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**VOLUME 1**

STATUTES—CHAPTERS 1-379

**VOLUME 2**

STATUTES—CHAPTERS 380-965
ACKNOWLEDGMENT

We acknowledge with appreciation the cooperation of the Legislative Reference Bureau and Mr. David V. Kerns, Director, with the Statutory Revision and Bill Drafting Department of the Attorney General's office in exchange of indexes, summaries, and revision of sections and chapters, which have improved the field of continuous law reform.

We also acknowledge the fine service rendered by the following Special Assistants to the Attorney General before and during the 1961 Session of the Legislature in preparing either daily bill summaries for the Reference Bureau or drafting bills, resolutions and other statutory materials in the Statutory Revision and Bill Drafting Department.

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PREFACE

The continuous revision plan, for revising, repealing obsolete or expired laws, compiling all new acts and publishing the complete official statutes each two years following the regular session of the legislature, is the most efficient system known to keep all of the general laws in an up-to-date convenient form for speedy reference. This system was promoted by prominent members of The Florida Bar; first in 1939 when the existing Florida statutory law was revised and adopted as the official statutory law of Florida, and again in 1949 when the system was reestablished. A conference with a committee of attorneys, representing The Florida Bar in 1948, convinced me that the legal profession in Florida and governmental agencies in particular, needed an improved method for quick access to Florida statutory law. A qualified director for the Statutory Revision Department was immediately appointed when I became Attorney General in 1949. The excellent response received from government officials and attorneys throughout the state upon the reactivation of the continuous revision system reflects a keen interest in the active use of this important legal tool.

The recommendation, of the Florida Bar Committee on Revision, that we print the statutes in three volumes has met with universal approval therefore this policy will be continued. Numerous requests have influenced us to include the United States Constitution, the Florida Constitution, appellate rules, and other miscellaneous matter in Volume three along with the general index. This should be more convenient for reference purposes.

The increase in efficient drafting of statutes by specially trained personnel in our office for members of the legislature, and improved methods of editing coupled with experience on the part of a selected editorial staff, has already resulted, not only in expediting the preparation of material for publication, but has exerted considerable influence on improving the wording and the mechanical process of statutes.

The practicing attorneys, governmental departments, and the judiciary have contributed many helpful suggestions for continuous improvement in the index so necessary in finding the law. We appreciate the many letters received concerning the use of “The Official Florida Statutes” and the numerous comments since we are constantly seeking ways and means for making this publication more useful for those who use it.

I commend the personnel of the Statutory Revision Department for the excellence of their work, and the members of The Florida Bar and the legislature for promoting and supporting Florida’s efficient continuous revision plan for keeping our statutory law up-to-date.

RICHARD W. ERVIN
Attorney General
An explanation of the subject matter, purpose, plan, and the organization of

THE OFFICIAL FLORIDA STATUTES
1961
BIENNIAL PUBLICATION

The official Florida Statutes in three volumes are printed every two years and a complete new revision is adopted each regular session of the legislature to keep the law up-to-date.

The biennial plan of printing statutes is a plan which has been in successful use in other states for over fifty years. It is a preventive and a cure for the overgrowth of statutes. Since many of our statutes are short lived, the dead sections are removed and buried each two years. This procedure makes room for new statutes. The amendments and new laws of each succeeding legislature are meshed in with the standing statutes. Subject matter is gradually consolidated and often revised into single chapters, reducing the volume of reading matter.

A biennial edition of the statutes also affords members of the legislature a complete compilation of all the general law on any subject in a form convenient for study and improvement. Legislators can better acquaint themselves with what the law is and can amend or reject changes with understanding. A section or chapter method of revision with intelligent legislative judgment usually results in a gradual improvement of existing law.

The legislature also authorized the inclusion in this edition of the laws of a permanent nature enacted prior to and during the regular session of 1961. These laws have been edited but not changed. New decimal section numbers are assigned when the general law is converted into statutory form. Section history notes clearly reflect year of enactment and indicate whether an amendment or newly compiled law. The legislative chapter and section number is also cited.

The legislature at each session officially adopts all previously published session laws in statutory form. The 1961 laws in statutory form are prima facie evidence of such laws until officially adopted by legislative enactment in 1963.

FORMER REVISIONS AND COMPILATION

The laws of general application of the territory of Florida and of the State of Florida have either been compiled unofficially or revised under authority of law and adopted as official statutes in the following publications to wit: Duval's Compilation of Territorial Laws, 1840 (compilation); Thompson's Digest, 1847 (compilation); Bush's Digest, 1872 (compilation); McClellan's Digest, 1881 (compilation); Revised Statutes (R. S.) 1892, (revision enacted as a law); General Statutes, (G. S.) 1906, (revision enacted as a law); Revised General Statutes (R. G. S.) 1920, (revision enacted as a law); Compiled General Laws, (C. G. L.) 1927, (compilation unofficial); Official Revised Florida Statutes (F. S.) 1941, (revision enacted as a law); the Florida Statutes of 1949, (F. S. '49), (consolidation of '41 statutes and supplements); Florida Statutes of 1951, 1953, 1955, 1957, and 1959.

