

# JOURNAL OF THE SENATE

Thursday, June 6, 1963

The Senate convened at 1:00 o'clock P. M., pursuant to adjournment on Wednesday, June 5, 1963.

The President in the Chair.

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

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

—41.

A quorum present.

Senators Friday, Kelly, Roberts and Stratton were excused from attendance upon the Session.

The following Prayer was offered by the Senate Chaplain, The Reverend George C. Bedell:

Our prayer is a silent searching of our own hearts and minds and consciences, O God. Help us to lay these things to heart and save us from the mistake of making judgments upon others which we refuse to make upon ourselves. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, May 1, 1963, was further corrected as follows:

Page 443, column 2, line 30, strike the word "amendment" and insert in lieu thereof: amendments

Also—

Page 443, column 2, line 7, counting from the bottom of the column, strike the words "amendment has" and insert in lieu thereof: amendments have

Also—

Page 443, column 2, line 15, counting from the bottom of the column, strike the word "amendment" and insert in lieu thereof: amendments

Also—

Page 443, column 2, line 26, counting from the bottom of the column, strike the words "amendment has" and insert in lieu thereof: amendments have

And as further corrected was approved.

The Senate daily Journal of Thursday, May 16, 1963, was further corrected as follows:

Page 893, column 2, strike lines 7, 8 and 9

And as further corrected was approved.

The Senate daily Journal of Thursday, May 23, 1963, was further corrected as follows:

Page 1157, column 1, strike line 29, and insert in lieu thereof the following: referred to the Committee on Finance and Taxation under the original multiple reference.

Also—

Page 1157, column 1, counting from the bottom of the column, strike line 5 and insert in lieu thereof the following: was referred to the Committee on Finance and Taxation under the original multiple reference.

Also—

Page 1157, column 1, counting from the bottom of the column, strike line 14 and insert in lieu thereof the following: was referred to the Committee on Finance and Taxation under the original multiple reference.

Also—

Page 1157, column 1, counting from the bottom of the column, strike line 23 and insert in lieu thereof the following: was referred to the Committee on Finance and Taxation under the original multiple reference.

And as further corrected was approved.

The Senate daily Journal of Wednesday, June 5, 1963, was corrected as follows:

Page 1806, column 1, line 2, counting from the bottom of the column, strike the name "Fraser"

And as corrected was approved.

## REPORTS OF COMMITTEE

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

H. B. NO. 212

H. B. NO. 759

H. B. NO. 1193

—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 Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Joint Resolution:

H. J. R. NO. 1030

—and recommends that the same pass.

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

Senator Pearce, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. NO. 80

S. B. NO. 301

—and recommends that the same not pass.

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

## ENGROSSING REPORTS

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

S. B. NO. 1311—A BILL TO BE ENTITLED AN ACT RELATING TO CERTAIN FISHING, HUNTING, CAMPING, SWIMMING AND DIVING EQUIPMENT; LEVYING A TAX UPON CERTAIN SALES, USES, AND STOR-

AGE THEREOF; PROVIDING FOR COLLECTION AND ADMINISTRATION THEREOF; EARMARKING THE PROCEEDS OF SUCH TAX; PROVIDING FOR CERTAIN EXEMPTIONS; PROVIDING A PENALTY; PROVIDING EFFECTIVE DATE.

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

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

And Senate Bill No. 1311, contained in the above report, was certified to the House of Representatives immediately.

Your Engrossing Clerk to whom was referred, with House amendments, for engrossing—

**S. B. NO. 430—A BILL TO BE ENTITLED AN ACT RELATING TO JUNIOR COLLEGES; AMENDING SECTIONS 228.041, 228.15, 236.03, 236.04, 236.07, 236.075, FLORIDA STATUTES, AND ADDING NEW SECTIONS 236.70, 236.71, 236.72, 236.73 AND 236.74; DISTINGUISHING BETWEEN SCHOOL AND JUNIOR COLLEGE; AMENDING THE NAME AND POWERS AND DUTIES OF THE STATE JUNIOR COLLEGE ADVISORY BOARD; ESTABLISHING A SEPARATE MINIMUM FOUNDATION PROGRAM FOR JUNIOR COLLEGES; INCREASING THE VALUE OF INSTRUCTIONAL UNITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

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

And Senate Bill No. 430, contained in the above report, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House amendments, for engrossing—

**S. B. NO. 819—A BILL TO BE ENTITLED AN ACT PROHIBITING THE TAKING OR POSSESSION OF ANY EGG-BEARING BLUE CRABS EAST OF THE AUCILLA RIVER; PROVIDING VIOLATION CONSTITUTES A MISDEMEANOR; PROVIDING AN EFFECTIVE DATE.**

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

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

And Senate Bill No. 819, contained in the above report, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

Your Engrossing Clerk to whom was referred, with House amendments, for engrossing—

**S. B. NO. 1302—A BILL TO BE ENTITLED AN ACT RELATING TO THE OKALOOSA COUNTY GAS DISTRICT; ADDING SECTIONS 27, 28, 29, 30, AND 31 OF CHAPTER 29334, LAWS OF FLORIDA, 1953; PROVIDING FOR A STATE AUDIT, FOR CERTAIN PUBLIC HEARINGS FOR THE FILING OF CERTAIN RECORDS, AND FOR PER DIEM AND TRAVEL EXPENSES FOR BOARD MEMBERS; PROVIDING EFFECTIVE DATE.**

—begs leave to report that the amendments have been

incorporated in the Bill and the same is returned herewith, as engrossed.

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

And Senate Bill No. 1302, contained in the above report, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk of the Senate, for enrolling.

