

JOURNAL OF THE SENATE

20

Monday, April 14, 1947

The Senate convened at 4:00 o'clock P. M., pursuant to adjournment on Thursday, April 10, 1947.

The President in the Chair.

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

Mr. President	Collins	Johnson	Riddle
Alford	Crary	King	Rose
Baynard	Davis	Leaird	Sanchez
Beacham	Flake	Lindler	Shands
Beall	Franklin	McArthur	Sheldon
Boyle	Fraser (29th)	Moon	Sturgis
Brackin	Getzen	Pearce	Walker
Carroll	Gray	Perdue	Wilson
Coleman	Johns	Ray	

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A quorum present.

Senator Branch was excused from attendance upon the session today.

The following prayer was offered by the Chaplain:

"We come to Thee, our Heavenly Father, to have our lives refreshed and enriched with living waters that only Thou canst supply. Our broken cisterns have been dry for a long time, and our thirst is great for many reasons which Thou dost already know. Thou art the Fountain which supplies the living waters so necessary for our spiritual life. Give us this fresh, bubbling, cooling, thirst-quenching, satisfying, flowing water from the Fountain that never runs dry. Give us faith to drink at Thy fountain always. May we have the gift of self-control, wisdom, godliness, and love from Thy fountain, and be forever blessed to render service at all times that will be acceptable and well-pleasing to Thee? Amen."

The reading of the Journal was dispensed with.

The Journal of Thursday, April 10, 1947, was corrected as follows:

Page 8, column 2, at the end of line 20, counting from the bottom of the column, strike out the figure "1" and insert in lieu thereof the figure "2".

Also—

Page 9, column 1, in line 19, counting from the bottom of the column, strike out the figure "3" and insert in lieu thereof the figure "4".

Also—

Page 9, column 1, in line 21, counting from the bottom of the column, strike out the figure "5" and insert in lieu thereof the figure "4".

And as corrected was approved.

Senator Fraser (29th) moved that a committee of three be appointed to escort Mr. Harry Parham, President of the Student Body, University of Florida, and Mr. John J. Crews, Jr., of Macclenny, President-elect of the Student Body, University of Florida, to seats on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Fraser (29th), Johnson, and Collins as the committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Baynard—

Senate Joint Resolution No. 38:

A Joint Resolution proposing an amendment to Article VIII

of the Constitution of the State of Florida relative to assessment of property for taxes and the collection of taxes, by adding thereto additional sections to provide that in the County of Pinellas, State of Florida, the County Tax Assessor shall assess the property of the county for the purpose of levying State, County, School and Municipal taxes levied by the State, County, County School Board, School Districts, special tax school districts and municipalities of the County, and that the County Tax Collector shall collect the said tax.

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

That the following amendment to Article VIII of the Constitution of the State of Florida relative to the assessment and collection of all taxes in the County of Pinellas, State of Florida, by adding thereto additional sections to be known as Section 13 and Section 14, 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 general election to be held on the first Tuesday after the first Monday in November, 1948, as follows:

SECTION 13. 1. From and after January 1, 1950, the county tax assessor in the county of Pinellas, State of Florida, shall assess all property for all state, county, school, and municipal taxes to be levied in the county by the state, county, county school board, school districts, special tax school districts and municipalities.

2. The Legislature shall at the Legislative Session in 1949 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of county tax assessor, designated in paragraph 1 of this Section 13, and shall likewise, provide by law for the extension on the assessment roll of the county tax assessor of all taxes levied by the state, county, county school board, school districts, special tax school districts and municipalities.

Section 14. 1. From and after January 1, 1950, the county tax collector in the county of Pinellas, State of Florida, shall collect all taxes levied in the county by the state, county, county school board, school districts, special tax school districts and municipalities.

2. The Legislature shall at the Legislative Session of 1949, and from time to time thereafter enact laws specifying the powers, functions, duties and compensation of county tax collector designated in paragraph 1 of this Section 14, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the county tax collector.

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

By Senator Baynard—

S. B. No. 36—A bill to be entitled An Act amending Section 7 of Chapter 22847, Acts of 1945, relating to the probate laws of Florida, and prescribing the class of persons, non-resident of the State of Florida, who may qualify as a personal representative of an estate in Florida.

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

By Senator Sheldon—

S. B. No. 37—A bill to be entitled An Act to declare that United States postage stamp vending machines render a public service in the distribution of United States postage stamps, and exempting said machines from all excise and license taxes imposed by any taxing body of this state.

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

By Senator Sheldon—

S. B. No. 38—A bill to be entitled An Act to amend Chapter 741.07 Florida Statutes, 1941, being an act authorizing the solemnizing of matrimony and eliminating from the provisions of said act and notaries public and for other purposes.

