upon the passage of House Bill No. 1382 the roll was called and the vote was:

Yeas—38.

Mr. President David David Johnson Rawls Ripley Roberts Stratton Sutton Tucker Williams Young

Barron Edwards Kelly Kicliter Mappes Parrish Pearson Perry Pope Price

Beall Frank Melton Melton Mappes Parrish Pearson Perry Pope Price

Blank Fraser Mappes Parrish Pearson Perry Pope Price

Boyd Galloway Maples Parrish Pearson Perry Pope Price

Bronson Gautier Mappes Parrish Pearson Perry Pope Price

Carraway Getzen Parrish Pearson Perry Pope Price

Clarke Gibbons Pearson Perry Pope Price

Connor Gresham Pope Pope Pope Pope Pope Pope

Cross Herrell Price Price Price Price Price Price

Nays—None.

So House Bill No. 1382 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Tallahassee, Florida
April 26, 1961

The Honorable W. Randolph Hodges
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. Whitaker, Mann and Liles of Hillsborough—

H. B. No. 1365— A bill to be entitled An Act authorizing the Board of County Commissioners in each county of this state having a population of not less than three hundred ninety thousand (390,000) inhabitants and
not more than four hundred fifty thousand (450,000) inhabitants according to the latest official state-wide decennial census to set and prescribe the cost of dog tags and certificates to be furnished by the County veterinarian to those designated as qualified to administer rabies vaccine to dogs; providing an effective date.

Also—

By Messrs. Mann, Liles and Whitaker of Hillsborough—

H. B. No. 1366—

A bill to be entitled An Act authorizing the Board of County Commissioners of each County having a population of not less than three hundred ninety thousand (390,000) inhabitants and not more than four hundred fifty thousand (450,000) inhabitants according to the latest official state-wide decennial census to regulate and set the maximum speed at which motor boats of all kinds may be operated on the rivers, lakes, streams and other waterways of said counties; providing that said Act shall be cumulative and shall not repeal any existing statute regulating the operation of motor boats; providing that a violation of said speed limit shall be punishable as a misdemeanor as otherwise provided by the laws of this State; providing for an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 1365, contained in the above message, was read the first time by title only.

Senator Gibbons moved that the rules be waived and House Bill No. 1365 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1365 was read the second time by title only.

Senator Gibbons moved that the rules be further waived and House Bill No. 1365 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. 1365 was read the third time in full.

Upon the passage of House Bill No. 1365 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So House Bill No. 1365 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1366, contained in the above message, was read the first time by title only.

Senator Gibbons moved that the rules be waived and House Bill No. 1366 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1366 was read the second time by title only.

Senator Gibbons moved that the rules be further waived and House Bill No. 1366 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. 1366 was read the third time in full.

Upon the passage of House Bill No. 1366 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So House Bill No. 1366 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bills Nos. 1338, 1339 and 1340, contained in the above message, were read the first time by title only and placed on the Calendar of Local Bills on Second Reading.
The Honorable W. Randolph Hodges  
President of the Senate  

Sir:  

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

By Mr. Crews of Baker—  

H. B. No. 1048— A bill to be entitled An Act amending chapter 28734, laws of Florida, 1953; adding Section 1-A to change the population classification from six thousand two hundred through six thousand four hundred (6,200-6,400) to six thousand eight hundred through seven thousand four hundred (6,800-7,400); providing an effective date.  

Also—  

By Mr. Crews of Baker—  

H. B. No. 1052— A bill to be entitled An Act amending chapter 57-2022, Laws of Florida, 1957; adding Section 1-A to change the population classification from six thousand two hundred through six thousand four hundred (6,200-6,400) to six thousand eight hundred through seven thousand four hundred (6,800-7,400); providing an effective date.  

Also—  

By Mr. Roberts of Union—  

H. B. No. 1337— A bill to be entitled An Act amending chapter 57-979, Laws of Florida, 1957, adding section 1-A to change the population classification from eight thousand through eight thousand nine hundred fifty (8,000-8,950) to five thousand eight hundred through six thousand one hundred (5,800-6,100); providing an effective date.  