**ENROLLING REPORTS**

Your Enrolling Clerk, to whom was referred—

S. B. NO. 19	S. B. NO. 672
S. B. NO. 92	S. B. NO. 765
S. B. NO. 205	S. C. R. NO. 692
S. B. NO. 352	S. C. R. NO. 779
S. B. NO. 414	C. S. FOR S. B. NO. 600
S. B. NO. 594	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 125	S. B. NO. 1138
S. B. NO. 139	S. B. NO. 1142
S. B. NO. 283	S. B. NO. 1163
S. B. NO. 705	S. B. NO. 1164
S. B. NO. 957	S. B. NO. 1165
S. B. NO. 1056	S. B. NO. 1166
S. B. NO. 1058	S. B. NO. 1167
S. B. NO. 1135	S. B. NO. 1168
S. B. NO. 1136	S. B. NO. 1169
S. B. NO. 1137	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 138	S. B. NO. 501
S. B. NO. 159	S. B. NO. 512
S. B. NO. 171	S. B. NO. 519
S. B. NO. 172	S. B. NO. 565
S. B. NO. 329	S. B. NO. 569
S. B. NO. 341	S. B. NO. 571
S. B. NO. 439	S. B. NO. 581
S. B. NO. 444	

—reports same have been properly enrolled, signed by

the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 407	S. B. NO. 1194
S. B. NO. 938	S. B. NO. 1204
S. B. NO. 1068	S. B. NO. 1206
S. B. NO. 1092	S. B. NO. 1207
S. B. NO. 1124	S. B. NO. 1208
S. B. NO. 1140	S. B. NO. 1209
S. B. NO. 1146	S. B. NO. 1211
S. B. NO. 1148	S. C. R. NO. 1248
S. B. NO. 1162	C. S. FOR S. B. NO. 604
S. B. NO. 1177	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 614	S. B. NO. 815
S. B. NO. 623	S. B. NO. 822
S. B. NO. 665	S. B. NO. 823
S. B. NO. 676	S. B. NO. 825
S. B. NO. 682	S. B. NO. 832
S. B. NO. 687	S. B. NO. 834
S. B. NO. 690	S. B. NO. 882
S. B. NO. 725	S. B. NO. 894
S. B. NO. 736	C. S. FOR S. B. NO. 619
S. B. NO. 771	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 670	S. B. NO. 1189
S. B. NO. 1016	S. B. NO. 1191
S. B. NO. 1078	S. B. NO. 1192
S. B. NO. 1178	S. B. NO. 1202
S. B. NO. 1179	S. B. NO. 1203
S. B. NO. 1185	S. B. NO. 1210
S. B. NO. 1186	S. C. R. NO. 1196

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 865	S. B. NO. 1220
S. B. NO. 895	S. B. NO. 1221
S. B. NO. 901	S. B. NO. 1222
S. B. NO. 998	S. B. NO. 1223
S. B. NO. 1051	S. B. NO. 1225
S. B. NO. 1095	S. B. NO. 1226
S. B. NO. 1143	S. B. NO. 1227
S. B. NO. 1174	S. B. NO. 1228
S. B. NO. 1195	S. B. NO. 1230

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 1149	S. B. NO. 1158
S. B. NO. 1150	S. B. NO. 1159
S. B. NO. 1152	S. B. NO. 1160
S. B. NO. 1153	S. B. NO. 1161
S. B. NO. 1154	S. B. NO. 1170
S. B. NO. 1155	S. B. NO. 1171
S. B. NO. 1156	S. B. NO. 1172
S. B. NO. 1157	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 5, 1963.

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

Your Enrolling Clerk, to whom was referred—

S. B. NO. 5	S. B. NO. 1069
S. B. NO. 57	S. B. NO. 1096
S. B. NO. 137	S. B. NO. 1097
S. B. NO. 174	S. B. NO. 1181
S. B. NO. 287	S. B. NO. 1188
S. B. NO. 431	S. B. NO. 1219
S. B. NO. 463	S. B. NO. 1252
S. B. NO. 864	S. B. NO. 1348
S. B. NO. 872	
S. B. NO. 962	

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on June 6, 1963.

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

Your Enrolling Clerk to whom was referred—

- |                |                         |
|----------------|-------------------------|
| H. B. NO. 1422 | H. B. NO. 2053          |
| H. B. NO. 1523 | H. B. NO. 2090          |
| H. B. NO. 1643 | H. B. NO. 2091          |
| H. B. NO. 1932 | H. B. NO. 2093          |
| H. B. NO. 1967 | H. B. NO. 2097          |
| H. B. NO. 1980 | H. B. NO. 2098          |
| H. B. NO. 1992 | H. B. NO. 2100          |
| H. B. NO. 2051 | H. B. NO. 2101          |
| H. B. NO. 2052 | C. S. FOR H. B. NO. 925 |

—reports same have been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on June 5, 1963.

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

Senator Pearce, Chairman of the Committee on Finance and Taxation, moved that the Committee on Finance and Taxation be allowed an additional five days to report on all Bills now before the Committee.

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

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

Senator Johnson (6th) requested consent of the Senate to introduce the following proposed legislation:

By Senator Johnson (6th)—

**S. B. NO. 1380—A BILL TO BE ENTITLED AN ACT PROHIBITING MARGINAL ENTRIES ON RECORDS OF INSTRUMENTS FILED FOR RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN ANY COUNTY IN THE STATE HAVING A POPULATION OF NOT LESS THAN FORTY THOUSAND (40,000) AND NOT MORE THAN FORTY-FIVE THOUSAND (45,000), ACCORDING TO THE LATEST OFFICIAL DECENNIAL CENSUS; PROVIDING FOR THE MAKING AND RECORDING OF SEPARATE INSTRUMENTS; PROVIDING AN EFFECTIVE DATE.**

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1380 was read the first time by title only.

Senator Johnson (6th) moved that the rules be waived and Senate Bill No. 1380 be read the second time by title only.

Which was agreed to by a two-thirds vote and Senate Bill No. 1380 was read the second time by title only.

Senator Johnson (6th) moved that the rules be further waived and Senate Bill No. 1380 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. 1380 was read the third time in full.

Upon the passage of Senate Bill No. 1380 the roll was called and the vote was:

Yeas—41.

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

Nays—None.

So Senate Bill No. 1380 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Price requested consent of the Senate to introduce the following proposed legislation:

By Senator Price—

**S. B. NO. 1381—A BILL TO BE ENTITLED AN ACT RELATING TO THE PALMETTO FIRE CONTROL DISTRICT CREATED BY HOUSE BILL 2040 ENACTED INTO LAW AT THE 1963 REGULAR SESSION OF THE FLORIDA LEGISLATURE; AMENDING SECTION 3 OF SAID LAW PRESCRIBING THE MEMBERSHIP OF THE BOARD OF SAID DISTRICT.**

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1381 was read the first time by title only.

Senator Price moved that the rules be waived and Senate Bill No. 1381 be read the second time by title only.