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

By Senator Sheldon—

S. B. No. 39—A bill to be entitled An Act to promote the prevention and cure of cancer: to authorize the Florida State Board of Health to establish a standard for the organization, equipment, and conduct of cancer units or departments in general hospitals or in private clinics in this State: to conduct an educational campaign for the control of cancer: and to provide a plan for the care and treatment of indigent persons suffering from cancer.

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

By Senator Sheldon—

S. B. No. 40—A bill to be entitled An Act to amend Sections 584.05 and 584.06 Florida Statutes, 1941, relating to the control of honeybee diseases and punishment for violation thereof.

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

By Senator Sheldon—

S. B. No. 41—A bill to be entitled An Act regulating the sale of beer, wine and whiskey and other alcoholic beverages offered for sale and prohibiting the sale of same to minors and providing penalties for the violation thereof and for other purposes.

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

By Senator Sheldon—

S. B. No. 42—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Hillsborough County, Florida, to convey gratuitously without advertisement sale or consideration to Jose Gonzalez Chapter 705, American Veterans Committee, Inc., Lot Four of Block Twenty-Eight, map of Ybor City, per plat recorded in plat book 1, page 4; Public Records of said County, for the purpose of a clubhouse and meeting place for said Veterans, and likewise empowering and directing the proper officials of the City of Tampa, Florida, a municipal corporation, to take all necessary actions to accomplish the cancellation and discharge of record of any and all taxes and liens claimed or held by said municipality upon said real estate.

Which was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Proof of publication of Notice was attached to Senate Bill No. 42 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By Senator Moon—

S. B. No. 43—A bill to be entitled An Act to repeal Chapter 23116, Laws of Florida, 1945, being "An act to provide that in all counties in the State of Florida having a population of not less than 5,800 and not more than 5,900, according to the Federal Census of 1940, any person wishing to engage in the business or profession of preparing human bodies for burial by means other than embalming, or the disposition of dead human bodies by means of earth interments, may engage in such business without obtaining the license as a Funeral Director: Provided that in cases where it is necessary to embalm bodies, such bodies must be embalmed by a Licensed Embalmer."

Which was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

By Senator Franklin—

S. B. No. 44—A bill to be entitled An Act to amend Section

640.11, Florida Statutes, 1941, relating to withdrawals from the Guaranty Reserve Fund of a benevolent mutual benefit association and the disbursement of said fund in event of the liquidation of such an association, by providing that in the event such an association is taken over for the purposes of liquidation in pursuance of law, such fund shall be disbursed, as in said law provided, by the Insurance Commissioner or by a receiver or receivers duly appointed in any such liquidation proceedings: repealing all laws and parts of laws in conflict herewith; and fixing the effective date of this act.

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

By Senator Franklin—

S. B. No. 45—A bill to be entitled An Act to prohibit the writing of contingent mortality endowment contracts or so called contingent mortality endowment contracts by life insurers; defining "Life Insurers" as used herein; prescribing penalties for violation of this act; repealing all laws and parts of laws in conflict herewith.

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

By Senator Franklin—

S. B. No. 46—A bill to be entitled An Act to prohibit the issuance of certificates of authority under the provisions of Chapter 640, Florida Statutes of 1941, to any domestic or foreign benevolent mutual benefit associations or societies, except renewal certificates to associations or societies qualified before the passage of this act.

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

By Senator Fraser (29th)—

S. B. No. 47—A bill to be entitled An Act amending Chapter 22831, Laws of Florida, Acts of 1945, being "An Act to provide for a retirement system for officers and employees of the State of Florida and making an appropriation therefor," by amending Sections 1, 2, 3, 4, 5, 7, 8, 10, 15, and 18, such amendments making the Act compulsory, redefining 'officers and employees', providing for reopening the Act to officers and employees who have heretofore withdrawn from the Act and prescribing the conditions for their acceptance of the Act, providing terms and conditions of retirement, prescribing terms and conditions of refunds in the event of withdrawal from the act or death and providing for an additional appropriation.

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

By Senator Fraser (29th)—

S. B. No. 48—A bill to be entitled An Act amending Chapter 22938, Laws of Florida, Acts of 1945, being "An Act to provide for a retirement system for officers and employees of the counties of the State of Florida, and making an appropriation therefor," by amending Sections 1, 2, 3, 4, 5, 7, 8, 10, 15, and 18, such amendments making the Act compulsory, redefining 'officers and employees', providing for reopening of the Act to officers and employees who have heretofore withdrawn from the Act and prescribing the conditions for their acceptance of the Act, providing terms and conditions of retirement, prescribing terms and conditions of refunds in the event of withdrawal from the Act or death and providing for an additional appropriation.