—and respectfully requests the concurrence of the Senate therein.  

Respectfully,  
LAMAR BLEDSOE,  
Chief Clerk, House of Representatives.  

Proof of publication of Notice was attached to House Bill No. 1252 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.  

And House Bill No. 1252, contained in the above message, was read the first time by title only.  

Senator Stratton moved that the rules be waived and House Bill No. 1252 be read the second time by title only.  

Which was agreed to by a two-thirds vote.  

And House Bill No. 1252 was read the second time by title only.  

Senator Stratton moved that the rules be further waived and House Bill No. 1252 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. 1252 was read the third time in full.  

Upon the passage of House Bill No. 1252 the roll was called and the vote was:  

Yeas—38.  
Mr. President David Johnson Rawls  
Barron Davis Johnson Ripley  
Beall Edwards Kelly Roberts  
Blank Fraser Kilcer Stratton  
Boyd Galloway Mapoles Sutton  
Bronson Goulier Melton Tucker  
Carraway Getzen Parrish Williams  
Clarke Gibbons Pearce Young  
Connor Gresham Pope  
Cross Herrell Price  

Nays—None.  

So House Bill No. 1252 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.  

Tallahassee, Florida  
April 26, 1961  

The Honorable W. Randolph Hodges  
President of the Senate  

Sir:  

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

By Mr. Roberts of Union—  

H. B. No. 1073— A bill to be entitled An Act providing for compensation of the tax assessor, tax collector, and clerk of the circuit court, in all counties of the state having a population of not less than five thousand eight hundred (5,800) nor more than six thousand one hundred (6,100), according to the latest federal decennial census; repealing chapter 57-856, Laws of Florida, Acts of 1957 and all other laws in conflict herewith; and providing for an effective date.  

Also—  

By Mr. Roberts of Union—  

H. B. No. 1351— A bill to be entitled An Act fixing the salary of the members of the board of public instruction of all counties in the state of Florida having
a population of five thousand eight hundred through six thousand one hundred (5,800-6,100) according to the latest Federal decennial census; repealing chapter 28576, Laws of Florida, acts of 1953, and repealing chapter 30069, Laws of Florida, acts of 1955, and all other laws in conflict herewith; and providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bills Nos. 1073 and 1351, contained in the above message, were read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Scott of Martin—

H. B. No. 899— A bill to be entitled An Act fixing the annual compensation of the school superintendent in all counties of this state having a population of not less than fifteen thousand eight hundred (15,800) and not more than seventeen thousand (17,000) according to the latest official decennial census; authorizing the school board to fix such compensation not to exceed ten thousand dollars ($10,000.00), payable from the county general school fund.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 899, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 899 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 899 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 899 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. 899 was read the third time in full.

Upon the passage of House Bill No. 899 the roll was called and the vote was:

Yeas—38.
Mr. President Barron Beall Blank Beall Blank Beall Bronson Carraway Clarke Connor Cross David Davis Edwards Fraser Galloway Gautier Getzen Gibbons Gresham Herrell Johns Johnson Kelly Kicliter Mapoles Melton Parrish Pope Price Rawls Ripley Roberts Stratton Sutton Tucker Williams Young

Nays—None.

So House Bill No. 899 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 932, contained in the above message, was read the first time by title only.

Senator Stratton moved that the rules be waived and House Bill No. 932 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 932 was read the second time by title only.

Senator Stratton moved that the rules be further waived and House Bill No. 932 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. 932 was read the third time in full.

Upon the passage of House Bill No. 932 the roll was called and the vote was:

Yeas—38.
Mr. President Barron Beall Blank Beall Beall Bronson Carraway Clarke Connor Cross David Davis Edwards Fraser Galloway Gautier Getzen Gibbons Gresham Herrell Johnson Kelly Kicliter Mapoles Melton Parrish Pope Price Rawls Ripley Roberts Stratton Sutton Tucker Williams Young

Nays—None.