Which was agreed to by a two-thirds vote and Senate Bill No. 1381 was read the second time by title only.

Senator Price moved that the rules be further waived and Senate Bill No. 1381 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. 1381 was read the third time in full.

Upon the passage of Senate Bill No. 1381 the roll was called and the vote was:

Yeas—41.

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

Nays—None.

So Senate Bill No. 1381 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received:

STATE OF FLORIDA  
OFFICE OF THE GOVERNOR  
TALLAHASSEE

June 6, 1963

*The Honorable Wilson Carraway  
President of the Senate  
The Capitol  
Tallahassee, Florida*

Dear Sir:

I have today filed with the office of the Secretary of State the following acts which originated in the Senate, Regular Session, 1963, same having remained in my office for the full constitutional period of five days and will become law without my approval:

S. B. 950	S. B. 1109
S. B. 987	S. B. 1111
S. B. 1017	S. B. 1113
S. B. 1031	S. B. 1114
S. B. 1037	S. B. 1115
S. B. 1049	S. B. 1116
S. B. 1093	S. B. 1320
S. B. 1103	

Respectfully,  
FARRIS BRYANT  
Governor

STATE OF FLORIDA  
OFFICE OF THE GOVERNOR  
TALLAHASSEE

June 6, 1963

*The Honorable Wilson Carraway  
President of the Senate  
The Capitol  
Tallahassee, Florida*

Dear Sir:

I have today filed in the office of the Secretary of State the following acts which originated in the Senate, Regular Session, 1963, same having remained in my office for the full constitutional period of five days and will become law without my approval:

S. B. 1057  
S. B. 1100  
S. B. 1101

Respectfully,  
FARRIS BRYANT  
Governor

MESSAGES FROM THE HOUSE  
OF REPRESENTATIVES

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

Tallahassee, Florida  
June 6, 1963

*The Honorable Wilson Carraway  
President of the Senate*

Sir:

I am directed by the Speaker of the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed Representatives O'Neill of Marion and Daniel of Lake as Managers on the part of the House of Representatives to respond to the provisions of—

BY THE SELECT IMPEACHMENT INVESTIGATING  
COMMITTEE APPOINTED UNDER H. R. NO. 1442—

H. R. NO. 2504—A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA PREFERRING ARTICLES OF IMPEACHMENT AGAINST RICHARD KELLY AS A DULY COMMISSIONED AND ACTING JUDGE OF THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF FLORIDA; PROVIDING FOR THE PRESENTATION OF ARTICLES OF IMPEACHMENT TO THE SENATE OF THE STATE OF FLORIDA REQUESTING THE TRIAL THEREOF; APPOINTING AND PROVIDING FOR THE COMPENSATION OF A COMMITTEE OF THE HOUSE TO MANAGE, PRESENT AND PROSECUTE ARTICLES OF IMPEACHMENT AT TRIAL BEFORE THE SENATE; AND PROVIDING FOR THE EMPLOYMENT AND COMPENSATION OF LEGAL AND CLERICAL HELP AND EXPENSES OF TRIAL.

Respectfully,  
LAMAR BLEDSOE  
Chief Clerk, House of Representatives

Tallahassee, Florida  
June 6, 1963

*The Honorable Wilson Carraway  
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 Representatives Inman and Arrington of Gadsden—

H. B. NO. 2451—A BILL TO BE ENTITLED AN ACT RELATING TO SMALL CLAIMS COURTS IN ALL COUNTIES IN THE STATE HAVING A POPULATION OF NOT LESS THAN FORTY THOUSAND (40,000) NOR MORE THAN FORTY-FIVE THOUSAND (45,000), ACCORDING TO THE LATEST OFFICIAL DECENNIAL CENSUS; AMENDING SECTIONS 1, 2, 3, 4, 6, 10 AND 12 OF CHAPTER 28345, LAWS OF FLORIDA, 1953, RELATING TO JURISDICTION, APPOINTMENT AND FEES; PROVIDING AN EFFECTIVE DATE.

Respectfully,  
LAMAR BLEDSOE  
Chief Clerk, House of Representatives

Senator Johnson (6th) moved that the rules be waived and the Senate immediately reconsider the vote by which House Bill No. 2451, contained in the above message, passed the Senate on May 31, 1963.

The President put the question: "Will the Senate now reconsider the vote by which House Bill No. 2451 passed the Senate on May 31, 1963?"

Which was agreed to by a two-thirds vote and the Senate reconsidered the vote by which House Bill No. 2451 passed the Senate on May 31, 1963.

The question recurred on the passage of House Bill No. 2451.

Pending consideration thereof, Senator Johnson (6th) moved that House Bill No. 2451 be indefinitely postponed.

Which was agreed to and it was so ordered, and the action of the Senate was ordered certified to the House of Representatives immediately.

ORDER OF THE DAY  
MOTION TO RECONSIDER

The motion made by Senator Edwards on June 5, 1963, that the Senate reconsider the vote by which Senate Bill No. 979, still in the possession of the Senate, passed the Senate on June 4, 1963, was taken up.

S. B. NO. 979—A BILL TO BE ENTITLED AN ACT

RELATING TO EXCISE TAXES ON DOCUMENTS; AMENDING CHAPTER 201, FLORIDA STATUTES BY ADDING THERETO SECTION 201.22; PROVIDING THAT INSTRUMENTS EXECUTED FOR OR IN BEHALF OF THE STATE OF FLORIDA, OR ANY OF ITS POLITICAL SUBDIVISIONS, OR THE UNITED STATES OF AMERICA ARE EXEMPT FROM THE PROVISIONS OF SAID CHAPTER AND PROVIDING AN EFFECTIVE DATE.

The President put the question: "Will the Senate reconsider the vote by which Senate Bill No. 979 passed the Senate on June 4, 1963?"

A roll call was demanded and upon call of the roll on the question the vote was:

Yeas—31.

Mr. President	Cleveland	Gautier	Pearce
Askew	Connor	Gibson	Pope
Barber	Covington	Henderson	Ryan
Blank	Cross	Hollahan	Spottswood
Boyd	Davis	Johns	Usher
Bronson	Edwards	Johnson (19th)	Williams (27th)
Campbell	Fraser	Johnson (6th)	Williams (4th)
Clarke	Galloway	Melton	

Nays—8.