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

By Senator Clarke—

S. B. No. 49—A bill to be entitled An Act providing that attache service rendered the State Legislature shall be computed as a part of the aggregate years of state service of participants of the State Officers and Employees Retirement System.

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

By Senator Franklin—

S. B. No. 50—A bill to be entitled An Act relating to taxation of oil and gas mineral interests, imposing an excise tax upon

the privilege of producing oil and gas from the earth and water in the State of Florida; providing for the collection, distribution and use of said tax; providing that said tax shall be the only excise tax levied for the privilege of oil and gas production; to provide that the value of land shall not be increased for ad valorem taxation purposes by reason of the possibility there may be oil and gas minerals therein where the true value of the same cannot be scientifically determined; to provide machinery for persons owning oil and gas interests in place to protect their interests from tax sales and tax foreclosures of the land in which such interests exist; to provide for notice of delinquent ad valorem taxes on lands in which there are owned oil and gas interests separate from the surface of the lands to the owners of such oil and gas interests; to provide penalties for the failure to pay the excise taxes imposed by this act, and to provide for administration of this act by the State Comptroller.

Which was read the first time by title only and referred to the Committee on Oil and Natural Resources.

By Senator Franklin—

S. B. No. 51—A bill to be entitled An Act to amend Section 638.02, Florida Statutes of 1941, relating to the capital required to engage in the sick and funeral benefit business, by providing that in the future the minimum capital required of domestic and foreign sick and funeral benefit companies shall be fifty thousand dollars; and providing that insurers now qualified with a capital of less than fifty thousand dollars shall have a period of one year to increase their capital to fifty thousand dollars.

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

By Senator Franklin—

S. B. No. 52—A bill to be entitled An Act making unlawful any agreement heretofore or hereafter entered into between an insurer and its general or state agent or its resident agent, under which the amount of such agent's net commissions are contingent upon savings effected in adjustment, settlement and payment of losses and such agent adjusts such claim and/or pays losses under such insurer's policies from a percentage of premiums retained by said agent; providing that certain contingent commissions agreements are not affected hereby; prescribing penalties for violations of this act; and fixing the effective date of this act.

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

By Senator Beall—

S. B. No. 53—A bill to be entitled An Act authorizing boards of county commissioners, with respect to property located without the corporate limits of any municipality, to vacate, abandon, discontinue and close streets, roads and highways other than State and Federal Highways; to renounce and disclaim any right of the county and public in and to any land or interest therein acquired for street, road and highway purposes, other than lands acquired for State and Federal Highways; to renounce and disclaim any right of the county and public in and to any lands delineated on any recorded map or plat as a street, road or highway; to convey title to lands constituting such streets, roads or highways which are no longer required for such purposes; providing for the duties of county officers and prescribing procedure to be followed in such matters.

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

By Senators Crary, Gray and Sheldon—

S. B. No. 54—A bill to be entitled An Act relating to proof of financial responsibility by owners and operators of motor vehicles; prescribing the duties, powers and authority of the insurance commissioner; providing for the suspension and revocation of licenses and motor vehicle registration and providing for other matters in connection with the financial responsibility of owners and operators of motor vehicles and providing penalties for violation of the sections of this act.

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

By Senator Franklin—

S. B. No. 55—A bill to be entitled An Act amending Section 638.16, Florida Statutes, 1941, which prohibits certain contracts, agreements, relationships and practices between insurers doing a sick and funeral benefit insurance business and funeral directors and undertakers, and prescribing penalties for violations thereof, by adding the further prohibition to such section that such insurers shall not permit funeral directors and undertakers to solicit, negotiate or effect any such contracts of insurance; and fixing the effective date of this act.

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

By Senators Shands, Johnson, Fraser (29th) and Perdue—

S. B. No. 56—A bill to be entitled An Act providing for one stenographer for the office of State Attorney in each Judicial Circuit of the State of Florida, having a population of more than 74,000, and less than 76,500, according to the last preceding State Census, and fixing compensation to be paid to said stenographer.

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

By Senator Collins—

S. B. No. 57—A bill to be entitled An Act to amend Section 657.06, Florida Statutes 1941, relating to Credit Union Reports to Comptroller; Examinations; Fees; Revocation of Certificate of Approval.

Which was read the first time by title only and referred to the Committee on Banking and Building and Loans.

Senator Johns moved that a committee of three be appointed to escort the Honorable Claude Pepper, United States Senator from Florida, to a seat on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Johns, Collins and King as the committee to escort Senator Pepper to the rostrum.

Senator Pepper addressed the Body.

