

JOURNAL OF THE SENATE

Friday, May 7, 1943

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Thursday, May 6, 1943.

The President in the Chair.

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

Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Thursday, May 6, 1943, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Your Committee on Temperance, to whom was referred:

Senate Bill No. 331:

A bill to be entitled An Act prohibiting the sale of alcoholic beverages and intoxicating beverages between certain hours of the day and on Sunday, authorizing incorporated cities and towns to regulate such sales, and prescribing penalties for violations hereof.

Have had the same under consideration, and recommend that the same does not pass.

Very respectfully,

D. M. JOHNSON,

Chairman of Committee.

And Senate Bill No. 331, contained in the above report, was laid on the table.

Your Committee on Prisons and Convicts, to whom was referred:

Senate Bill No. 220:

A bill to be entitled An Act to set aside in the State Treasury all funds which are derived from the sale of wood, lumber and similar home grown materials by the Florida State Prison; to establish a fund in the State Treasury to be known as the State Prison Improvement Fund; and to make an annual appropriation therefrom to provide for extensions and improvements of the State Prison System; and repealing all laws in conflict therewith.

Have had the same under consideration, and recommend that the same pass.

Very respectfully,

HAL Y. MAINES,

Chairman of Committee.

And Senate Bill No. 220, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Joint Committee on Enrolled Bills, to whom was referred:

Senate Bill No. 225:

A bill to be entitled An Act to amend Chapter 20733, Laws of Florida, Acts of 1941. (Sec. 585.43 Florida Statutes, 1941), same being entitled: "An Act relating to distribution and administration of anti-hog cholera serum and hog cholera virus by the State Live Stock Sanitary Board; limiting free distribution thereof to bona fide farmers and providing for distribution of same at cost to all others."

Hereby reports that the above bills have been correctly enrolled and are presented herewith for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bill contained in the above report was duly signed by the President and Secretary of the Senate in open session, and was ordered to be transmitted to the House for the signature of the Speaker and Chief Clerk of the House of Representatives.

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 292:

A bill to be entitled An Act providing for the creation of a Delinquent Tax Adjustment Board in all counties in the State of Florida whose population according to the 1940 Federal census is not less than 5,750 and not more than 5,950 prescribing the powers and duties of such Board; providing for the compromise, sale and adjustment or cancellation of tax sale certificates held by the State of Florida, or, by any county whose population is as stated above upon certain conditions; providing for the fees to be paid to certain officers.

House Bill No. 352:

A bill to be entitled An Act to authorize, ratify, validate and confirm certificates of indebtedness heretofore issued by the Board of County Commissioners of Martin County, Florida, in payment of lands purchased for "Stuart Airport" in said county, and authorizing and directing the collection of a tax to pay same.

House Bill No. 353:

A bill to be entitled An Act fixing the salary of the Clerk of the Criminal Court of Record of Monroe County, Florida; providing the fund out of which said salary shall be paid; providing, further, that all fees and costs collected by the Clerk of the Criminal Court of Record shall be deposited in the depository of the county to the credit of the Fine and Forfeiture Fund.

House Bill No. 354:

A bill to be entitled An Act validating and confirming all expenditures made in excess of budgeted items by the Board of County Commissioners of Martin County, Florida, during the fiscal years 1941 and 1942; repealing all laws or parts of laws in conflict herewith; and providing when such Act shall become effective.

House Bill No. 357:

A bill to be entitled An Act authorizing and directing the Treasurer of the State of Florida to pay to the Board of County Commissioners of Nassau County, Florida, to be credited to the County Welfare Fund, all money coming into his hands from the sale of any property in Nassau County, Florida, left by any decedent dying after the effective date of this Act and which property shall have been escheated to the State of Florida and sold and converted into money and paid to the said Treasurer under the provisions of Section 731.33 of the Florida Statutes (Revision of 1941).

House Bill No. 358:

A bill to be entitled An Act to make it unlawful for hogs, cattle, horses mules, sheep and goats to run at large in that portion of Manatee County, Florida, lying north of the Manatee River and west of the range line dividing Ranges 19 and 20 (East); to provide for the impounding and sale of such animals when found at large in violation of this Act; to provide punishment for the owners of such animals, who permit the same to run at large in violation of this Act, and for prosecution of such persons.

House Bill No. 360:

A bill to be entitled An Act relating to Pomello Drainage District, a Drainage District organized and existing under the Laws of Florida and embracing certain lands in Manatee County, Florida, permitting landowners at their option to pay Pomello Drainage District taxes to the Treasurer of the District; providing for record to be made thereof and fee to be paid collector in connection therewith; ratifying, confirming and validating certain acts and proceedings of the Receiver, Board of Supervisors and Officers of the District.

House Bill No. 364:

A bill to be entitled An Act fixing the compensation of the Boards of County Commissioners in all counties of the State of Florida having a population of more than 10,000 and less than 10,150, according to the last State or Federal census.

House Bill No. 369:

A bill to be entitled An Act to prescribe the commissions and fix the compensations of the County Assessor of Taxes and the County Tax Collector in all counties of the State of Florida having a population of not less than 10,000 and not to exceed 10,150, according to the last State or Federal census.

House Bill No. 373:

A bill to be entitled An Act to authorize and permit the Board of County Commissioners of Taylor County, Florida, to purchase a certain building and lot of land in the Town of Perry, Florida, for county use and purposes; providing the necessary funds for such purpose; and designating the fund from which said money shall be paid.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate.