Herrell	Mapoles	Parrish	Whitaker
McCarty	Mathews	Price	Young

So the Senate reconsidered the vote by which Senate Bill No. 979 passed the Senate on June 4, 1963.

The question recurred on the passage of Senate Bill No. 979.

Pending consideration thereof, by permission of the Senate, Senator Mathews withdrew Senate Bill No. 979 from the further consideration of the Senate.

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

Senator Cross moved that Senate Bill No. 1107 be re-referred to the Committee on Judiciary "C".

Which was agreed to by unanimous consent and it was so ordered.

Senator Cross moved that House Bill No. 2125 be withdrawn from the Committee on Appropriations and placed on the Calendar.

Which was agreed to by unanimous consent and it was so ordered.

**H. B. NO. 1560—A BILL TO BE ENTITLED AN ACT CREATING A BOARD OF HIGHWAY SECONDARY TRUSTEES AND A HIGHWAY SECONDARY TRUST FUND; PROVIDING FOR THE APPOINTMENT OF THE MEMBERS OF THE BOARD AND THEIR TERMS OF OFFICE; PROVIDING FOR THE ISSUANCE OF FUEL TAX ANTICIPATION CERTIFICATES BY THE STATE ROAD DEPARTMENT AND THE INVESTMENT THEREIN OF MONEYS BY THE STATE BOARD OF ADMINISTRATION; PROVIDING AN EFFECTIVE DATE.**

Was taken up, having been read the second time by title on June 5, 1963, amended, and retained on second reading on motion of Senator Barber.

Senator Cleveland offered the following amendment to House Bill No. 1560:

In Section 4, line 3, on page 2, strike: the word "finances" and insert in lieu thereof the following: the ability of the borrowing county to repay the loan within five years,

Senator Cleveland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Cleveland also offered the following amendment to House Bill No. 1560:

In Section 7, add the following new sentence: The maximum amount that may be invested by the State Board of Administration in any such certificates shall not exceed five hundred thousand (\$500,000) dollars.

Senator Cleveland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Blank offered the following amendment to House Bill No. 1560:

In Section 8, strike: the entire section 8 and insert in lieu thereof the following:

Section 8. No county's distributive share of the funds referred to in Section 6 hereof shall be diminished by virtue of the provisions of Chapter 63-200 Laws of Florida or by the enactment of any similar act in the future.

Section 9. This Act shall take effect immediately upon becoming a law.

Senator Blank moved the adoption of the amendment.

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

Senator Galloway offered the following amendment to House Bill No. 1560:

In Section 8, strike: the period and add ; and shall expire on July 1, 1965.

Senator Galloway moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Askew offered the following amendment to House Bill No. 1560:

In Section 5, line 6, on page 2, strike: "three percent (3%)" and insert in lieu thereof the following: three and one-half percent (3½%)

Senator Askew moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Connor offered the following amendment to House Bill No. 1560:

At the end of Bill, add a new Section to read as follows:

This Act shall not apply to Palm Beach, Highlands, Charlotte, Monroe, Gadsden, Taylor, Osceola, Okeechobee, Hernando, Citrus and Sumter counties, and none of the monies accruing to the credit of these counties may be loaned under the provisions of this Act.

Senator Connor moved the adoption of the amendment.

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

Senator McCarty moved that the rules be further waived and House Bill No. 1560, as further amended, 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. 1560, as further amended, was read the third time in full.

Upon the passage of House Bill No. 1560, as further amended, the roll was called and the vote was:

Yeas—32.

Mr. President	Covington	Herrell	Pope
Askew	Cross	Hollahan	Price
Barber	Edwards	Johns	Ryan
Barron	Fraser	Johnson (19th)	Tucker
Boyd	Galloway	McCarty	Whitaker
Campbell	Gautier	Mathews	Williams (27th)
Clarke	Gibson	Melton	Williams (4th)
Cleveland	Henderson	Pearce	Young

Nays—9.

Blank	Davis	Parrish
Bronson	Johnson (6th)	Spottswood
Connor	Mapoles	Usher

So House Bill No. 1560 passed, as further amended, and the action of the Senate was ordered certified to the House of Representatives immediately.

**H. B. NO. 1193—A BILL TO BE ENTITLED AN ACT RELATING TO PLAYGROUNDS AND RECREATION CENTERS; AMENDING SECTION 418.08, FLORIDA STATUTES; PROVIDING EFFECTIVE DATE.**

Was taken up in its order.

Senator Mathews moved that the rules be waived and House Bill No. 1193 be read the second time by title only.

Which was agreed to by a two-thirds vote and House Bill No. 1193 was read the second time by title only.

Senator Mathews moved that the rules be further waived and House Bill No. 1193 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. 1193 was read the third time in full.

Upon the passage of House Bill No. 1193 the roll was called and the vote was:

Yeas—41.

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

Nays—None.

So House Bill No. 1193 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

**H. B. NO. 212—A BILL TO BE ENTITLED AN ACT RELATING TO COUNTY ROAD AND BRIDGE INDEBTEDNESS; AMENDING SUBSECTION (1) OF SECTION 344.29, F. S., AND AUTHORIZING THE USE OF PROCEEDS OF CERTIFICATES OF INDEBTEDNESS ON STATE AND COUNTY ROADS.**

Was taken up in its order.

Senator Cleveland moved that the rules be waived and House Bill No. 212 be read the second time by title only.

Which was agreed to by a two-thirds vote and House Bill No. 212 was read the second time by title only.

Senator Cleveland moved that the rules be further waived and House Bill No. 212 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. 212 was read the third time in full.

Upon the passage of House Bill No. 212 the roll was called and the vote was:

Yeas—41.

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

Nays—None.

So House Bill No. 212 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

House Joint Resolution No. 1030 was taken up in its order and the consideration thereof was temporarily deferred, the Joint Resolution retaining its place on the Calendar.

**Senator Mathews presiding.**

**H. B. NO. 759—A BILL TO BE ENTITLED AN ACT RELATING TO BEVERAGE LAW ADMINISTRATION; AMENDING SECTIONS 561.22, 561.24, 561.35(2)(3), 501.36(1), 561.37, 561.38, 561.41, 561.43(1), 561.49, 561.54, 561.55, 561.56, 561.57, FLORIDA STATUTES; AMENDING SECTION 561.14, FLORIDA STATUTES, BY ADDING SUBSECTION (4); AMENDING SUBSECTION (1) OF SECTION 561.35, FLORIDA STATUTES, BY ADDING PARAGRAPH (1); PROVIDING EFFECTIVE DATE.**

Was taken up in its order.