So House Bill No. 932 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
President of the Senate

Sir:

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

By Mr. Chaires of Dixie—

H. B. No. 802— A bill to be entitled An Act amending chapter 57-627, Laws of Florida, 1957; adding section 1-A to change the population classification from twelve thousand through thirteen thousand two hundred (12,000-13,200) to seventeen thousand through nineteen thousand (17,000-19,000); providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 802, contained in the above message, was read the first time by title only.

Senator Kicliter moved that the rules be waived and House Bill No. 802 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 802 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 802 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. 802 was read the third time in full.

Upon the passage of House Bill No. 802 the roll was called and the vote was:

Yeas—38.
Mr. President Barron Beall Blank Beall Beall Bronson Carraway Clarke Connor Cross David Davis Edwards Fraser Galloway Gautier Getzen Gibbons Gresham Herrell Johnson Kelly Kicliter Mapoles Melton Parrish Pope Price Rawls Ripley Roberts Stratton Sutton Tucker Young

Nays—None.

So House Bill No. 802 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1401, contained in the above message, was read the first time by title only.

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

Which was agreed to by a two-thirds vote.

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

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

Which was agreed to by a two-thirds vote.

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

Upon the passage of House Bill No. 1401 the roll was called and the vote was:
funds to the county school fund and to the general county fund in any county in the state having a population of not less than six thousand eight hundred (6,800) and not more than seven thousand four hundred (7,400) according to the latest official decennial census; providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 802, contained in the above message, was read the first time by title only.

Senator Davis, on behalf of Senator Hodges who was presiding, moved that the rules be waived and House Bill No. 802 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 802 was read the second time by title only.

Senator Davis moved that the rules be further waived and House Bill No. 802 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. 802 was read the third time in full.

Upon the passage of House Bill No. 802 the roll was called and the vote was:

Yeas—38.

Mr. President   David    Johns    Rawls
Barron         Davis    Johnson    Ripley
Beall          Edwards  Kelly     Roberts
Blank          Fraser   Kilcher   Stratton
Boyd           Galloway Mapoles  Sutton
Bronson        Gautier  Melton    Tucker
Carraway       Getzen   Parrish  Williams
Clarke         Gibbons  Pearson  Young
Connor         Gresham  Pope
Cross          Herrell  Price
Nays—None.

So House Bill No. 802 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 1401, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Tallahassee, Florida
April 25, 1961

The Honorable W. Randolph Hodges
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. Russell, Holley and Loeffler of Pinellas—

H. B. No. 234— A bill to be entitled An Act amending Chapter 25600, Laws of Florida, 1949, adding section 1-A to change the population classification from one hundred fifteen thousand through two hundred thousand (115,000-200,000) to three hundred fifty thousand through three hundred eighty-five thousand (350,000-385,000); providing an effective date.

Also—

By Messrs. Russell, Holley and Loeffler of Pinellas—

H. B. No. 235— A bill to be entitled An Act amending Chapter 27210, Laws of Florida, 1951, adding section 1-A to change the population classification from one hundred forty thousand through two hundred forty thousand (140,000-240,000) to three hundred fifty thousand through three hundred eighty-five thousand (350,000-385,000); providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 234, contained in the above message, was read the first time by title only.

Senator Young moved that the rules be waived and House Bill No. 234 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 234 was read the second time by title only.

Senator Young moved that the rules be further waived and House Bill No. 234 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. 234 was read the third time in full.

Upon the passage of House Bill No. 234 the roll was called and the vote was:

Yeas—38.

Mr. President   David    Johns    Rawls
Barron         Davis    Johnson    Ripley
Beall          Edwards  Kelly     Roberts
Blank          Fraser   Kilcher   Stratton
Boyd           Galloway Mapoles  Sutton
Bronson        Gautier  Melton    Tucker
Carraway       Getzen   Parrish  Williams
Clarke         Gibbons  Pearson  Young
Connor         Gresham  Pope
Cross          Herrell  Price
Nays—None.