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 355:

A bill to be entitled An Act relating to pari-mutuel pools, commissions thereon, the distributions thereof, the "breaks" and defining same, regulating the purchase and sale of an interest in any such pool, making it a crime to violate such regulations and amending Section 16 of Chapter 14832, Laws of Florida, Acts of 1931, as amended by Section 10 of Chapter 17276, Laws of Florida, Acts of 1935, relative thereto; and levying a tax upon every licensee conducting a horse race meet, or operating a race track equal to five per centum of the total contributions to all pari-mutuel pools on horse races in addition to all other taxes otherwise levied or assessed; and providing when and where said taxes shall be paid, making an appropriation thereof and designating said tax as the "Old Age Assistance Tax," and providing deductions from said tax to be paid in equal amounts to the counties of this State, according to law, should the amounts payable to said counties from horse race meets be less than the total amount distributed to the said counties therefrom in the racing season 1940-1941, and providing a penalty for wilful or wanton non-payment of tax.

House Bill No. 376:

A bill to be entitled An Act designating the Office of Supervisor of Registration of Putnam County, Florida, in the County Court House, at Palatka, Florida, as the sole and only place where those offering to register to vote at any general, special or primary election, may register; and requiring the registration books of said county to, at all times be kept at said place for such purpose.

Committee Substitute for House Bill No. 6:

A bill to be entitled An Act to amend Section 347.08 of the "Florida Statutes, 1941," authorizing the State Railroad Commission to regulate the operation of and fix tolls for certain toll bridges, toll roads and causeways in the State of Florida.

House Concurrent Resolution No. 10:

A Resolution thanking H. Herbert Romanoff and the Masonic Service Association for their effort on behalf of the men in our armed forces and the cause of democracy.

House Concurrent Resolution No. 12:

A Concurrent Resolution requesting the House Committees on Appropriations and Finance and Taxation, and the Senate

Committees on Appropriations and Finance and Taxation to investigate new sources of revenue, to the end that the appropriation for Old Age Assistance may be doubled.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

Bills, Committee Substitute and Resolutions contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Your Joint Committee on Enrolled Bills, to whom was referred:

House Bill No. 416:

A bill to be entitled An Act to amend Section 9 of Chapter 16,692, Special Acts of 1933, Laws of Florida, relating to the provisions for the payment of compensation to members of the City Commission, the said Act being entitled: "An Act to abolish the present municipal government of the City of Stuart, in Martin County, Florida, and to create, establish and organize a municipality to be known and designated as the City of Stuart, and to define its territorial boundaries and provide for its government, jurisdiction, powers, franchises and privileges."

House Bill No. 417:

A bill to be entitled An Act rectifying, ratifying, confirming, validating and legalizing the assessments, valuations of properties, levies of taxes, tax certificates, the filing and recording of lists of tax certificates, and tax sales, made by the City of Stuart, Martin County, Florida, for the years, A. D. 1941 and 1942, and authorizing the collection of said taxes in the manner provided by law.

House Bill No. 426:

A bill to be entitled An Act to amend Sections 3 and 4 of Chapter 14371, Laws of Florida, Acts of 1929, entitled "An Act to constitute, organize and establish a municipality to be known and designated as the 'City of Sebring,' in the County of Highlands and the State of Florida, and to define its territorial boundaries and to provide for its jurisdiction, powers, privileges, and to validate all obligations, contracts, debts, bonds, ordinances, assessments and levies, and to repeal Chapter 11158, Laws of Florida, Acts of 1925, and all other laws or parts of laws in any way in conflict with this Act insofar as they affect the same but no further, and to provide for a referendum to be submitted to the qualified electors of said city."

House Bill No. 431:

A bill to be entitled An Act authorizing and empowering the City of Panama City to enforce the payment, by foreclosure suit or otherwise, all delinquent city taxes, which have heretofore and which may hereafter accrue on lands in said city; providing for payment of court costs and reasonable attorney's fees in such foreclosure suits, upon which taxes may be delinquent for a period of two years; and to declare valid and legal all assessments for taxes and proceedings in connection therewith for all assessments in said city for the year 1942 and prior years; and authorizing and empowering the City Clerk of the City of Panama City to execute tax deeds upon lands in the City of Panama City, upon which taxes have been delinquent for a period of two years or more; and to follow the same procedure with respect to issuing tax deeds as now provided by law covering the issuance of tax deeds by the Clerk of the Circuit Court in the State of Florida.

House Bill No. 430:

A bill to be entitled An Act ratifying, validating and confirming provisions of Ordinance No. 422 Council Series of the Ordinances of the City of Key West, Florida, providing for relief payments to certain officers of said city; and requiring payment of such relief payments.

House Bill No. 327:

A bill to be entitled An Act to repeal in its entirety Chap-

ter 21233, Laws of Florida, Special Acts of 1941, entitled "An Act to amend Chapter 10552, Laws of Florida, Special Acts of 1925, and Acts amendatory thereto, by providing for the establishment of a system of personnel administration for the Civil Service of all departments of the City of Fort Lauderdale, a municipal corporation of Florida, and providing for a referendum thereon;" and to re-enact Sections 47 and 50, of Chapter 10552, Laws of Florida, Special Acts of 1925, which Sections created the police and fire forces, respectively, of the City of Fort Lauderdale, Broward County, Florida; and providing for a referendum thereon.

