

JOURNAL OF THE SENATE

Wednesday, April 13, 1949

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The Senate convened at 11:00 o'clock, A. M., pursuant to adjournment on Tuesday, April 12, 1949.

The President in the Chair.

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

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

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A quorum present.

Prayer was offered by the Senate Chaplain, Reverend W. F. Dunkle.

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, April 8, 1949, was further corrected as follows:

Page 2, column 2, line 23, counting from the bottom of the column, strike out the words "Public Health" and insert in lieu thereof the word "Welfare."

Also—

Page 2, column 2, line 5, counting from the bottom of the column, strike out the words "Public Health" and insert in lieu thereof the word "Welfare."

And as further corrected was approved.

The Senate daily Journal of Tuesday, April 12, 1949, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Walker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following Bills:

S. B. No. 63—A bill to be entitled An Act to amend Section 734.29, Florida Statutes, 1941, as set out in Section 14 of Chapter 22847, Laws of Florida, Acts of 1945, relating to limitations against unadministered estates.

S. B. No. 48—A bill to be entitled An Act prohibiting any person from wearing badges, emblems or insignia, or using the name of, or falsely claiming to be a member of any benevolent, fraternal, social, humane or charitable organization unless legally qualified so to do; and prescribing penalties for the violation of this Act.

S. B. No. 23—A bill to be entitled An Act requiring testamentary trustees to establish their qualifications, give bond, and file accounts in a supervisory proceeding in the Circuit Court, prescribing the parties to said proceeding, the practice and procedure applicable thereto, and the declaratory and other relief obtainable therein.

S. B. No. 12—A bill to be entitled An Act to prohibit any conveyance, lease or mortgage of lands, or agreement to convey, lease or mortgage lands except by reference to government or state survey or by map or plat theretofore approved and recorded according to law or by metes and bounds, and making void any such conveyances, mortgages, leases or agreements violating this statute.

—and recommends that they do pass.

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

Senator Walker, Chairman of the Committee on Judiciary "B," reported that the Committee had carefully considered the following Bill:

S. B. No. 65—A bill to be entitled An Act amending Section 735.04, Florida Statutes, 1941, as set out in Section 2 of Chapter 23716, Laws of Florida, Acts of 1947, relating to the Florida probate law, when administration unnecessary.

—and recommends that it do pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 47—A bill to be entitled An Act providing for the issuance of certificates of registration to certain land surveyors.

S. B. No. 53—A bill to be entitled An Act to amend Section 467.12, Florida Statutes, 1941, by providing for the payment of an annual registration fee by registered architects not to exceed twenty-five dollars per year; Repealing all laws in conflict herewith: And providing when said Act shall take effect.

S. B. No. 54—A bill to be entitled An Act to amend Section 467.16, Florida Statutes, 1941, by providing the time when the report of receipts and expenditures of the State Board of Architects shall be made to the Governor: Repealing all laws and parts of laws in conflict herewith: And providing when this Act shall take effect.

S. B. No. 60—A bill to be entitled An Act to provide an occupational license tax on coin operated radio receiving sets; and to provide that Sections 205.01-205.14, Florida Statutes, 1941, shall be applicable hereto.

—and recommends that they do pass.

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

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

S. B. No. 7—A bill to be entitled An Act requiring the payment of delinquent state and county taxes when conveying the title to lands, admitting to record deeds of conveyance only upon certification of such payment, and providing for collection of fees by Clerk for searching and certifying.

S. B. No. 101—A bill to be entitled An Act providing for an allowance on two per cent of all taxes imposed by the State of Florida on motor fuel to retail dealers on motor fuel, kerosene and other taxed petroleum products sold by them, repealing all laws in conflict herewith and for other purposes.

—and recommends that they do not pass.

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

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—S. B. No. 13—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 12, 1949, for his approval.

ROBT. W. DAVIS,

Secretary of the Senate as Ex Officio
Enrolling Clerk of the Senate.