So House Bill No. 234 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 235, contained in the above message, was read the first time by title only.

Senator Young moved that the rules be waived and House Bill No. 235 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 235 was read the second time by title only.

Senator Young moved that the rules be further waived and House Bill No. 235 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. 235 was read the third time in full.
Upon the passage of House Bill No. 235 the roll was called and the vote was:

**Yeas-38.**

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**Nays-None.**

So House Bill No. 235 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 237, contained in the above message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Tallahassee, Florida
April 25, 1961

**The Honorable W. Randolph Hodges**
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. Russell, Holley and Loeffler of Pinellas—

H. B. No. 231— A bill to be entitled An Act amending Chapter 28745, Laws of Florida, 1953, adding section 1-A to change the population classification from one hundred thirty thousand through two hundred forty thousand (130,000-240,000) to three hundred fifty thousand through three hundred eighty-five thousand (350,000-385,000); providing an effective date.

Also—

By Messrs. Russell, Holley and Loeffler of Pinellas—

H. B. No. 240— A bill to be entitled An Act amending Chapter 25518, Laws of Florida, 1949, adding section 1-A to change the population classification from one hundred fifteen thousand through two hundred thousand (115,000-200,000) to three hundred fifty thousand through three hundred eighty-five thousand (350,000-385,000); providing an effective date.

— and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 231, contained in the above message, was read the first time by title only.

Senator Young moved that the rules be waived and House Bill No. 231 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 231 was read the second time by title only.

Senator Young moved that the rules be further waived and House Bill No. 231 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. 231 was read the third time in full.

Nays—None.

So House Bill No. 231 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 240, contained in the above message, was read the first time by title only.

Senator Young moved that the rules be waived and House Bill No. 240 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 240 was read the second time by title only.

Senator Young moved that the rules be further waived and House Bill No. 240 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. 240 was read the third time in full.

Upon the passage of House Bill No. 231 the roll was called and the vote was:

**Yeas-38.**

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**Nays-None.**

So House Bill No. 231 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 240, contained in the above message, was read the first time by title only.

Senator Young moved that the rules be waived and House Bill No. 240 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 240 was read the second time by title only.

Senator Young moved that the rules be further waived and House Bill No. 240 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. 240 was read the third time in full.

Upon the passage of House Bill No. 240 the roll was called and the vote was:

**Yeas-38.**

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**Nays-None.**

So House Bill No. 240 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 240 was read the third time in full.

Upon the passage of House Bill No. 240 the roll was called and the vote was:

**Yeas-38.**

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**Nays-None.**

So House Bill No. 240 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Tallahassee, Florida
April 25, 1961

**The Honorable W. Randolph Hodges**
President of the Senate

Sir:

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

By Messrs. Roberts and Thomas of Palm Beach—

H. B. No. 1085— A bill to be entitled An Act to abolish the present municipal government of the City of Riviera Beach, in Palm Beach County, Florida; to legalize and validate the ordinances of said city of Riviera Beach and official Acts thereunder; to create and establish a new municipality to be known as the City of Riviera Beach, Palm Beach County, Florida; and to fix and provide its territorial limits, jurisdiction and powers, and the jurisdic-
tion and powers of its officials and officers; to provide for its government; to provide for its financial necessities; to provide for its planning board; to provide for civil service; to provide for local improvements; to provide for municipal court; to provide for issuing bonds and other evidences of indebtedness; to provide for succession of government; to provide for a City Manager; to provide for annexations; to provide that said city shall not be annexed nor consolidated with any other incorporated city or town, without consent of its electors; validating bonds issued by said city to provide for special assessments; providing an effective date hereof; providing for a referendum of this Act.

—and respectfully requests the concurrence of the Senate allowing the attorney's fee to be determined by the Jury;

April 26, 1961

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Which was agreed to by a two-thirds vote.