Senator Barron moved that the rules be waived and House Bill No. 759 be read the second time by title only.

Which was agreed to by a two-thirds vote and House Bill No. 759 was read the second time by title only.

Senator Herrell offered the following amendment to House Bill No. 759:

In Section 13, at the end of Section 561.56, F. S., insert the following:

To provide a more effective control of the illicit trafficking of spiritous beverages, no such spiritous beverage shall be transported across county lines in this state, except as authorized under the provisions of this section or by common carrier or by individuals who possess such beverages not for resale within the state.

Senator Herrell moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Barron moved that the rules be further waived and House Bill No. 759, as amended, 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. 759, as amended, was read the third time in full.

Upon the passage of House Bill No. 759, as amended, the roll was called and the vote was:

Yeas—40.

Mr. President	Campbell	Edwards	Hollahan
Askew	Clarke	Fraser	Johns
Barber	Cleveland	Galloway	Johnson (19th)
Barron	Connor	Gautier	McCarty
Blank	Covington	Gibson	Mapoles
Boyd	Cross	Henderson	Mathews
Bronson	Davis	Herrell	Melton

Parrish	Price	Tucker	Williams (27th)
Pearce	Ryan	Usher	Williams (4th)
Pope	Spottswood	Whitaker	Young

the Senate revert to consideration of messages from the House of Representatives.

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

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message from the House of Representatives was received and read:

Tallahassee, Florida  
June 6, 1963

*The Honorable Wilson Carraway*  
*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 amendments by the required Constitutional three-fourths vote of all members elected to the House of Representatives for the 1963 Session of the Florida Legislature—

By the Committee on Finance and Taxation—

**COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 264—A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII OF THE CONSTITUTION OF FLORIDA BY ADDING A SECTION TO BE NUMBERED BY THE SECRETARY OF STATE AUTHORIZING THE ISSUANCE OF BONDS FOR CAPITAL OUTLAY AT INSTITUTIONS OF HIGHER LEARNING, INCLUDING JUNIOR COLLEGES; PLEDGING CERTAIN TAX FUNDS; PROVIDING FOR THE USE OF ACCUMULATED SURPLUS TO PAY FOR ANY CAPITAL OUTLAY PROJECT THERETOFORE AUTHORIZED BY THE LEGISLATURE; PROVIDING PROCEDURES THEREFOR; PROVIDING POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND STATE BOARD OF ADMINISTRATION.**

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

That Article XII of the Florida Constitution be amended by adding the section set forth below to be numbered by the secretary of state and that said amendment be submitted to the electors of Florida for ratification or rejection at a special election to be held under authority of Section 3 of Article XVII of the Florida Constitution on ..... That three-fourths (¾) of the membership of the Legislature does determine that an emergency exists requiring an early decision by the electors of this state.

Section ..... (a). That beginning January 1, 1964, and for fifty (50) years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones and for the sending of telegrams and telegraph messages, as now provided in Chapter 203, Florida Statutes (hereinafter called "Gross Receipts Taxes"), shall, as collected, be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior Colleges Capital Outlay and Debt Service Trust Fund" in the State Treasury (hereinafter referred to as "Capital Outlay Fund"), and used only as provided in this Amendment.

Said fund shall be administered by the State Board of Education, as now created and constituted by Section 3 of Article XII of the Constitution of Florida (hereinafter referred to as "State Board"). For the purpose of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this

Nays—1.

Johnson (6th)

So House Bill No. 759 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately.

**The President presiding.**

Senator Fraser moved that the rules be waived and the Senate revert to Introduction of Resolutions, Memorials, Bills and Joint Resolutions.

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

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

Senator Fraser requested consent of the Senate to introduce the following proposed legislation:

By Senators Fraser, Whitaker, Pope, Melton, Roberts, Barber, Williams (27th), Hollahan, Bronson, Cross, Edwards, Pearce, Connor, Johnson (6th), Campbell, Herrell, Clarke, Stratton, Carraway, Kelly, Johnson (19th), Spottswood, Tucker, Mapoles, Young, Parrish, Blank, Usher, Mathews, Ryan, Askew, Boyd, Barron, Galloway, Cleveland, Henderson, Gibson, Williams (4th), McCarty, Price, Davis, Covington, Gautier and Friday—

**S. B. NO. 1382—A BILL TO BE ENTITLED AN ACT RELATING TO STATE BUILDINGS; NAMING A NEW STATE BUILDING FOR THE HONORABLE RAY E. GREEN; NAMING A NEW STATE BUILDING FOR THE HONORABLE CHARLEY E. JOHNS; PROVIDING AN EFFECTIVE DATE.**

Consent was granted by a two-thirds vote of the members of the Senate, as required by Section 2, Article III of the Constitution of the State of Florida, and Senate Bill No. 1382 was read the first time by title only.

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

Which was agreed to by a two-thirds vote and Senate Bill No. 1382 was read the second time by title only.

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

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

Yeas—41.

Mr. President	Covington	Johns	Ryan
Askew	Cross	Johnson (19th)	Spottswood
Barber	Davis	Johnson (6th)	Tucker
Barron	Edwards	McCarty	Usher
Blank	Fraser	Mapoles	Whitaker
Boyd	Galloway	Mathews	Williams (27th)
Bronson	Gautier	Melton	Williams (4th)
Campbell	Gibson	Parrish	Young
Clarke	Henderson	Pearce	
Cleveland	Herrell	Pope	
Connor	Hollahan	Price	

Nays—None.

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

Senator Mathews moved that the rules be waived and

Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred by law upon said State Board.