Your Enrolling Clerk, to whom was referred—

H. B. No. 4

H. B. No. 34

H. B. No. 49

—begs leave to report same have been signed in open session by the President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Sheldon, Mathews, Beacham, Leaird, Alford, Crary, Gautier, Johns, Baker, Johnston, Walker and Baynard—

S. B. No. 111—A bill to be entitled An Act relating to the State Tuberculosis Board, amending Section 2 of Chapter 22763, Laws of Florida, Acts of 1945, being Section 392.07, Florida Statutes, 1941, as amended, concerning admission of patients to the sanatoria operated by the board; appropriating money received by the board from all sources other than from the state and repealing Section 392.08, Florida Statutes, 1941, and Sections 3 and 4 of Chapter 22763, Laws of Florida, Acts of 1945, being Sections 392.09 and 392.10, Florida Statutes, 1941, as amended.

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

By Senators Sheldon, Beacham, Mathews, Leaird, Alford, Crary, Gautier, Johns, Baker, Baynard, Boyle and Walker—

S. B. No. 112—A bill to be entitled An Act relating to acquiring sites for and constructing and equipping, enlarging, remodeling, and improving tuberculosis sanatoria by the State Tuberculosis Board and making an appropriation therefor.

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

By Senator Ray—

S. B. No. 113—A bill to be entitled An Act amending Section 409.17, Florida Statutes, 1941, as amended by Section 1, Chapter 20714, Laws of Florida, Acts of 1941, Section 1, Chapter 21879, Laws of Florida, Acts of 1943, and Section 1, Chapter 23895, Laws of Florida, Acts of 1947; relating to aid to the blind.

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

By Senator Ray—

S. B. No. 114—A bill to be entitled An Act authorizing the State Welfare Board and District Welfare Boards to destroy certain correspondence, documents and records; to reproduce by photographic or microphotographic process and then destroy certain documents and records; and making such photographs, microphotographs and reproductions therefrom admissible in evidence.

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

By Senator Ray—

S. B. No. 115—A bill to be entitled An Act reappropriating certain unexpended State Welfare funds and providing for the carry-over of State Welfare funds unexpended at the end of the first fiscal year of the biennium.

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

By Senator Ray—

S. B. No. 116—A bill to be entitled An Act amending Section 409.30, Florida Statutes of 1941, the same being Section 1, Chapter 21954, Laws of Florida, Acts of 1943, relating to the payment of accrued public assistance on death of person entitled thereto and repealing all laws in conflict herewith.

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

By Senator Ray—

S. B. No. 117—A bill to be entitled An Act relating to the records, papers and files of the State and District Welfare Boards, prohibiting disclosure of matter contained therein, and providing penalties for violation thereof.

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

By Senator Collins—

S. B. No. 118—A bill to be entitled An Act providing the time within which petitions for writs of certiorari shall be filed in the Supreme Court to review orders of the Florida Railroad and Public Utilities Commission; providing for notice of such reviews; providing for the parties to whom such notice shall be given; providing for the manner in which such notice shall be given; providing for filing briefs and oral argument by such parties; 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 Judiciary "C".

By Senator Boyle—

S. B. No. 119—A bill to be entitled An Act amending Section 561.18 and 561.19, Florida Statutes, 1941, and Section 561.20, Florida Statutes, 1941, (Cumulative Supplement, the same being Section 2 of Chapter 23746, Laws of Florida, Acts of 1947) relating to liquors and beverages, such amendments eliminating necessity of approval of applicant for license by the Board of County Commissioners.

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

By Senator Franklin—

S. B. No. 120—A bill to be entitled An Act amending Chapter 500, Florida Statutes, 1941, by adding thereto an additional section relating to misbranded drugs and exempting hospitals from the operation and effect of Section 500.15 (11) and providing that hospitals may purchase drugs wholesale.

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

By Senator Shivers—

S. B. No. 121—A bill to be entitled An Act providing for and requiring the separate assessment as personal property of oil and mineral leases and/or estates; and for the sale thereof for non-payment of taxes for a period of two consecutive years and if said rights are bid in by the owner of the servient estate said oil and mineral rights and the leases evidencing same shall cease and determine.

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

By Senator Shands—

S. B. No. 122—A bill to be entitled An Act amending Section 409.28, Florida Statutes of 1941, relating to County Welfare Advisory Committees, their qualifications and duties; and making their appointment mandatory.