And House Bill No. 1085 was read the second time by title only.

Senator Blank moved that the rules be further waived and House Bill No. 1085 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. 1085 was read the third time in full.

Upon the passage of House Bill No. 1085 the roll was called and the vote was:

Yea's—38.

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

Nay's—None.

So House Bill No. 1085 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 SECOND READING

S. B. No. 155— A Bill to be entitled An Act relating to eminent domain; amending section 73.11, Florida Statutes, relating to Jury verdict; deleting the provision allowing the Jury to determine attorney's fees; deleting the provision allowing the Jury to apportion the compensation to each owner; amending Section 73.16, Florida Statutes, relating to costs of proceeding in eminent domain; deleting the provision allowing the attorney's fee to be determined by the Jury; providing for the determination of reasonable costs and an attorney's fee by the court; amending Section 74.10, Florida Statutes, relating to costs and attorney's fees, deleting therefrom the provision allowing the Jury to determine the attorney's fee; providing an effective date.

Was read the first time by title only.

Senator Cross moved that the rules be waived and the Committee Substitute for Senate Bill No. 155 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. 155 was read the second time by title only.

Senator Cross moved the adoption of the Committee Substitute for Senate Bill No. 155.

Which was agreed to and the Committee Substitute for Senate Bill No. 155 was adopted.

Senator Kelly offered the following amendment to Committee Substitute for Senate Bill No. 155:

In Sections 2 and 3, pages 1 and 2, strike out the entire and insert in lieu thereof the following:

Section 2

73.16 Costs of proceedings.—All costs of proceedings shall be paid by the petitioner, including a reasonable attorney's fee to be assessed by the jury, except the cost upon the appeal taken by a defendant, in which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Section 3

74.10 Costs and attorney's fees.—The petitioner upon filing the declaration of taking and making the deposit, shall be irrevocably committed to the payment of the ultimate award; provided, however, this shall not prevent the petitioner from suing out a writ of error from said judgment in the manner provided by law.

All cost of proceedings shall be paid by the petitioner, including a reasonable attorney's fee for the defendant to be assessed by the jury, except the cost upon the writ of error taken by a defendant, on which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Senator Kelly moved the adoption of the amendment.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Kelly, the vote was:
So the amendment failed of adoption.

Senator Gautier offered the following amendment to Committee Substitute for Senate Bill No. 155:

Add a new section as follows:

This act shall not apply to any action pending at the time this law becomes effective.

Senator Gautier moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Pope moved that the Senate reconsider the vote by which the following Amendment offered by Senator Kelly to Committee Substitute for Senate Bill No. 155 failed of adoption this day.

In Sections 2 and 3, pages 1 and 2, strike out the entire Sections 1 and 2.

and insert in lieu thereof the following:

Section 2

73.16 Costs of proceedings.—All costs of proceedings shall be paid by the petitioner, including a reasonable attorney's fee to be assessed by the jury, except the cost upon the appeal taken by a defendant, in which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Section 3

74.10 Costs and attorney's fees.—The petitioner upon filing the declaration of taking and making the deposit, shall be irrecoverably committed to the payment of the ultimate award; provided however, this shall not prevent the petitioner from suing out a writ of error from said judgment in the manner provided by law.

All cost of proceedings shall be paid by the petitioner, including a reasonable attorney's fee for the defendant to be assessed by the jury, except the cost upon the writ of error taken by a defendant, on which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Senator Cross moved that the rules be waived and the Senate do now take up and consider the motion made by Senator Pope that the Senate reconsider the vote by which the foregoing Amendment offered by Senator Kelly to Committee Substitute for Senate Bill No. 155 failed of adoption this day.

The question was put on the motion made by Senator Cross.

A roll call was demanded.