By Senators Rose, Beacham, Coleman, Sturgis, Brackin, Perdue, Boyle, Carroll, Pearce, Gray, Franklin and Crary—

S. B. No. 58—A bill to be entitled An Act in reference to the exchange of land held by the Trustees of the Internal Improvement Fund; in reference to reservations of oil, gas, phosphate, and other minerals; in reference to conveyance of land to the United States by said Trustees and to retaining the right of certain royalties therein.

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

By Senators Brackin, Perdue, Carroll, Pearce, Collins, Moon, Shands, Gray, Flake, Leaird, Franklin, Crary, Rose, Boyle, Coleman, Baynard, Ray, Fraser (29th), Alford, Beacham, Johnson, Sturgis, and Riddle—

S. B. No. 59—A bill to be entitled An Act appropriating two million dollars (\$2,000,000.00) from the general revenue fund of the State of Florida for providing the State of Florida with a fund in such amount to be transferred by the State of Florida (by warrant upon requisition therefor by the Governor of the State of Florida) to the United States of America for use by the United States of America or the National Park Service thereof in paying for the acquisition of privately owned and other lands and interests within the Everglades National Park area by the United States of America or the National Park Service thereof, and in paying for the costs and expenses required in connection with such acquisition; and repealing all laws and parts of laws in conflict herewith.

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

By Senator Sheldon—(By Request)—

S. B. No. 60—A bill to be entitled An Act authorizing and permitting any municipality of the State of Florida to grant certain franchises to persons, firms or corporations to use the public places of the municipality for the purpose of operating

and maintaining along, over, across and under the public places any waterworks, telephone, gas or electric business or other business requiring the use of mains, pipes, poles, wires or other public utility facilities in such public places; defining certain terms as used herein; setting out certain mandatory conditions which must be incorporated in such franchises and providing that such franchises shall be null and void if in violation of the maximum franchise term prescribed herein and unless it contains such mandatory provisions; providing the manner in which such franchises shall be granted; providing that the qualified electors of a municipality may require any granted franchise to be submitted to them for approval or rejection at a referendum election; providing for initiating, calling and holding such referendum election and the vote required to approve or reject such franchise; providing that nothing in this act shall be deemed to repeal or modify any provision contained in any general or local laws but shall be deemed additional, supplementary and cumulative to such laws; and providing when this act shall take effect.

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

By Senator Franklin—

S. B. No. 61—A bill to be entitled An Act to prohibit the further organization of limited surety companies under Chapter 649, in this state; and fixing the effective date of this act.

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

By Senator Wilson—

S. B. No. 62—A bill to be entitled An Act to amend Sections 604.15, 604.16 and 604.30, Florida Statutes, 1941, relating to and requiring the licensing, bonding and regulation of certain dealers in agricultural products and providing remedies and punishment for violation thereof.

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

By Senator Wilson—

S. B. No. 63—A bill to be entitled An Act authorizing the State Agricultural Marketing Board of Florida to sell, exchange, convey or otherwise dispose of any land, real property or personal property owned or held by said Board when not needed for the purposes for which the said Board was created.

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

By Senator Leaird—

S. B. No. 64—A bill to be entitled An Act to abolish the present Municipal Government of the City of Fort Lauderdale, in the County of Broward and State of Florida, and to es-

tablish, organize and constitute a municipality to be known as "City of Fort Lauderdale;" to provide a charter for said city; fix its territorial limits and boundaries; provide for its government, and prescribe its jurisdiction, powers and privileges.

Which was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Proof of publication of Notice was attached to Senate Bill No. 64 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By Senator McArthur—

S. B. No. 65—A bill to be entitled An Act relating to the publication of official public notices and legal advertisements and the amounts to be charged therefor; Amending Chapter 49.06, Florida Statutes, 1941, being the same as Section 4668 of the Compiled General Laws of Florida, 1927.

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

Senator Sturgis moved that the Senate do now proceed to the consideration of Executive Communications.

Which was agreed to.

And the Senate went into Executive Session at 5:10 o'clock, P. M.

The Senate emerged from Executive Session at 5:40 o'clock, P. M., and resumed its session.

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

Mr. President	Collins	Johnson	Riddle
Alford	Crary	King	Rose
Baynard	Davis	Leaird	Sanchez
Beacham	Flake	Lindler	Shands
Beall	Franklin	McArthur	Sheldon
Boyle	Fraser (29th)	Moon	Sturgis
Brackin	Getzen	Pearce	Walker
Carroll	Gray	Perdue	Wilson
Coleman	Johns	Ray	

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A quorum present.

Senator Beacham moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 5:41 o'clock P. M., until 11 o'clock A. M., Tuesday, April 15, 1947.