(b) The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto, for Institutions of Higher Learning or Junior Colleges, as now defined or as may be hereafter defined by law, to issue bonds or certificates, including refunding bonds or certificates to fund or refund any bonds or certificates theretofore issued. All such bonds or certificates shall bear interest at not exceeding four and one-half (4½%) per centum per annum, and shall mature at such time or times as the State Board shall determine, not exceeding, in any event, however, thirty (30) years from the date of issuance thereof. The State Board shall have power to determine all other details of such bonds or certificates and to sell at public sale, after public advertisement, such bonds or certificates, provided, however, that no bonds or certificates shall ever be issued hereunder to finance, or the proceeds thereof expended for, any part of the cost of any capital outlay project unless the construction or acquisition of such capital outlay project has been theretofore authorized by the Legislature of Florida. None of said bonds or certificates shall be sold at less than ninety-eight (98%) per centum of the par value thereof, plus accrued interest, and said bonds or certificates shall be awarded at the public sale thereof to the bidder offering the lowest net interest cost for such bonds or certificates in the manner to be determined by the State Board.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or certificates and reserves therefor, including refunding bonds or certificates, all or any part of the revenue to be derived from the said Gross Receipts Taxes provided for in this Amendment, and to enter into any covenants and other agreements with the holders of such bonds or certificates concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or certificates shall ever be issued by the State Board in an amount exceeding seventy-five (75%) per centum of the amount which it determines, based upon the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, can be serviced by the revenues accruing thereafter under the provisions of this Amendment. No election or approval of qualified electors or freeholder electors shall be required for the issuance of bonds or certificates hereunder.

After the initial issuance of any bonds or certificates pursuant to this Amendment, the State Board may thereafter issue additional bonds or certificates which will rank equally and on a parity, as to lien on and source of security for payment from said Gross Receipts Taxes, with any bonds or certificates theretofore issued pursuant to this Amendment, but such additional parity bonds or certificates shall not be issued unless the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said

Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, shall have been equal to one and one-third (1⅓) times the aggregate amount of principal and interest which will become due in any succeeding fiscal year on all bonds or certificates theretofore issued pursuant to this Amendment and then outstanding, and the additional parity bonds or certificates then proposed to be issued. No bonds, certificates or other obligations whatsoever shall at any time be issued under the provisions of this Amendment, except such bonds or certificates initially issued hereunder, and such additional parity bonds or certificates as provided in this paragraph.

(c) Capital outlay projects theretofore authorized by the legislature for any Institution of Higher Learning or Junior College shall be eligible to participate in the funds accruing under this Amendment derived from the proceeds of bonds or certificates and said Gross Receipts Taxes under such regulations and in such manner as shall be determined by the State Board, and the State Board shall use or transmit to the State Board of Control or to the Board of Public Instruction of any County authorized by law to construct or acquire such capital outlay projects, the amount of the proceeds of such bonds or certificates or Gross Receipts Taxes to be applied to or used for such capital outlay projects. If for any reason any of the proceeds of any bonds or certificates issued for any capital outlay project shall not be expended for such capital outlay project, the State Board may use such unexpended proceeds for any other capital outlay project theretofore authorized by the State Legislature. The holders of bonds or certificates issued hereunder shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of said bonds or certificates, and the rights and remedies of the holders of such bonds or certificates and their right to payment from said Gross Receipts Taxes in the manner provided herein shall not be affected or impaired by the application or use of such proceeds.

The State Board shall use the moneys in said Capital Outlay Fund in each fiscal year only for the following purposes and in the following order of priority:

(1) For the payment of the principal of and interest on any bonds or certificates maturing in such fiscal year.

(2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of said bonds or certificates, of any amounts required to be deposited in such reserve funds in such fiscal year.

(3) After all payments required in such fiscal year for the purposes provided for in (1) and (2) above, including any deficiencies for required payments in prior fiscal years, any moneys remaining in said Capital Outlay Fund at the end of such fiscal year may be used by the State Board for direct payment of the cost or any part of the cost of any capital outlay project theretofore authorized by the legislature or for the purchase of any bonds or certificates issued hereunder then outstanding upon such terms and conditions as the State Board shall deem proper, or for the prior redemption of outstanding bonds or certificates in accordance with the provisions of the proceedings which authorized the issuance of such bonds or certificates.

The State Board may invest the moneys in said Capital Outlay Fund or in any sinking fund or other funds created for any issue of bonds or certificates, in direct obligations of the United States of America or in the other securities referred to in Section 344.27, Florida Statutes.

(d) The State Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation

shall be required to render this Amendment of full force and operating effect on and after January 1, 1964. The Legislature, during the period this Amendment is in effect, shall not reduce the rate of said Gross Receipts Taxes now provided in said Chapter 203, Florida Statutes, or eliminate, exempt or remove any of the persons, firms or corporations, including municipal corporations, or any of the utilities, businesses or services now or hereafter subject to said Gross Receipts Taxes, from the levy and collection of said Gross Receipts Taxes as now provided in said Chapter 203, Florida Statutes, and shall not enact any law impairing or materially altering the rights of the holders of any bonds or certificates issued pursuant to this Amendment or impairing or altering any covenants or agreements of the State Board made hereunder, or having the effect of withdrawing the proceeds of said Gross Receipts Taxes from the operation of this Amendment.

The State Board of Administration shall be and is hereby constituted as the Fiscal Agent of the State Board to perform such duties and assume such responsibilities under this Amendment as shall be agreed upon between the State Board and such State Board of Administration. The State Board shall also have power to appoint such other persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be paid out of the proceeds of bonds or certificates issued hereunder or from said Gross Receipts Taxes deposited in said Capital Outlay Fund.

Which amendments read as follows:

Amendment No. 1—

In Section (b), Paragraph 3, following the word "Amendment" strike out: the period and insert the following in lieu thereof: "; nor shall the State Board, during the first year following the ratification of this amendment, issue bonds or certificates in excess of seven (7) times the anticipated revenue from said Gross Receipts Taxes during said year, nor during each succeeding year, more than four (4) times the anticipated revenue from said Gross Receipts Taxes during such year."

Amendment No. 2—

In Section (b), Page 5, Line 20, following the words "provided in this paragraph." insert the following "Notwithstanding any other provision herein no such bonds or certificates shall be authorized or validated during any biennium in excess of fifty million dollars, except by two-thirds vote of the members elected to each house of the legislature; provided further that during the biennium 1963-1965 seventy-five (75) million dollars may be authorized and validated pursuant hereto."

Amendment No. 3—

On Page 2, Sub-section (b), following the words "defined by law," insert the following: "and for the purpose of constructing buildings and other permanent facilities for vocational technical schools as provided in chapter 230 Florida Statutes."