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

| Yeas-22. | Mr. President | Clarke | Getzen | Ripley |
| | Barron | Cross | Gibson | Straton |
| | Blank | Davis | Gresham | Sutton |
| | Bronson | Edwards | Johnson | Young |
| | Caraway | Gaultier | Mapeo | Rawls |

Nays-16.

| Boyd | Herrell | Mapeo | Price |
| | Connor | Johns | Roberts |
| | Fraser | Kelly | Pope |
| | Galloway | Kicliter | Ripley |
| | Cross | Gaultier | Williams |

So the motion made by Senator Cross failed to receive the required two-thirds vote and therefore failed of adoption, and the motion made by Senator Pope went over under the rule.

S. B. No. 285—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.

Was taken up in its order.

Senator Cross moved that the rules be waived and Senate Bill No. 285 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 285 was read the second time by title only.

Senator Cross moved that the rules be further waived and Senate Bill No. 285 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. 285 was read the third time in full.

Upon the passage of Senate Bill No. 285 the roll was called and the vote was:

| Yeas-28. | Barron | David | Herrell | Rawls |
| | Beall | Edwards | Johnson | Ripley |
| | Blank | Fraser | Kicliter | Roberts |
| | Boyd | Gaultier | Melton | Straton |
| | Bronson | Getzen | Pearson | Sutton |
| | Caraway | Gibbons | Pope | Williams |

Nays-9.

| Mr. President | Gresham | Mapeo |
| | Connor | Johns |
| | Galloway | Kelly |

So Senate Bill No. 285 passed, title as stated and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 266—A Bill to be entitled An Act relating to negligence and wrongful death actions; amending chapter 768, Florida Statutes, by adding section 768.13, allowing wife to claim damages for loss of consortium when husband is killed or injured.

Was taken up in its order.

Senator Cross moved that the rules be waived and Senate Bill No. 266 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 266 was read the second time by title only.

So the amendment failed of adoption.

Senator Gautier moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Pope moved that the Senate reconsider the vote by which the following Amendment offered by Senator Kelly to Committee Substitute for Senate Bill No. 155 failed of adoption this day.

In Sections 2 and 3, pages 1 and 2, strike out the entire Sections 1 and 2.

and insert in lieu thereof the following:

Section 2

73.16 Costs of proceedings.—All costs of proceedings shall be paid by the petitioner, including a reasonable attorney's fee to be assessed by the jury, except the cost upon the appeal taken by a defendant, in which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Section 3

74.10 Costs and attorney's fees.—The petitioner upon filing the declaration of taking and making the deposit, shall be irrecoverably committed to the payment of the ultimate award; provided however, this shall not prevent the petitioner from suing out a writ of error from said judgment in the manner provided by law.

All cost of proceedings shall be paid by the petitioner, including a reasonable attorney's fee for the defendant to be assessed by the jury, except the cost upon the writ of error taken by a defendant, on which the judgment of the circuit court shall be affirmed; provided however, that said attorney's fee shall be based upon the difference between the verdict for each parcel and the amount offered to the owners of each parcel as set forth in the petition.

Senator Cross moved that the rules be waived and the Senate do now take up and consider the motion made by Senator Pope that the Senate reconsider the vote by which the foregoing Amendment offered by Senator Kelly to Committee Substitute for Senate Bill No. 155 failed of adoption this day.

The question was put on the motion made by Senator Cross.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Cross, the vote was:
Senator Cross moved that the rules be further waived and Senate Bill No. 266 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. 266 was read the third time in full.

Upon the passage of Senate Bill No. 266 the roll was called and the vote was:

Years—11.

Cross Gibbons Ripley Williams
Gautier Gresham Roberts Young
Getzen Mapoles Sutton

Nays—26.

Mr. President Connor Johns Pope
Barron David Johnson Price
Blank Davis Kelly Rawls
Boyd Edwards Kicliter Stratton
Bronson Fraser Melton Tucker
Carraway Galloway Parrish
Clarke Herrell Pearce

So Senate Bill No. 266 failed to pass.