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

By Senators Baker, Getzen, Crary, Rodgers, Boyle, Walker, Johnston, Pearce, Sheldon, Mathews, and Sturgis—

S. B. No. 123—A bill to be entitled An Act to provide for the regulation and the control of the citrus industry of the State of Florida; to establish a Florida Citrus Commission and define its duties: to establish and define certain grades and standards for citrus fruits produced in the State of Florida and the canned and concentrated products thereof; to establish and define maturity standards for citrus fruits produced in the State of Florida; to provide for the inspection and certification of citrus fruits produced in the State of Florida and canned and concentrated products thereof and to define the duties of the Commissioner of Agriculture in relation thereto; to provide for the licensing and registration, and the revoca-

tion of such, of citrus fruit packing houses and canning and concentrating plants of citrus fruits; to prohibit shipment or use of citrus fruits produced in the State of Florida and canned or concentrated products thereof not meeting standards set up by this Act or regulations of the Florida Citrus Commission; to define and provide for the licensing and bonding of citrus fruit dealers and for the revocation of such licenses; to provide for the assessment, levy, collection, and disbursement of certain advertising taxes, inspection taxes, and excise taxes on citrus fruits produced in the State of Florida; to define the duties of the Commissioner of Agriculture in relation to the administration and enforcement of laws dealing with citrus fruits produced in the State of Florida; to provide for the regulation of the manufacture and use of coloring matter to be used in the coloring of citrus fruits produced in the State of Florida; to prohibit the use of arsenic in certain particulars; to provide penalties for the violation of this act and any rules and regulations of the Florida Citrus Commission or the Commissioner of Agriculture of the State of Florida promulgated hereunder: and to repeal Chapters 594, 595, 596, 597, 598, 599, and 600, Florida Statutes, 1941, and any and all laws in conflict herewith.

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

Senator King moved that Senate Bill No. 123 be referred to the Committee on Citrus Fruits and the Committee on Appropriations.

Which was not agreed to, and Senate Bill No. 123 was referred to the Committee on Citrus Fruits.

By Senator McArthur—

S. B. No. 124—A bill to be entitled An Act relating to the government of the Town of Fernandina Beach and prescribing the jurisdiction, powers, duties and functions of the Town of Fernandina Beach and all its officers and prescribing a system of taxation for said town.

Which was read the first time by title only.

Senator McArthur moved that the rules be waived and Senate Bill No. 124 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 124 was read the second time by title only.

Senator McArthur moved that the rules be further waived and Senate Bill No. 124 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. 124 was read the third time in full.

Upon the passage of Senate Bill No. 124 the roll was called and the vote was:

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

So Senate Bill No. 124 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Sheldon and Alford—

S. B. No. 125—A bill to be entitled An Act amending Section 203.01, Florida Statutes, 1941, relating to a tax upon the gross receipts of public service corporations, by providing for an increase in the rate of such tax.

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

By Senator Sheldon—

Senate Joint Resolution No. 126:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE X, CONSTITUTION OF THE STATE OF FLORIDA, RELATING TO HOMESTEAD TAX EXEMPTION BY INCREASING THE EXEMPTION FROM FIVE THOUSAND DOLLARS TO TEN THOUSAND DOLLARS.

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

The amendment of Section 7 of Article X, Florida Constitution, by increasing the tax exemption from Five Thousand Dollars to Ten Thousand Dollars, is agreed to and shall be submitted to the electors of this State for ratification or rejection at the general election for representatives to be held in the year 1950, as follows:

“Section 7. Homestead tax exemption.—Every person who has the legal title or beneficial title in equity to real property in this State and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of Ten Thousand Dollars on the said home and contiguous real property as defined in Article X, Section 1, of the Constitution, for the year 1951 and thereafter. Said title may be held by the entireties, jointly or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no exemption of more than Ten Thousand Dollars shall be allowed to any one person or any one dwelling house, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person. The Legislature may prescribe appropriate and reasonable laws regulating the manner of establishing the right to said exemption.”

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

By Senator Sheldon—

S. B. No. 127—A bill to be entitled An Act providing for a minimum retirement allowance and disability retirement allowance for members and former members of the teachers' retirement system.