House Bill No. 331:

A bill to be entitled An Act rectifying, ratifying, confirming, validating and legalizing the assessments, valuations of properties, levies of taxes, tax certificates and tax sales made by the City of Chipley, Florida, for the year 1941 and all prior years.

House Bill No. 260:

A bill to be entitled An Act authorizing the State Board of Administration to return to the Board of County Commissioners of Calhoun County, for the use of Clyde C. Pierce Corporation of Jacksonville, Florida, certain ad valorem tax funds.

Committee Substitute for House Bill No. 42:

A bill to be entitled An Act relating to the acknowledgment of deeds, conveyances, mortgages, relinquishments of dower, contracts for the sale of lands, powers of attorney and other instruments; amending Section 693.03 of the Florida Statutes, 1941, relating to the acknowledgment of such instruments by married women; providing a form of certificate of acknowledgment of any individual; validating certain acknowledgments by married women.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bills and Committee Substitute contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Your Joint Committee on Enrolled Bills, to whom was referred:

Senate Bill No. 80:

A bill to be entitled An Act to amend 192.06, Florida Statutes, 1941, relating to property exempt from taxation, so as to authorize taxation of such property of the United States as it shall permit to be taxed.

Senate Bill No. 131:

A bill to be entitled An Act redesignating and re-establishing State Road 77-A in Levy County and declaring said road as redesignated shall be a part of the third preferential system of State roads of this State.

Senate Bill No. 165:

A bill to be entitled An Act to enlarge the powers of the Game and Fresh Water Fish Commission by conferring the right of eminent domain upon said Game and Fresh Water Fish Commission in certain cases.

Senate Bill No. 210:

A bill to be entitled An Act authorizing the State Library Board to negotiate for the transfer of and to receive public records from any official department or agency of the State of Florida; making the State Library Board legal custodian of all public records turned over to it by any and every such official, department or agency; authorizing any public officer to turn over to the State Library Board such public records legally in his custody as are not needed for the transaction of the business of his office whenever the State Library Board is willing to receive and care for them; requiring the Secretary of the State Library Board to receive for deposit in the Florida State Library all records turned over to said board by any public officer or any agency of the State, and that said Secretary of the State Library Board receipt for all records received.

Senate Bill No. 260:

A bill to be entitled An Act relating to South Indian River Drainage District, a Drainage District organized and existing under the Laws of Florida and embracing certain lands in Palm Beach County, Florida; permitting landowners at their option to pay South Indian River Drainage District taxes direct to Treasurer of the District, providing for record to be made thereof and fee to be paid Tax Collector in connection therewith; ratifying, confirming and validating certain Acts of the Board of Supervisors, officers and agents of the district.

Senate Bill No. 272:

A bill to be entitled An Act to repeal Chapter 21051, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act to provide that the Sheriff in all counties of Florida, having a population of not less than 7,000 and not more than 7,050 according to the last Federal census shall be allowed \$50.00 per month for a jailor, and to provide for the payment thereof."

Senate Bill No. 273:

A bill to be entitled An Act to repeal Chapter 20645, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act fixing the salaries and fees of the Justices of the Peace and Constables in all counties of the State of Florida, having a population of not less than 7,000 and not more than 7,050, according to the 1940 Federal census."

Senate Bill No. 274:

A bill to be entitled An Act to repeal Chapter 21050, Acts of 1941, Laws of Florida, same being An Act entitled: "An Act to provide that the County Judge in all counties of Florida, having a population of not less than 7,000 and not more than 7,050 according to the last Federal census, shall be allowed \$50.00 per month for clerk or secretary and provide for the payment thereof."

Senate Bill No. 288:

A bill to be entitled An Act relating to the compensation of the Clerk of the Circuit Court for services performed in suits or proceedings before the Circuit Court in all counties of the State of Florida having a population of not less than thirty-eight thousand five hundred and not more than thirty-eight thousand seven hundred according to the official Federal census of 1940.

Senate Bill No. 289:

A bill to be entitled An Act authorizing photographic recording of instruments by the Clerks of the Circuit Courts in counties of the State of Florida having a population of more than 38,500 and less than 38,700 inhabitants according to the 1940 Federal census.

Senate Bill No. 310:

A bill to be entitled An Act to provide how persons who have registered or who may hereafter register under the provisions of Chapter 20797, Laws of Florida of 1941, may register change of party affiliation.

Senate Bill No. 313:

A bill to be entitled An Act authorizing and requiring the City of Tampa to pay a pension to Ruy H. Cason.

Senate Bill No. 315:

A bill to be entitled An Act to amend Section 1, of Chapter 20998, Laws of Florida, 1941, the same being An Act providing for the employment of two stenographers for the County Solicitor for the Criminal Court of Record, and to provide for the purchase of supplies and payment of rent and other expenses for such County Solicitor, and fixing the compensation of such stenographers in counties of the State of Florida having a population of not less than 125,000 and not more than 200,000 according to the last preceding Federal census; and repealing all laws and parts of laws in conflict herewith.

Senate Bill No. 318:

A bill to be entitled An Act fixing the salaries of members of Boards of County Commissioners of the State of Florida in counties having a population of not more than ten thousand, five hundred (10,500), and not less than ten thousand, one hundred twenty-five (10,125), according to the last Federal census.