Amendment No. 4—

Add an additional paragraph as follows:

"(e) No capital outlay project or any part thereof shall be financed hereunder unless the bill authorizing such project shall specify it is financed hereunder and shall be approved by a vote of three-fifths (3/5) of the elected members of each house."

Amendment No. 5—

In Section (a), page 2, following the words "telegrams

and telegraph messages," strike out: "as now provided in" and insert the following in lieu thereof: "as now provided and levied as of the time of adoption of this amendment in"

Amendment No. 6—

In Section 1, Sub-section c, line 17, following the words "outlay project" insert the following: "for Institutions of Higher Learning or Junior Colleges and vocational technical schools, as defined herein, as now defined or as may be hereafter defined by law,"

Amendment No. 7—

In Title, following the words "JUNIOR COLLEGES;" strike out ";" and insert the following: "AND CERTAIN VOCATIONAL TECHNICAL SCHOOLS;"

Amendment No. 8—

In Title, following the words "AND STATE BOARD OF ADMINISTRATION" strike out: period and insert the following in lieu thereof: "; AND REQUIRING A SPECIAL ELECTION THEREON."

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

And Committee Substitute for Senate Joint Resolution No. 264, contained in the above message, was read in full, together with House Amendments thereto.

Senator Mathews moved that the Senate concur in House Amendment No. 1 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 1 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 2 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 2 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 3 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 3 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 4 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 4 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 5 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 5 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 6 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 6 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 7 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate concurred in House Amendment No. 7 to Committee Substitute for Senate Joint Resolution No. 264.

Senator Mathews moved that the Senate concur in House Amendment No. 8 to Committee Substitute for Senate Joint Resolution No. 264, and the Senate con-

curred in House Amendment No. 8 to Committee Substitute for Senate Joint Resolution No. 264.

And Committee Substitute for Senate Joint Resolution No. 264, as amended, was read in full as follows:

**COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 264**—A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII OF THE CONSTITUTION OF FLORIDA BY ADDING A SECTION TO BE NUMBERED BY THE SECRETARY OF STATE AUTHORIZING THE ISSUANCE OF BONDS FOR CAPITAL OUTLAY AT INSTITUTIONS OF HIGHER LEARNING, INCLUDING JUNIOR COLLEGES AND CERTAIN VOCATIONAL TECHNICAL SCHOOLS; PLEDGING CERTAIN TAX FUNDS; PROVIDING FOR THE USE OF ACCUMULATED SURPLUS TO PAY FOR ANY CAPITAL OUTLAY PROJECT THERETOFORE AUTHORIZED BY THE LEGISLATURE; PROVIDING PROCEDURES THEREFOR; PROVIDING POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AND STATE BOARD OF ADMINISTRATION; AND REQUIRING A SPECIAL ELECTION THEREON.

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

That Article XII of the Florida Constitution be amended by adding the section set forth below to be numbered by the secretary of state and that said amendment be submitted to the electors of Florida for ratification or rejection at a special election to be held under authority of Section 3 of Article XVII of the Florida Constitution on ..... That three-fourths ( $\frac{3}{4}$ ) of the membership of the Legislature does determine that an emergency exists requiring an early decision by the electors of this state.

Section.....(a). That beginning January 1, 1964, and for fifty (50) years thereafter, all of the proceeds of the revenues derived from the gross receipts taxes collected from every person, including municipalities, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones and for the sending of telegrams and telegraph messages, as now provided and levied as of the time of adoption of this amendment in Chapter 203, Florida Statutes (hereinafter called "Gross Receipts Taxes"), shall, as collected, be placed in a trust fund to be known as the "Institutions of Higher Learning and Junior Colleges Capital Outlay and Debt Service Trust Fund" in the State Treasury (hereinafter referred to as "Capital Outlay Fund"), and used only as provided in this Amendment.

Said fund shall be administered by the State Board of Education, as now created and constituted by Section 3 of Article XII of the Constitution of Florida (hereinafter referred to as "State Board"). For the purpose of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred by law upon said State Board.

(b) The State Board shall have power, for the purpose of obtaining funds for acquiring, building, constructing, altering, improving, enlarging, furnishing or equipping capital outlay projects theretofore authorized by the legislature and any purposes appurtenant or incidental thereto, for Institutions of Higher Learning or Junior Colleges, as now defined or as may be hereafter defined by law, and for the purpose of constructing buildings and other permanent facilities for vocational technical schools as provided in chapter 230 Florida Statutes, to issue bonds or certificates, including refunding bonds or certificates to fund or refund any bonds or certificates theretofore issued. All such bonds or certificates shall bear interest at not exceeding four and one-half ( $4\frac{1}{2}\%$ ) per centum per annum, and shall mature

at such time or times as the State Board shall determine, not exceeding, in any event, however, thirty (30) years from the date of issuance thereof. The State Board shall have power to determine all other details of such bonds or certificates and to sell at public sale, after public advertisement, such bonds or certificates, provided, however, that no bonds or certificates shall ever be issued hereunder to finance, or the proceeds thereof expended for, any part of the cost of any capital outlay project unless the construction or acquisition of such capital outlay project has been theretofore authorized by the Legislature of Florida. None of said bonds or certificates shall be sold at less than ninety-eight (98%) per centum of the par value thereof, plus accrued interest, and said bonds or certificates shall be awarded at the public sale thereof to the bidder offering the lowest net interest cost for such bonds or certificates in the manner to be determined by the State Board.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or certificates and reserves therefor, including refunding bonds or certificates, all or any part of the revenue to be derived from the said Gross Receipts Taxes provided for in this Amendment, and to enter into any covenants and other agreements with the holders of such bonds or certificates concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or certificates shall ever be issued by the State Board in an amount exceeding seventy-five (75%) per centum of the amount which it determines, based upon the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, can be serviced by the revenues accruing thereafter under the provisions of this Amendment; nor shall the State Board, during the first year following the ratification of this amendment, issue bonds or certificates in excess of seven (7) times the anticipated revenue from said Gross Receipts Taxes during said year, nor during each succeeding year, more than four (4) times the anticipated revenue from said Gross Receipts Taxes during such year. No election or approval of qualified electors or freeholder electors shall be required for the issuance of bonds or certificates hereunder.