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

By Senators Smith and King—

S. B. No. 128—A bill to be entitled An Act amending Section 203.01, Florida Statutes, 1941, relating to the imposition of gross receipts taxes levied upon the sale of electricity, natural or manufactured gas, the use of telephones and the sending of telegrams and telegraph messages, by exempting municipalities from the provisions of said section and the taxes imposed therein to the extent of any such sales or businesses made or conducted by them within their corporate limits; 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 Public Utilities.

By Senator Leaird—

S. B. No. 129—A bill to be entitled An Act amending Section 54.11, Florida Statutes of 1941, relating to the number of peremptory challenges of jurors in civil causes.

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

By Senator Leaird—

S. B. No. 130—A bill to be entitled An Act to define larceny; to define and describe personal property which may be the subject of larceny; to define, prescribe, establish and describe the method, manner and means whereby and by which a person shall be deemed guilty of larceny; to prescribe the sufficiency and essentials of a warrant, indictment, and information charging larceny; to provide for a bill of particulars; to provide for and prescribe the punishment which may be imposed for the commission of the offense of larceny; to provide that nothing in this Act shall be construed

as repealing certain specifically enumerated existing laws; to repeal all laws and parts of laws inconsistent or in conflict herewith and to provide for a date upon which this Act shall be in force and effect.

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

By Senator Leaird—

S. B. No. 131—A bill to be entitled An Act authorizing the Board of County Commissioners of Broward County, Florida, to fix the salary of the Supervisor of Registration of said county within certain limits and providing for the payment thereof by said Board of County Commissioners.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 131 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 Leaird moved that the rules be waived and Senate Bill No. 131 be read the second time by title only.

Which was agreed to by a two-thirds vote.

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

Senator Leaird moved that the rules be further waived and Senate Bill No. 131 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 131 was read the third time in full.

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

Yeas—38

Mr. President	Collins	Lindler	Sheldon
Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	

Nays—None

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

By Senator Leaird—

S. B. No. 132—A bill to be entitled An Act amending Section 62.07, Florida Statutes, 1941, relating to the compensation of Masters in Chancery, so as to provide that such reasonable compensation be fixed by the Court or Judge.

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

By Senator Leaird—

S. B. No. 133—A bill to be entitled An Act relating to and providing for suit money, including a reasonable attorney's fee, in proceedings to enforce decrees or orders of the Court for alimony and support of children.

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

By Senator Leaird—

S. B. No. 134—A bill to be entitled An Act amending Section 73.16, Florida Statutes, 1941, and relating to costs, expenses and witness fees in eminent domain proceedings.

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

By Senator Leaird—

S. B. No. 135—A bill to be entitled An Act amending Section 66.06, Florida Statutes, 1941, relating to the appointment, removal, powers, duties, compensation and reports of Commissioners appointed in partition proceedings.

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

By Senator Leaird—

S. B. No. 136—A bill to be entitled An Act amending Section 40.34, Florida Statutes, 1941, relating to the pay roll for jurors in the several courts of this State and of witnesses before Grand Juries.

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

By Senator Leaird—

S. B. No. 137—A bill to be entitled An Act relating to the adoption of minors, and amending Section 72.15, Florida Statutes of 1941.

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

By Senator Franklin—

S. B. No. 138—A bill to be entitled An Act requiring all boat owners, both private and commercial renters of boats under sixteen feet in salt or fresh waters to have life preservers for each occupant and penalties for failure to provide.

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

By Senator Leaird—

S. B. No. 139—A bill to be entitled An Act to amend Section 811.11, Florida Statutes, 1941, relating to horse or cattle stealing, providing a maximum penalty and repealing the minimum penalty; amending Section 811.12, Florida Statutes, 1941, relating to second conviction of horse or cattle stealing, providing a maximum penalty and repealing the minimum penalty; amending Section 811.13, Florida Statutes, 1941, relating to penalty for larceny of sheep and goats, providing a maximum penalty and repealing the minimum penalty; amending Section 811.14, Florida Statutes, 1941, relating to the larceny of hogs, providing for a maximum penalty and repealing the minimum penalty, amending Section 811.15, Florida Statutes, 1941, relating to penalty for second offense of larceny of hogs, providing a maximum and repealing the minimum penalty.

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

By Senator Leaird—

S. B. No. 140—A bill to be entitled An Act relating to traveling expenses of Circuit Judges and amending Section 26.52, F. S. 1941.