Senate Bill No. 319:

A bill to be entitled An Act providing for the compensation of members of the Board of Public Instruction in all counties of the State of Florida having a population of not more than ten thousand five hundred (10,500), and not less than ten thousand, one hundred twenty-five (10,125), according to the last preceding Federal census.

Senate Bill No. 325:

A bill to be entitled An Act to amend Section 3 of Chapter 40 of Florida Statutes, 1941, relating to the number of jurors the County Commissioners in each county which has or may have a population exceeding eighty-five thousand according to the last preceding State or Federal census shall select in making up the lists of persons to serve as jurors, as provided by law.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

S. A. HINELY,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

Senator Collins moved that Senate Bill No. 333 be withdrawn from the Committee on Judiciary "B" and re-referred to the Committee on Finance and Taxation.

Which was agreed to and it was so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 377:

A bill to be entitled An Act relating to the City of Pensacola, Florida, providing that certain provisions of Senate Bill No. 9, entitled "An Act imposing an additional tax upon gasoline or other like products of petroleum; providing for reports of sales of such commodities to the Comptroller of the State of Florida; providing for the disposition of the moneys derived from such taxes, and the apportionment thereof to the General Revenue fund of the State, and to the County School Fund; providing that the gasoline inspection laws of the State of Florida shall apply to this Act; prohibiting the levy and collection by municipalities and other political sub-divisions of gasoline taxes; providing for the enforcement of this Act, and penalties for violation hereof and providing that this Act is an emergency revenue measure and shall be of no force and effect from and after July 1, 1945," passed by the 1943 Session of the Florida Legislature, which prohibits municipalities from levying and collecting any excise tax measured or computed by the sale, purchase, storage, distribution, use, consumption, or other disposition of gasoline or other like products of petroleum, with certain limitations, shall not apply to the City of Pensacola, Florida; and providing that this Act shall expire July 1, 1945.

Which was read the first time by title only.

Proof of Publication of Notice was attached to Senate Bill No. 377 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 Sheldon moved that the rules be waived and Senate Bill No. 377 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 377 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 377 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. 377 was read the third time in full.

Upon the passage of Senate Bill No. 377 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So Senate Bill No. 377 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Rose—

Senate Bill No. 378:

A bill to be entitled An Act fixing the salaries to be paid to the Mayor-Commissioner and to the City Commissioners of the City of Orlando, State of Florida, and providing for a referendum.

Which was read the first time by title only.

Senator Rose moved that the rules be waived and Senate Bill No. 378 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 378 was read the second time by title only.

Senator Rose moved that the rules be further waived and Senate Bill No. 378 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. 378 was read the third time in full.

Upon the passage of Senate Bill No. 378 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So Senate Bill No. 378 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Graham, Hinely, Beacham and Housholder—

Senate Bill No. 379:

A bill to be entitled An Act to provide for the creation, operation, maintenance and supervision of the Florida Insurance Rating Bureau; to provide for the making and filing of fire, windstorm, lightning, tornado, hail, marine and automobile fire and theft insurance rates; to provide for the approval of such rates by the Commissioner of Insurance; to prevent discrimination in such rates; to provide for the examination of such Bureau; to generally regulate rate-making agreements; providing penalties for violations; and to repeal all laws or parts of laws in conflict herewith.

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

By Senator Rose—

Senate Bill No. 380:

A bill to be entitled An Act creating a pension fund for the Police Department of the City of Orlando, Florida: Providing monthly contributions to be made by the members of the said Department and annual contributions by the said City to pay the benefits prescribed by this Act: Providing for a Board of Trustees to administer said fund; providing for pension benefits to be paid to members of said Department who shall become permanently incapacitated or who shall be retired and providing certain pension benefits for widows and children of members of the said Department under certain conditions and other relief; providing no pension, whether heretofore granted or to be granted under this Act, shall exceed one hundred and twenty-five dollars (\$125.00) per month; defining members of the said Police Department and providing for retirement pensions; providing for the acceptance or rejection of this Act by the Employees of the said Department; providing for the ratification or rejection of this Act by the electorate of the City of Orlando; and other matters dealing with the operation and administration of this Act.

Which was read the first time by title only.

Senator Rose moved that the rules be waived and Senate Bill No. 380 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 380 was read the second time by title only.

Senator Rose moved that the rules be further waived and Senate Bill No. 380 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. 380 was read the third time in full.

Upon the passage of Senate Bill No. 380 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So Senate Bill No. 380 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Appropriations—

Senate Bill No. 381:

A bill to be entitled An Act making appropriations for the salaries of the officers and employees of the State and for the current operating expenses of the departments and branches of the State Government for the annual periods beginning July 1, 1943, and July 1, 1944.

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

Senator Housholder moved that the rules be waived and Senate Bill No. 381 be made a Special and Continuing Order of Business for consideration by the Senate when the Orders of the Day are reached on Monday, May 10, 1943.

Pending adoption of the motion made by Senator Housholder Senator Maines moved as a substitute motion that the rules be waived and Senate Bill No. 381 be made a Special and Continuing Order of Business for consideration by the Senate when the Orders of the Day are reached on Tuesday, May 11, 1943.