After the initial issuance of any bonds or certificates pursuant to this Amendment, the State Board may thereafter issue additional bonds or certificates which will rank equally and on a parity, as to lien on and source of security for payment from said Gross Receipts Taxes, with any bonds or certificates theretofore issued pursuant to this Amendment, but such additional parity bonds or certificates shall not be issued unless the average annual amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding two fiscal years, or the amount of the revenues derived from said Gross Receipts Taxes during the immediately preceding fiscal year, as shown in a certificate filed by the State Comptroller with the State Board prior to the issuance of such bonds or certificates, whichever is the lesser, shall have been equal to one and one-third ( $1\frac{1}{3}$ ) times the aggregate amount of principal and interest which will become due in any succeeding fiscal year on all bonds or certificates theretofore issued pursuant to this Amendment and then outstanding, and the additional parity bonds or certificates then proposed to be issued. No bonds, certificates or other obligations whatsoever shall at any time be issued under the provisions of this Amendment, except such bonds or certificates initially issued hereunder, and such additional parity bonds or certificates as provided in this paragraph. Notwithstanding

any other provision herein no such bonds or certificates shall be authorized or validated during any biennium in excess of fifty million dollars, except by two-thirds vote of the members elected to each house of the legislature; provided further that during the biennium 1963-1965 seventy-five (75) million dollars may be authorized and validated pursuant hereto.

(c) Capital outlay projects theretofore authorized by the legislature for any Institution of Higher Learning or Junior College shall be eligible to participate in the funds accruing under this Amendment derived from the proceeds of bonds or certificates and said Gross Receipt Taxes under such regulations and in such manner as shall be determined by the State Board, and the State Board shall use or transmit to the State Board of Control or to the Board of Public Instruction of any County authorized by law to construct or acquire such capital outlay projects, the amount of the proceeds of such bonds or certificates or Gross Receipts Taxes to be applied to or used for such capital outlay projects. If for any reason any of the proceeds of any bonds or certificates issued for any capital outlay project shall not be expended for such capital outlay project, the State Board may use such unexpended proceeds for any other capital outlay project for Institutions of Higher Learning or Junior Colleges and vocational technical schools, as defined herein, as now defined or as may be hereafter defined by law, theretofore authorized by the State Legislature. The holders of bonds or certificates issued hereunder shall not have any responsibility whatsoever for the application or use of any of the proceeds derived from the sale of said bonds or certificates, and the rights and remedies of the holders of such bonds or certificates and their right to payment from said Gross Receipts Taxes in the manner provided herein shall not be affected or impaired by the application or use of such proceeds.

The State Board shall use the moneys in said Capital Outlay Fund in each fiscal year only for the following purposes and in the following order of priority:

(1) For the payment of the principal of and interest on any bonds or certificates maturing in such fiscal year.

(2) For the deposit into any reserve funds provided for in the proceedings authorizing the issuance of said bonds or certificates, of any amounts required to be deposited in such reserve funds in such fiscal year.

(3) After all payments required in such fiscal year for the purposes provided for in (1) and (2) above, including any deficiencies for required payments in prior fiscal years, any moneys remaining in said Capital Outlay Fund at the end of such fiscal year may be used by the State Board for direct payment of the cost or any part of the cost of any capital outlay project theretofore authorized by the legislature or for the purchase of any bonds or certificates issued hereunder then outstanding upon such terms and conditions as the State Board shall deem proper, or for the prior redemption of outstanding bonds or certificates in accordance with the provisions of the proceedings which authorized the issuance of such bonds or certificates.

The State Board may invest the moneys in said Capital Outlay Fund or in any sinking fund or other funds created for any issue of bonds or certificates, in direct obligations of the United States of America or in the other securities referred to in Section 344.27, Florida Statutes.

(d) The State Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legis-

lation shall be required to render this Amendment of full force and operating effect on and after January 1, 1964. The Legislature, during the period this Amendment is in effect, shall not reduce the rate of said Gross Receipts Taxes now provided in said Chapter 203, Florida Statutes, or eliminate, exempt or remove any of the persons, firms or corporations, including municipal corporations, or any of the utilities, businesses or services now or hereafter subject to said Gross Receipts Taxes, from the levy and collection of said Gross Receipts Taxes as now provided in said Chapter 203, Florida Statutes, and shall not enact any law impairing or materially altering the rights of the holders of any bonds or certificates issued pursuant to this Amendment or impairing or altering any covenants or agreements of the State Board made hereunder, or having the effect of withdrawing the proceeds of said Gross Receipts Taxes from the operation of this Amendment.

The State Board of Administration shall be and is hereby constituted as the Fiscal Agent of the State Board to perform such duties and assume such responsibilities under this Amendment as shall be agreed upon between the State Board and such State Board of Administration. The State Board shall also have power to appoint such other persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be paid out of the proceeds of bonds or certificates issued hereunder or from said Gross Receipts Taxes deposited in said Capital Outlay Fund.

(e) No capital outlay project or any part thereof shall be financed hereunder unless the bill authorizing such project shall specify it is financed hereunder and shall be approved by a vote of three-fifths (3/5) of the elected members of each house.

Upon the passage of Committee Substitute for Senate Joint Resolution No. 264, as amended, the roll was called and the vote was:

Yeas—34.

Mr. President	Cross	Johnson (19th)	Price
Farber	Fraser	Johnson (6th)	Ryan
Barron	Galloway	McCarty	Spottswood
Blank	Gautier	Mapoles	Tucker
Bronson	Gibson	Mathews	Usher
Campbell	Henderson	Melton	Williams (27th)
Clarke	Herrell	Parrish	Williams (4th)
Cleveland	Hollahan	Pearce	
Connor	Johns	Pope	

Nays—7.

Askew	Covington	Edwards	Young
Boyd	Davis	Whitaker	

So Committee Substitute for Senate Joint Resolution No. 264 passed, as amended, by the required Constitutional three-fourths vote of all members elected to the Senate for the 1963 Regular Session of the Florida Legislature, and 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 immediately.

Senator Fraser moved that the Senate adjourn to reconvene at 11:00 o'clock A. M., Friday, June 7, 1963.

Which was agreed to and the Senate stood adjourned at 2:58 o'clock P. M., until 11:00 o'clock A. M., Friday, June 7, 1963.