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

By Senator Leaird—

S. B. No. 141—A bill to be entitled An Act amending Section 40.24, Florida Statutes, 1941, relating to the compensation of jurors in this State and increasing the same in certain courts.

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

By Senators Boyle, Pearce, Shivers, Ray, Baker, Beall, Shands, Sheldon, Beacham, Smith, Moore, Sturgis, Johns, Alford, Lindler, Tucker, King, Baynard, Franklin and Gautier—

S. B. No. 142—A bill to be entitled An Act to provide for the issuance by the State Motor Vehicle Commissioner of special license tags to motor vehicle owners who operate amateur radio stations.

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

By Senator Walker—

S. B. No. 143—A bill to be entitled An Act prohibiting the

sales of merchandise below cost; defining terms used in the Act and providing for the enforcement thereof by criminal proceedings and suits for injunction.

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

By Senator Mathews—

Senate Joint Resolution No. 144:

PROPOSING AN AMENDMENT OF SECTION 4, ARTICLE VI OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO SUFFRAGE AND ELIGIBILITY AND DISQUALIFIED PERSONS.

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

That the following amendment of Section 4, Article VI of the Constitution of the State of Florida relating to suffrage and eligibility and disqualified persons, 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 November, 1950; that is to say that said Section 4 of Article VI of the Constitution of the State of Florida shall be amended, and as amended shall read as follows:

Section 4. Disqualified persons: No person under guardianship, non compos mentis, insane, or who cannot read any paragraph of the Constitution of the State of Florida or of the United States of America unless such inability be due solely to physical disability shall be qualified to vote in any election; nor shall any person convicted of felony by a court of record be qualified to vote in any election unless restored to civil rights.

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

By Senators King, Baynard, Sheldon and Smith—

S. B. No. 145—A bill to be entitled An Act authorizing cities and towns in this state to impose, levy and collect license and excise taxes, and repealing all laws in conflict herewith.

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

By Senators Sheldon, King, Shands, Baynard and Smith—

S. B. No. 146—A bill to be entitled An Act to provide for refunding to incorporated cities and towns gasoline and motor vehicle fuel taxes paid by them under the provisions of Chapters 208 and 209, Florida Statutes, 1941, as amended; to provide for the manner in which such refunds shall be claimed and paid; to provide penalties for fraudulent claims and for the unlawful use of gasoline or motor fuel on which tax refunds have been claimed on paid; 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 Finance and Taxation.

By Senator Sanchez—

S. B. No. 147—A bill to be entitled An Act to provide for refund of tax paid on motor fuels when used solely for agriculture purposes and commercial fishing purposes as defined by this Act; to provide the method of making such refunds; to provide certain rules and regulations for carrying out this Act; prescribing the powers and duties of the Comptroller under this Act; providing appropriations for carrying out this Act; and providing penalties for the violation of this Act.

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

By Senator Sturgis—

S. B. No. 148—A bill to be entitled An Act to amend Chapter 733, Florida Statutes of 1941, relating to the Florida Probate Law by adding thereto Section 733.54 authorizing any executor or administrator appointed by any county judge in the State of Florida to waive the Statute of Limitations with respect to any Federal Tax or deficiency in any Federal Tax with the approval of the county judge.

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

By Senator Sheldon—

S. B. No. 149—A bill to be entitled An Act to amend Sections 440.12, 440.13, 440.15 and 440.20, Chapter 440, Florida Statutes 1941 as amended, being the Workmen's Compensation Law and thereby give to an injured employee greater latitude in the selection of the attending physician; to increase the weekly benefits payable under this Chapter from \$22.00 to \$28.00; that in fixing the percentage of disability under this law the occupation of the injured employee at the time of the injury must be considered; providing for the payment of compensation during the entire period of disability in cases determined by the commission to be total and permanent in character; 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 Labor and Industry.

By Senator Walker—

S. B. No. 150—A bill to be entitled An Act to appropriate to Florida Board of Forestry and Parks the sum of \$40,000 a year, for each year of the next biennium, for the improvement and development, by the Florida Park Service, of Tomoka State Park, located in Volusia and Flagler Counties, Florida.