The question was put on the substitute motion.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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 King, McKenzie and Carroll—

Senate Bill No. 357:

A bill to be entitled An Act authorizing the State and counties to sell State owned and county owned typewriters under certain circumstances.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And Senate Bill No. 357, contained in the above Message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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 Franklin—

Senate Bill No. 105:

A bill to be entitled An Act designating and establishing a State road to extend from Harrisburg in Glades County, Florida, southwesterly to La Belle, Florida.

Which amendment reads as follows:

Strike out Section 1, and insert the following in lieu

thereof: Section 1. That there is hereby designated and established a certain State road to extend from State Road Number 67 near Harrisburg in Glades County, Florida, in a southwesterly direction to connect with State Road Number 25 at LaBelle in Hendry County, Florida.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And Senate Bill No. 105, contained in the above Message, was read by title, together with the House Amendment thereto.

Senator Franklin moved that the Senate do concur in the House Amendment to Senate Bill No. 105.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 105.

And Senate Bill No. 105, as amended, was referred to the Committee on Engrossed Bills, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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. Peeples of Glades—

House Bill No. 181:

A bill to be entitled An Act fixing the compensation of the members of the Boards of Public Instruction in counties having a population of not less than 2500 and not more than 2800 according to the last State census of the State of Florida.

By Mr. Peeples of Glades—

House Bill No. 182:

A bill to be entitled An Act dispensing with the requirement of publishing a list of qualified electors by the Supervisor of Registration in all counties of the State of Florida having a population of not less than 2500 and not more than 2800 according to the last official State census of the State of Florida and repealing the laws in conflict therewith.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Bill No. 181, contained in the above Message, was read the first time by title only.

Senator Cliett moved that the rules be waived and House Bill No. 181 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 181 was read the second time by title only.

Senator Cliett moved that the rules be further waived and House Bill No. 181 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. 181 was read the third time in full.

Upon the passage of House Bill No. 181 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So House Bill No. 181 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 182, contained in the above Message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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. Leedy of Orange—
House Bill No. 205:

A bill to be entitled An Act making refunding bonds and gasoline or other fuel tax anticipation certificates issued by the State Board of Administration, under Section 16 of Article IX of the Constitution of this State, eligible for investment by banks and trust companies.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Bill No. 205, contained in the above Message, was read the first time by title only and referred to the Committee on Banking and Building and Loans.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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 1943 Session of the Florida Legislature:

By Messrs. Crary of Martin, Carlton of St. Lucie, Burwell and Leaird of Broward, Thomas and Bizzell of Escambia, Papy of Monroe, Scales of Taylor, Martin and McDonald of Hillsborough, Hendry of Okeechobee and Stewart of Lee—

House Joint Resolution No. 178:

A Joint Resolution proposing the amendment of Section 9, Article IX, of the Constitution of the State of Florida, relating to the exemption of property of widows and persons disabled in war or by misfortune, by increasing the amount of such exemption from five hundred dollars to two thousand dollars.

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

Section 1. That the following amendment to Section 9, Article IX, of the Constitution of the State of Florida, relating to exemption of property of widows and persons disabled in war or by misfortune from taxation, be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next general election to be held in the year 1944; that is to say, that the said Section 9, Article IX, of the Constitution of the State of Florida be amended so as to read as follows:

"Section 9. There shall be exempt from taxation property to the value of two thousand dollars to every widow and to every person who is a bona fide resident of the State and has lost a limb or been disabled in war or by misfortune."

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Joint Resolution No. 178, contained in the above Message, was read the first time in full and referred to the Committee on Constitutional Amendments.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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. Middleton of Putnam and Boynton of Gadsden—
House Memorial No. 14:

A Memorial to the Congress of the United States petitioning the Congress to appropriate adequate funds for cooperative forest extension, and fire protection and for the continuance of funds for forest research.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Memorial No. 14, contained in the above Message, was read the first time in full.

Senator McKenzie moved that the rules be waived and House Memorial No. 14 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 14 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to and House Memorial No. 14 was adopted and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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. Nilsson and Walker of Volusia—
House Bill No. 515:

A bill to be entitled An Act authorizing the Board of County Commissioners of Volusia County, Florida, to pay certain specifically designated claims from the Road and Bridge Fund of Volusia County.

Proof of Publication attached.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,
Chief Clerk House of Representatives.

And House Bill No. 515, contained in the above Message, was read the first time by title only.

Senator Coleman moved that the rules be waived and House Bill No. 515 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 515 was read the second time by title only.

Senator Coleman moved that the rules be further waived and House Bill No. 515 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. 515 was read the third time in full.

Upon the passage of House Bill No. 515 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So House Bill No. 515 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida,
May 6, 1943.

Hon. Philip D. Beall,
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. Commander of Holmes—
House Bill No. 16:

A bill to be entitled An Act declaring the intention of the Legislature with respect to an assistance program for needy persons who have lost a limb or have been disabled by disease or misfortune to earn a livelihood; providing for monthly assistance payments not to exceed \$40.00 to such persons; naming other qualifications necessary to receive such assistance; providing for the manner, form and time of paying same; designating the State Welfare Board as the agency to handle such payments; making an appropriation therefor; repealing all laws or parts of laws in conflict therewith; and providing for the effective date hereof.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 16, contained in the above Message, was read the first time by title only and referred to the Committee on Public Roads and Highways.