CONTENTS OF STATUTES

The Statutes of 1961 adopted by chapter 61-1, contain all the active Florida statutory law enacted since 1885, completely up-to-date through the regular session of 1961. It is the complete official edition of Florida statutory law (Section 16.19 F.S.).

All amendments of the Florida Statutes together with new legislation enacted by the 1961 legislature, have been compiled and included in this edition (Section 16.44(6)(d), F.S.). The history notes following each section detail the source of the law from date of enactment to date of the present publication; including the section and chapter number as enacted.

ADOPTION OF STATUTES AND GENERAL LAW

All laws in this edition passed prior to 1961 have been officially adopted as statutory law in their present form. The effect of legislative adoption
is to cure any technical defect with reference to title, form, etc. (McConville v. Ft. Pierce Bank and Trust Co., 101 Fla. 727, 135 So. 392; Christopher v. Mugen, 61 Fla. 513, 55 So. 273; 63 Fla. 1, 58 So. 486, 89 Fla. 119, 103 So. 414, error dismissed 46 S.Ct. 23, 269 U.S. 594, 70 L.Ed. 430).

LOGICAL ARRANGEMENT OF TITLES AND CHAPTERS

The object of any arrangement of statutes is to facilitate the finding of the law. Two methods of arrangement are in general use in the United States namely: The “logical,” grouping of related subjects together, as found in most digests, and the “alphabetical,” as used in Corpus Juris and American Jurisprudence. A few states use a combination of both methods. A majority however prefer the “logical” arrangement which we have adopted and use in the Florida Statutes.

We have found it advisable to divide several chapters into parts (Part I, Part II, etc.) based on logical organization or related subject matter.

ALPHABETICAL CHAPTER INDEX

An alphabetical chapter index will be found in front of volume one. This index gives direct reference to all chapters. Chapters are alphabetically listed together with the chapter number.

NUMERICAL INDEX TO TITLES AND CHAPTERS

The “Analysis of Florida Statutes by Titles and Chapters” in all three Volumes will afford a quick reference to the chapters grouped under the “logical organization” system. Familiarity with this index will save much time.

It lists by chapters groups of related subjects in a general subject field, in numerical order. Should a chapter be repealed, transferred, or expired by law, the chapter number is followed by the word (repealed), (transferred) or (expired). When vacancies occur in the numerical order, the unused numbers have been reserved for future use. A reference to this index will quickly inform one whether a chapter is still active.

Chapters have retained their original numbers except where transferred or revised.

NUMBERING SYSTEM

The decimal numbering system of identifying sections in each chapter is used in Florida.

All chapters are grouped by general subject matter and each is given a number. This chapter number appears in each section to the left of a decimal point. The section number appears to the right of the decimal point. Thus section 12 of chapter 16 would be section 16.12 in the chapter.

In adding a new section preceding section 1 (16.01) of chapter 16 it would become:

(New) Section 16.001
(Old) Section 16.01

In adding a new section between two already existing sections it would appear as:

(Old) Section 16.01 (Old) Section 16.12
(New) Section 16.011 Or (New) Section 16.121
(Old) Section 16.02 (Old) Section 16.13

The system provides for vast expansion with addition of new sections as needed without necessity for a complete renumbering of existing sections or reorganization of titles and chapters.
INDEX TO SECTION SUBJECTS AT BEGINNING
OF EACH CHAPTER

At the beginning of each chapter you will find a Numerical Index to
section subjects within the chapter. Should skips appear in section numbers,
the section has been repealed or deleted by law or transferred.

When sections have been deleted the section number together with history
notes, giving the chapter number of the general session law authorizing the
deletion, is transferred to the “Table of Repealed and Inactive Sections” in
Volume three. Our policy is to assign new section numbers to new matter
rather than reassign used section numbers. History notes will give full infor-
mation on any deviation from this policy.

HISTORY NOTES AND CROSS REFERENCES

History Notes have been carefully compiled, checked for accuracy with
original session laws, and brought completely up-to-date. Beginning with
the 1967 edition of the Statutes history notes will cite the researcher to the
particular paragraphs or subsections affected by each amendment. The lawyer
will find them dependable and convenient to use.

Immediately following history notes, related or qualifying laws are
frequently noted in the form of cross references.

GENERAL INDEX

An index has never been prepared which has been entirely satisfactory
to all members of the bench and bar. It is doubtful whether that Utopia will
ever be reached.

No index can contain every possible entry. An index of such size would
be incapable of practical use. On the other hand, to index the law only in
those places where the user of statutes should logically look would not be
sufficient because many persons are not logical in searching an index. We
have attempted to reach a happy medium between the logical and the practical
approach by selecting catch-words and titles that are commonly used. Cross
references have been reduced to a minimum and a direct reference given to
the chapter or section whenever possible in every cross reference.

We have revised the index so that it will be workable for the greatest
number of persons. The checking plan which we follow insures that no section
has been omitted. Every section has been properly indexed under several
heads.

We have attempted to use a noun as a catch-word wherever possible
instead of an adjective, preposition, a conjunction or an adverb.