S. B. No. 272— A Bill to be entitled An Act relating to changing names of persons; amending section 69.02, Florida Statutes, by adding a new subsection (6) and renumbering present subsection (6) as subsection (7); providing for notice to other parent where only one (1) parent petitions for change of name of minor child.

Was taken up in its order.

Senator Cross moved that the rules be waived and Senate Bill No. 272 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 272 was read the second time by title only.

Senator Cross moved that the rules be further waived and Senate Bill No. 272 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. 272 was read the third time in full.

Upon the passage of Senate Bill No. 272 the roll was called and the vote was:

Years—37.

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

Nays—None.

So Senate Bill No. 272 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 131— A Bill to be entitled An Act relating to personal property taxes; amending section 192.06, Florida Statutes, by adding subsection (13) providing that boats assessed as personal property up to the value of fifteen hundred dollars ($1500.00) be exempt from taxation.

Was taken up in its order.

Senator Herrell moved that the rules be waived and Senate Bill No. 131 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 131 was read the second time by title only.

Senator Herrell moved that the rules be further waived and Senate Bill No. 131 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. 131 was read the third time in full.

Upon the passage of Senate Bill No. 131 the roll was called and the vote was:

Years—21.

Mr. President Edwards Kelly Ripley
Barron Galloway Kicliter Stratton
Beall Getzen Mapoles Young
Boyd Herrell Melton
Bronson Johns Parrish
Connor Johnson Pope

Nays—16.

Blank David Gresham Roberts
Carraway Davis Peake Suttun
Clarke Gautier Price
Cross Gibbons Rawls Williams

So Senate Bill No. 131 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 279— A Bill to be entitled An Act relating to worthless checks and drafts; amending section 832.05, Florida Statutes; prescribing penalty for knowingly making and issuing worthless check or draft; prescribing penalty for obtaining property in return for worthless check.

Was taken up in its order.

Senator Cross moved that the rules be waived and Senate Bill No. 279 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 279 was read the second time by title only.

Senator Cross moved that the rules be further waived and Senate Bill No. 279 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. 279 was read the third time in full.

Upon the passage of Senate Bill No. 279 the roll was called and the vote was:

Years—38.

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

Nays—None.

So Senate Bill No. 279 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 131— A Bill to be entitled An Act relating to personal property taxes; amending section 192.06, Florida Statutes, by adding subsection (13) providing that boats assessed as personal property up to the value of fifteen hundred dollars ($1500.00) be exempt from taxation.

Was taken up in its order.

Senator Herrell moved that the rules be waived and Senate Bill No. 131 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 131 was read the second time by title only.

Senator Herrell moved that the rules be further waived and Senate Bill No. 131 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. 131 was read the third time in full.

Upon the passage of Senate Bill No. 131 the roll was called and the vote was:

Years—21.

Mr. President Edwards Kelly Ripley
Barron Galloway Kicliter Stratton
Beall Getzen Mapoles Young
Boyd Herrell Melton
Bronson Johns Parrish
Connor Johnson Pope

Nays—16.

Blank David Gresham Roberts
Carraway Davis Peake Suttun
Clarke Gautier Price
Cross Gibbons Rawls Williams

So Senate Bill No. 131 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.
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S. B. No. 297— A Bill to be entitled An Act relating to workmen's compensation; amending section 440.45, Florida Statutes, by providing that deputy commissioners of the Florida industrial commission shall be appointed for terms of four years and shall serve on full-time basis; fixing the qualifications and salaries of deputy commissioners; authorizing designation of commission attorneys to serve as deputy commissioners pro hac vice, without additional compensation; clarifying the delegation of authority; and providing an effective date.

Was taken up in its order.

Senator Stratton moved that the rules be waived and Senate Bill No. 297 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 297 was read the second time by title only.

Senator Stratton moved that the rules be further waived and Senate Bill No. 297 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. 297 was read the third time in full.

Upon the passage of Senate Bill No. 297 the roll was called and the vote was:

Yea-34.

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

Nay-3.