SENATE BILLS ON SECOND READING

Senate Bill No. 265:

A bill to be entitled An Act to amend Section 440.12 Florida Statutes 1941, and Section 440.13 Florida Statutes 1941, as amended by Section 2, Chapter 20672, Acts of 1941, relating to the Workmen's Compensation Law; by providing for an increase in the employer's liability for the weekly payments of compensation to injured employees and authorizing the Industrial Commission within a certain time to order the employer and/or insurance carrier to furnish medical treatment to injured employees in excess of one thousand dollars if the nature of the injury or the process of recovery requires such action.

Was taken up in its order.

Senator King moved that the rules be waived and Senate Bill No. 265 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 265 was read the second time by title only and placed on the Calendar of Bills on Third Reading.

Senate Bill No. 370:

A bill to be entitled An Act to amend Sections 231.07, 231.17, 234.14, 235.32, 236.37, 236.38, 236.43, 236.45, 236.47, 236.48, 236.55, 237.19 and 237.22 Florida Statutes, 1941; Section 237.23, Florida Statutes, 1941, as amended by Section 10 of Chapter 20970, Laws of Florida, Acts of 1941; Section 238.10, Florida Statutes, 1941, as amended by Section 4 of Chapter 20749, Laws of Florida, Acts of 1941; and Sections 1 and 2 of Chapter 20915, Laws of Florida, Acts of 1941 (Section 236.60, Florida Statutes, 1941); and to repeal Sections 242.07, 242.08, 242.09, 242.25, 242.26, 242.27, 242.28, 249.29, 242.30, 242.31 and 242.32, Florida Statutes, 1941, relating to public education.

Was taken up in its order.

Senator Shuler moved that the rules be waived and Senate Bill No. 370 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 370 was read the second time by title only.

Senator Shuler moved that the rules be further waived and Senate Bill No. 370 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. 370 was read the third time in full.

Upon the passage of Senate Bill No. 370 the roll was called and the vote was:

Yeas—Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Cliett, Collins, Franklin, Graham, Griner, Housholder, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor—25.

Nays—Mr. President; Senators Johnson, McArthur, Perdue—4.

So Senate Bill No. 370 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 371:

A bill to be entitled An Act to authorize the qualified electors of any Special Tax School District in the State, under conditions prescribed herein to vote, as a part of the millage authorized by Section 10 of Article XII of the Constitution, a special millage the proceeds of which shall be used exclusively for capital outlay and building maintenance purposes within the district, in lieu of voting and issuing bonds.

Was taken up in its order.

Senator Shuler moved that the rules be waived and Senate Bill No. 371 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 371 was read the second time by title only.

Senator Shuler moved that the rules be further waived and Senate Bill No. 371 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. 371 was read the third time in full.

Upon the passage of Senate Bill No. 371 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—32.

Nays—Senators Johnson, Perdue—2.

So Senate Bill No. 371 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 31:

A bill to be entitled An Act relating to public education, providing for an annual appropriation to the County School Fund as an emergency fund for the operation of schools of a sum equal to one hundred and fifty dollars for each instruction unit for the school year ending June 30, 1943, and of a sum equal to one hundred and fifty dollars for each instruction unit for the school year ending June 30, 1944, to be apportioned on the basis of instruction units allocated to each county as such instruction units are defined by law; directing how the money shall be used and declaring that the appropriation is supplemental and in addition to all other appropriations to the County School Fund.

Was taken up in its order.

Senator Rose moved that the rules be waived and Senate Bill No. 31 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 31 was read the second time by title only and placed on the Calendar of Bills on Third Reading.

Senate Bill No. 309:

A bill to be entitled An Act "to amend Sections 550 and 551 of Chapter 19355 of the Laws of Florida of 1939, also known as Paragraph 231.50 and 231.51, Florida Statutes 1941, being An Act relating to public education, providing for the organization, establishment, operation, maintenance, and support of the State system of public education and prescribing penalties for violating any provisions of the Act, and any rule and regulation made pursuant to the Act, said amendment to provide for the payment of a pension to Annie R. Helms."

Was taken up in its order.

Senator Sheldon moved that the rules be waived and Senate Bill No. 309 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 309 was read the second time by title only and placed on the Calendar of Bills on Third Reading.

Senate Bill No. 363:

A bill to be entitled An Act classifying the planting, raising, cultivating, processing or cutting of Southern pine trees with agriculture and providing that persons engaged in such planting, raising, cultivating, processing or cutting shall be entitled to all the rights and privileges which persons engaged in agriculture by law may now or hereafter enjoy.

Was taken up in its order.

Senator McArthur moved that the rules be waived and Senate Bill No. 363 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 363 was read the second time by title only.

Senator McArthur moved that the rules be further waived and Senate Bill No. 363 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. 363 was read the third time in full.

Upon the passage of Senate Bill No. 363 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor—33.

Nays—None.

So Senate Bill No. 363 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 253:

A bill to be entitled An Act to amend Section 18-A of Chapter 18285, Laws of Florida, Acts of 1937, as amended by Section 1 of Chapter 20714, Laws of Florida, Acts of 1941, the same being Section 409.26, Florida Statutes 1941, creating the Florida Council for the Blind, and repealing all laws in conflict herewith.

Was taken up in its order.

Senator Collins moved that the rules be waived and Senate Bill No. 253 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 253 was read the second time by title only.

Senator Collins moved that the rules be further waived and Senate Bill No. 253 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. 253 was read the third time in full.