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

MESSAGES FROM THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 13, 1949

Hon. Newman C. Brackin,
President of the Senate.
State Capitol
Sir:

I have the honor to inform you that I have today approved the following Act, which originated in your Honorable Body, and have caused same to be filed in the office of the Secretary of State:

S. B. No. 13, RELATING TO THE LEGISLATURE.

Respectfully,
FULLER WARREN
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 12, 1949

Hon. Newman C. Brackin,
President of the Senate.
State Capitol
Sir:

I have the honor to inform you that I have today approved the following Act, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S. B. NO. 2, RELATING TO JACKSONVILLE.

also—

SCR NO. 1. RELATING TO THE GOVERNOR'S MESSAGE.

Respectfully,
FULLER WARREN
Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 13, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

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

By Senator Collins—

Senate Concurrent Resolution No. 8:

A CONCURRENT RESOLUTION PERMITTING THE AMERICAN LEGION AUXILIARY POST AT TALLAHASSEE, FLORIDA, TO OPERATE A CONCESSION STAND BETWEEN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AND THE SENATE CHAMBER DURING THE 1949 SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA IN SESSION ASSEMBLED, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That the American Legion Auxiliary Post at Tallahassee, Florida, be and it is hereby granted the concession to operate at a place or places in the lobby of the State Capitol, between the chamber of the House of Representatives and the Senate chamber, a stand, and to sell therefrom cold drinks, sandwiches, candy, tobacco, and other related items during the biennial session of the State Legislature just convened.

Section 2. The operation of said concession shall be subject to the same terms and conditions as have been customary during previous sessions.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 8, contained in the above Message, was referred to the Secretary as ExOfficio Enrolling Clerk for enrolling.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 13, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

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

By the Committee on Rules and Calendar—

House Concurrent Resolution No. 219:

PROVIDING FOR THE ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE STATE OF FLORIDA ON THURSDAY, APRIL 14, 1949, UNTIL MONDAY, APRIL 18, 1949.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

Section 1. That the House of Representatives and the Senate of the State of Florida do adjourn on Thursday, April 14, 1949, to meet again on Monday, April 18, 1949.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Concurrent Resolution No. 219, contained in the above Message, was read the first time in full.

Senator McArthur moved that the rules be waived and House Concurrent Resolution No. 219 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 219 was read the second time in full.

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

Which was agreed to.

And House Concurrent Resolution No. 219 was adopted and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 13, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed as amended:

By the Committee on Salt Water Fisheries—

H. B. No. 150—A bill to be entitled An Act providing for the appointment of a coordinator of seafood industry to be appointed by the Governor; defining his duties; providing compensation of coordinator and repealing all laws in conflict herewith.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bill No. 150, contained in the above Message, was read the first time by title only and referred to the Committee on Game and Fisheries.

Senator Collins moved that House Bill No. 150 be also referred to the Committee on Appropriations.

Which was agreed to and it was so ordered.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 13, 1949

Hon. Newman C. Brackin,
President of the Senate.
Sir:

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

By the Committee on Judiciary (Civil)—

H. B. No. 52—A bill to be entitled An Act relating to public printing and stationery, Florida Statutes, 1941, (1947 Cumulative Supplement) amending Sections 283.12, 283.15, 283.17, 283.18, 283.19, 283.20, 283.22, 283.23 and 283.24; repealing Section 283.16; and transferring Subsection (4), Subparagraphs (A), (B), (C), (D), (E), (F), (G), of Section 16.50 and renumbering it Section 283.25.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bill No. 52, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 13, 1949

Hon. Newman C. Brackin,
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 Committee on Judiciary (Civil)—

H. B. No. 56—A bill to be entitled An Act amending Sections 16.19 to 16.24 and 16.27 to 16.29, all inclusive, Florida Statutes, 1941, as amended by Chapters 22000, 22858 and 24337, Laws of Florida, Acts of 1943, 1945 and 1947, and adopting and reenacting Volume I, Florida Statutes, 1941, and the General

Laws of the 1941, 1943, 1945 and 1947 Regular Sessions of the Legislature included therein, together with corrections of errors and omissions therefrom of certain sections and provisions; and providing for the publication thereof as "Florida Statutes, 1949."