Barron Clarke Davis

So Senate Bill No. 297 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 140— A Bill to be entitled An Act relating to future advances of mortgages; amending section 697.04, Florida Statutes, extending the time during which future advances may be secured from ten (10) years to twenty (20) years and providing an effective date.

Was taken up in its order.

Senator Carraway moved that the rules be waived and Senate Bill No. 140 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 140 was read the second time by title only and placed on the Calendar of Bills on Third Reading.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the rules be waived and the Senate proceed to the consideration of non-controversial Bills on the General Calendar, and when no objection is offered to the consideration of a Bill, such Bill be taken up and considered.

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

Pursuant to the motion made by Senator Davis, and there being no objection to the consideration thereof, the following Bills were taken up:

S. B. No. 424— A Bill to be entitled An Act relating to oyster bottom land grants; providing that all grants of land made by the several boards of county commissioners of the state pursuant to chapter 3293, Laws of Florida, 1881, shall be subject to certain portions of sections 370.16, Florida Statutes; providing time for compliance and forfeiture for non compliance; providing an effective date.

Senator Tucker moved that the rules be waived and Senate Bill No. 424 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 424 was read the second time by title only.

Senator Tucker moved that the rules be further waived and Senate Bill No. 424 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. 424 was read the third time in full.

Upon the passage of Senate Bill No. 424 the roll was called and the vote was:

Yea-33.

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

Nay-5.

Barron David Gautier Pope
Blank

So Senate Bill No. 424 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 137— A Bill to be entitled An Act to authorize Kathleen B. Davis upon contributing the full amount she would have been required to contribute to the county officers and employees retirement system to receive credit for prior service to the state or county under such retirement system.

Senator Bronson moved that the rules be waived and Senate Bill No. 137 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 137 was read the second time by title only.

Senator Bronson moved that the rules be further waived and Senate Bill No. 137 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. 137 was read the third time in full.

Upon the passage of Senate Bill No. 137 the roll was called and the vote was:

Yea-38.

Mr. President David Johns Rawls
Barron David Johnson Ripley
Beall Edwards Kelly Roberts
Blank Edwards Kelly Stratton
Beall Galloway Mapoles Sutton
Bronson Gresham Pearson Williams
Carraway Getzen Parrish Tucker
Clarke Gibbons Pearson Young
Connor Gresham Pope
Cross Herrell Price

Nay-None.
So Senate Bill No. 137 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 66—A Bill to be entitled An Act relating to speed limits in school zones; providing that such limits apply only during times set by the county superintendent of public instruction.

Senator Ripley moved that the rules be waived and Senate Bill No. 66 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 66 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 66:

By the Committee on Transportation and Highway Safety—

Committee Substitute for Senate Bill No. 66—A Bill to be entitled An Act relating to speed limits in school zones; providing that such limits apply only during times set by the county superintendent of public instruction; providing for permanent signs designating said speed limits and uniformity thereof; providing for portable signs and uniformity thereof; providing for use of automatic traffic control devices; providing an effective date thereof.

Was read the first time by title only.

Senator Ripley moved that the rules be waived and the Committee Substitute for Senate Bill No. 66 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. 66 was read the second time by title only.

Senator Ripley moved the adoption of the Committee Substitute for Senate Bill No. 66.

Which was agreed to and the Committee Substitute for Senate Bill No. 66 was adopted.

Senator Gresham offered the following amendment to Committee Substitute for Senate Bill No. 66:

In Section 1, lines 1 and 2, page 1, strike out the word: fifteen (15) and insert in lieu thereof the following: ten (10)

Senator Gresham moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Ripley moved that the rules be further waived and Committee Substitute for Senate Bill No. 66 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. 66 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 66 the roll was called and the vote was:

Yea—38.

Nay—None.

So House Bill No. 1227 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:57 o'clock P.M., until 10:00 o'clock A.M., Thursday, April 27, 1961, pursuant to the motion made by Senator Davis on April 21, 1961.