Upon the passage of Senate Bill No. 253 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So Senate Bill No. 253 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 345:

A bill to be entitled An Act to amend Section 95.11, Florida Statutes of 1941, relating to limitations upon actions other than real actions.

Was taken up in its order.

Senator Collins moved that the rules be waived and Senate Bill No. 345 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 345 was read the second time by title only.

Senator Collins moved that the rules be further waived and Senate Bill No. 345 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. 345 was read the third time in full.

Upon the passage of Senate Bill No. 345 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So Senate Bill No. 345 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 330:

A bill to be entitled An Act giving consent by the State of Florida to be sued and made a party defendant in suits in equity brought by any city, village or town of this State to enforce and satisfy its tax or assessment liens on property located therein the title to which vested in and is held by the State of Florida under Chapter 18296, Laws of Florida, Acts of 1937; providing that the former owner of said property or anyone claiming by, through or under him, or anyone claiming lien thereon, may be made parties to such suits for the purpose of barring the assertion of any rights or claims therein; providing that taxing districts may be made parties to such suits; establishing and providing the manner and method of adjudicating and discharging the interest of the State of Florida and the tax and assessment liens of the city, village or town, and taxing districts, in and on said property in said proceedings; providing for the sale of said property and for the distribution of the proceeds thereof, after payment of certain costs and attorneys fees; providing that such suits shall be cognizable only in the Courts of the State of Florida, and for the venue of such suits and the service of process therein; and providing that the Attorney General of the State of Florida shall represent the State in such suits.

Was taken up in its order and read the second time in full, and placed on the Calendar of Bills on Third Reading.

HOUSE BILLS ON THIRD READING

House Bill No. 308:

A bill to be entitled An Act to amend Section 381.01, Florida Statutes 1941, relating to appointment of members of State Board of Health, by prescribing the number, qualifications and residence of such members.

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

By unanimous consent Senators Coleman and Beacham offered the following amendment to House Bill No. 308:

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

Section 1. That Section 381.01 of Florida Statutes, 1941, be and the same is hereby amended to read as follows:

"381.01. Governor to appoint Board of Health.—The Governor shall appoint as members of the State Board of Health seven discreet citizens of the State of Florida, one from each of the five areas designated as United States Congressional Districts by the Legislature of the State of Florida in 1935, two from the State at large, who shall be confirmed by the Senate, and who, after taking and subscribing an oath, before some person competent to administer oaths, faithfully to perform the duties of their offices, shall constitute the State Board of Health."

Senator Beacham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Upon the passage of House Bill No. 308, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—35.

Nays—None.

So House Bill No. 308 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

HOUSE BILLS ON SECOND READING

Senator Beacham moved that the consideration of House Bill No. 117 be informally passed until Monday, May 10, 1943.

Which was not agreed to.

House Bill No. 117:

A bill to be entitled An Act prohibiting and making unlawful the practice of law in the State of Florida by anyone except licensed, practicing attorneys; defining the practice of law for the purpose of this Act; providing for the issuance of

injunctions to restrain violations of the provisions thereof; providing that any violation of the provisions of this Act shall be a misdemeanor and punishment therefor; and repealing all laws in conflict therewith.

Was taken up in its order.

Senator Franklin moved that the rules be waived and House Bill No. 117 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 117 was read the second time by title only.

The Committee on Judiciary "A" offered the following Amendment to House Bill No. 117:

(Typewritten bill): Strike out everything after the enacting clause and insert the following:

"Section 1. The practice of law within the State of Florida is hereby defined as being any service, involving legal knowledge, whether of representation, counsel or advocacy, in or out of court, rendered in respect of the rights, duties, obligations, liabilities, or business relations of the one accepting the service, irrespective of whether such service is rendered for compensation or gratuitously, and shall include the following:

The furnishing or giving of opinions to another as to the status of title to real or personal property; the drawing, preparing or advising in relation to the preparation of deeds, mortgages, releases, affidavits, contracts or other documents wherein any legal rights are conveyed or released by one to another or wherein any such rights are reserved; counselling or advising clients or prospective clients on legal duties, rights or privileges or matters of procedure as to any litigation or proposed litigation; the preparation of any pleadings to be filed in any court or before any board, commission or bureau within the State of Florida or appearing before any such court, board, commission or bureau on behalf of any party to a controversy pending before such tribunal; and any other act which the courts of record of this State may declare to constitute the practice of law; provided, however, that said definition shall not be construed to include:

- (a) Any act done by any person for and on his own behalf;
- (b) Any service before any court, board, commission or bureau when such service does not embrace the preparation of pleadings, or the interpretation of law, or the application of law to facts;
- (c) The sale, writing or issuance of insurance policies;
- (d) The investigation, adjustment and settlement of claims against any person, firm or corporation, by his, her, or its employee thereunto duly authorized, when done at any time prior to the actual institution of suit thereon;
- (e) The preparing of abstracts of title, certifying, guaranteeing, or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon;
- (f) Any service performed before any Federal tribunal by any person authorized by such tribunal to practice before it.

Section 2. No person other than one who has been or may hereafter be duly licensed and admitted to practice law in the State of Florida in accordance with the provisions of law shall do or perform any of the services defined as the practice of law in Section 1 of this Act.

Section 3. The doing or performing by any person other than one who is duly licensed and admitted to practice law in the State of Florida, of any one of the acts by Section 1 hereof defined as constituting the practice of law, shall constitute a separate offense; and each and every person not so licensed and admitted to practice law in this State who does or performs any one or more of the acts so defined as the practice of law in the name of or on behalf of any person, firm, association or corporation, shall be guilty of a misdemeanor, and shall on conviction thereof be punished.