The subject matter with which one is concerned will generally give a key
to the spot in the index from which to begin the search.

The index is based on a logical arrangement of the statutes. The user
will meet with greater success by looking in a place where it should logically
be rather than relying upon alphabetical uncertainties of the index.

All indexes at best are inconvenient and time consuming. Continued im-
provement can and will be made through suggestions and cooperation of the
bench and bar with your Statutory Revision Department.

TABLE OF STATUTORY CHANGES MADE BY THE 1961 LEGISLATURE

A table of statutory section changes made by the 1961 regular session of
the legislature will be found on the inside fly leaf of Volume one printed on
yellow paper. This table will give, (1) the number of the section when any
change has been made in a section or subsection, (2) the type of change made
whether amended, repealed, new or transferred, and (3) the number of the
session law authorizing the change. This table provides a convenient method
of quickly finding out whether the law has been changed in any section or
chapter.

(If the section is not listed in this table the law was not changed.)

TRACING TABLE

A table, tracing the classification of general laws into the Florida Statutes,
will be found in Volume three. This table indicates where a particular section
of a law has been assigned in the statutes. The word “omitted” shown in
place of a statute section number, indicates that the act is a local or special
act or a general act of local application and is not in the statutes. To find
an omitted chapter, consult the volumes of the General or Special Session Laws.
TABLE OF REPEALED AND INACTIVE SECTIONS

Preceding the General Index is a table showing repealed and inactive sections.

When a statutory law is repealed or transferred through revision to a new location in the statutes the former section number becomes inactive. All inactive section numbers have been removed from chapters in the statutes and placed in this table, along with history notes to repealed sections. Normally when a section becomes inactive the former assigned number is seldom used again. As new statutory material is added new section numbers are assigned. When a chapter is revised, consolidated or transferred and sections are reassigned a new location, generally the sections get new numbers.

The Table provides a consolidated, ready source of statutory reference to all inactive sections along with useful data relating to the disposition of material formerly included therein.

TABLES OF COURTS

A new tabulation of state, district and county courts revised in 1959 and arranged according to jurisdiction beginning with the supreme court down to the small claims courts will be found in Volume three. It will give information concerning, the date of term of court, and type of courts in each county. This tabulation is also arranged alphabetically by counties. A reference thereto will save time in determining the courts existing throughout Florida in each of the sixty-seven counties.

CENSUS AND MORTALITY TABLES

The 1960 Federal Census and the most recent mortality table will be found in Volume three.

FLORIDA CONSTITUTION

The Constitution of Florida has been brought up-to-date through the 1957 amendments and together with its index appears in Volume three. This index has also been meshed in with the General Index in order that a person searching for a subject may find references to both the constitution and the statutes in one index. The combined General Index has proven to be time saving and a convenient reference to statutory and constitutional provisions relating to the same general subject matter.

CONSTITUTION OF THE UNITED STATES

Upon the request of numerous lawyers and agencies, the Constitution of the United States is printed in Volume three.

COURT RULES

The Florida Appellate Rules of Practice of the Supreme Court and the District Courts of Appeal, effective July 1, 1957, with recent amendments, and the Florida Rules of Civil Procedure, with up-to-date amendments will be found in Volume three.

INTEGRATION RULE OF THE FLORIDA BAR AND CODE OF ETHICS

The 1955 Revised Integration Rule of The Florida Bar and the Code of Ethics governing judges and attorneys as adopted by the American Bar Association and approved by the Florida Supreme Court January 27, 1941 appear in Volume three.

STATUTORY REVISION

Statutory Revision technique works primarily with form rather than substance. The Revision Department of the Attorney General's Office often suggests a revision of chapters where improvements are desirable, but no change in an existing statute is ever made without legislative approval. The initiation of actual revision of substantive law should be sponsored by attorneys, judges, legislators, or administrators through specialized committees whose members are in close touch with the practice or enforcement of present law. The revisors always assist when called upon, and are interested in all projects and suggestions which eliminate unnecessary statutes, repetition of words and technical defects in the statutes.

Continuous revision places responsibility for ferreting out conflicts, duplications, and eliminating verbosity, circumlocution, obsolete sections, ambiguities, and many other technical faults generally found in session laws. Revision
includes constant and continuous work toward the reclassification and consolidation of subject matter. It aims toward changing the wording of a law so that essential clearness and harmony will exist in order that logical arrangement and compactness of the statutes may be obtained. Continuous revision aims toward simplicity in statement and understanding of meaning by the use of, and arrangement of, words and phrases. It helps avoid rhetorical flourishes and ornamentations as existed under the common law, and aims toward setting forth in clear cut and understandable language the present up-to-date law.

The revisor's office is a clearing house where lawyers, judges, legislators, and administrators may help make better statutory law. Persons calling attention to errors, omissions, conflicts and other defects found in the law, can materially help this department to improve our Florida Statutes.

Much valuable time can be saved in original research by reference to the improved General Index in the official Florida Statutes for subject matter reference and then reading the latest up-to-date complete statutory law on the subject in the volumes of the "Florida Statutes."

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