Section 4. The Circuit Court shall issue injunctions restraining violations of the provisions of this act. Such injunction suit may be brought by and in the name of any licensed practicing attorney at law of the State of Florida, or the Florida State Bar Association, or any local bar association within the State of Florida. No injunction bond shall be required in any such suit. The order, decree or judgment of the Circuit Court in such injunction suit shall not be stayed or

superseded, except that upon appeal the Supreme Court of Florida may, within its discretion, enter an order of supersedeas and fix the amount and terms of a supersedeas bond, only after a hearing upon notice to the adverse party.

Section 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, except Section 39.03 of Florida Statutes 1941, relating to the practice of law in this State by out of state attorneys at law which shall remain in full force and effect.

Section 6. If any paragraph, sentence, clause, section or sub-section of this Act is declared invalid or unconstitutional, it shall not affect any other part hereof.

Section 7. This Act shall take effect upon becoming a law."

By unanimous consent Senator Lewis, Chairman of the Committee on Judiciary "A," withdrew the foregoing amendment to House Bill No. 117.

The Committee on Judiciary "A" also offered the following amendment to House Bill No. 117:

Strike out everything after the enacting clause and insert the following:

Section 1. The practice of law within the State of Florida is hereby defined as being any service, involving legal knowledge, whether of representation, counsel or advocacy, in or out of Court, rendered in respect of the rights, duties, obligations, liabilities, or business relations of the one accepting the service, irrespective of whether such service is rendered for compensation or gratuitously, and shall include the following:

The furnishing or giving of opinions to another as to the status of title to real or personal property; the drawing, preparing or advising in relation to the preparation of deeds, mortgages, releases, affidavits, contracts or other documents wherein any legal rights are conveyed or released by one to another or wherein any such rights are reserved; counselling or advising clients or prospective clients on legal duties, rights or privileges or matters of procedure as to any litigation or proposed litigation; the preparation of any pleadings to be filed in any court or before any board, commission or bureau within the State of Florida or appearing before any such Court, board, commission or bureau on behalf of any party to a controversy pending before such tribunal; and any other act which the Courts of Record of this State may declare to constitute the practice of law; provided, however, that said definition shall not be construed to include:

- (a) Any act done by any person for and on his own behalf;
- (b) Any service before any Court, board, commission or bureau when such service does not embrace the preparation of pleadings, or the interpretation of law, or the application of law to facts;
- (c) The sale, writing or issuance of insurance policies;
- (d) The investigation, adjustment and settlement of claims against any person, firm or corporation, by his, her, or its employee thereunto duly authorized, when done at any time prior to the actual institution of suit thereon;
- (e) The preparing of abstracts of title, certifying, guaranteeing, or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon;
- (f) Any service performed before any Federal tribunal by any person authorized by such tribunal to practice before it.

Section 2. No person other than one who has been or may hereafter be duly licensed and admitted to practice law in the State of Florida in accordance with the provisions of law shall do or perform any of the services defined as the practice of law in Section 1 of this Act.

Section 3. The doing or performing by any person other than one who is duly licensed and admitted to practice law in the State of Florida, of any one of the Acts by Section 1 hereof defined as constituting the practice of law, shall constitute a separate offense; and each and every person not so licensed and admitted to practice law in this State who does or performs any one or more of the acts so defined as the practice of law in the name of or on behalf of any person, firm, association or corporation, shall be guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail of not more than twelve months, or by both such fine and imprisonment.

Section 4. The Circuit Court shall issue injunctions restraining violations of the provisions of this Act. Such injunction suit may be brought by and in the name of any licensed practicing attorney at law of the State of Florida

or the State Bar Association, or any local Bar Association within the State of Florida. No injunction bond shall be required in any such suit. The order, decree or judgment of the Circuit Court in such injunction suit shall not be stayed or superseded, except that upon appeal the Supreme Court of Florida may, within its discretion, enter an order of supersedeas and fix the amount and terms of a supersedeas bond, only after a hearing upon notice to the adverse party.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, except Section 39.03 of Florida Statutes, 1941, relating to the practice of law in this State by out of state attorneys at law which shall remain in full force and effect.

Section 6. If any paragraph, sentence, clause, section or sub-section of this Act is declared invalid or unconstitutional, it shall not affect any other part hereof.

Section 7. This Act shall take effect upon becoming a law. Senator Franklin moved the adoption of the amendment.

Pending adoption of the foregoing amendment, Senator Rose offered the following amendment to the amendment offered by the Committee on Judiciary "A" to House Bill No. 117:

In Section 1, line 33 (typewritten amendment), strike out after the word thereon the semi-colon and add a comma in lieu of said semi-colon and insert the following: Provided further that any person, firm or corporation duly licensed as a real agent or broker in this State shall not be barred from preparing any contract, or agreement relating to the sale of land duly listed for sale with said real estate agent or broker:

Senator Rose moved the adoption of the amendment to the amendment.

Pending adoption of the amendment offered by Senator Rose to the amendment offered by the Committee on Judiciary "A" to House Bill No. 117, the hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 12:00 o'clock, Noon, until 3:00 o'clock P. M., Monday, May 10, 1943.