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
 Chief Clerk House of Representatives.

And House Bill No. 56, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

The following message from the House of Representatives was read:

Tallahassee, Florida,
 April 13, 1949

Hon. Newman C. Brackin,
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 Committee on Judiciary (Civil)—

H. B. No. 57—A bill to be entitled An Act amending and revising Sections 16.43, 16.44, 16.45, 16.46, 16.47, 16.49, 16.50 and 16.51. Florida Statutes, 1941, (1947 cumulative supplement) and repealing Sections 16.11, 16.12, 16.13, 16.14, 16.15, 16.16, 16.17, 16.18, 16.20-1, 16.23-1, 16.25, 16.30, 16.31, 16.32, 16.33, 16.34, 16.35, 16.36, 16.37, 16.38, 16.39, 16.40, 16.41 and 16.42. Florida Statutes, 1941, all of said statutes relating to statutes, statutory revision and statutory revision department of this State: and defining the powers, authority and duties of said department.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
 Chief Clerk House of Representatives.

And House Bill No. 57, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

Senator Franklin moved that Senate Bill No. 81 be recalled from the Committee on Judiciary "B".

Which was agreed to and it was so ordered.

By unanimous consent Senator Franklin withdrew Senate Bill No. 81.

Senator Beacham moved that a committee be appointed to escort the Honorable S. Marvin Griffin, of Bainbridge, Georgia, Lieutenant Governor of the State of Georgia, and the following members of the Georgia State Senate to the rostrum: Senator T. E. Rich, Sr., of Bainbridge, Georgia, Senator Lee Purbom, of Blackshear, Georgia, Senator B. M. Jones, of Dallas, Georgia, Senator W. R. McCoy, of Folkston, Georgia, Senator Charlie Tarver, of Cordele, Georgia, Senator Wallace Bryant, of Dalton, Georgia, and Senator Orsborn Foster, of Hiawassee, Georgia, members of inspection committees on prisons and public health of the Georgia State Senate.

Which was agreed to.

The President appointed Senators Beacham, Baynard and Clarke as the committee and the Lieutenant Governor and members of the Georgia State Senate were duly escorted to the rostrum.

Senator Shands moved that Senate Bill No. 96 be recalled from the Committee on Finance and Taxation and re-referred to the Committee on Judiciary "B."

Which was agreed to and it was so ordered.

SENATE BILLS ON SECOND READING

S. B. No. 38—A bill to be entitled An Act to fix the number of jurors required to agree to a verdict in civil cases tried by a jury of six jurors.

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 38 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 38 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 38 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. 38 was read the third time in full.

Upon the passage of Senate Bill No. 38 the roll was called and the vote was:

Yeas—17

Mr. President	Crary	Moore	Tucker
Alford	Getzen	Ray	Walker
Beacham	Johns	Rodgers	
Beall	Leaird	Sanchez	
Boyle	Lindler	Sheldon	

Nays—20

Ayers	Collins	King	Shands
Baker	Davis	Mathews	Shivers
Baynard	Franklin	McArthur	Sturgis
Carroll	Gautier	Pearce	Wilson
Clarke	Johnston	Pope	Wright

So Senate Bill No. 38 failed to pass.

S. B. No. 39—A bill to be entitled An Act to define the scope of examination and cross-examination of witnesses at the trial of civil actions.

Was taken up in its order.

Senator Crary moved that the rules be waived and Senate Bill No. 39 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 39 was read the second time by title only.

Senator Crary moved that the rules be further waived and Senate Bill No. 39 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. 39 was read the third time in full.

Pending roll call on the passage of Senate Bill No. 39, Senator McArthur moved that the rules be waived and the hour of adjournment be extended thirty minutes.

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

The question recurred on the passage of Senate Bill No. 39.

Upon the passage of Senate Bill No. 39 the roll was called and the vote was:

Yeas—4

Beacham	Crary	Davis	Johns
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Nays—30

Mr. President	Franklin	McArthur	Sheldon
Alford	Gautier	Moore	Shivers
Ayers	Getzen	Pearce	Smith
Baker	Johnston	Pope	Sturgis
Baynard	King	Ray	Walker
Carroll	Leaird	Rodgers	Wright
Clarke	Lindler	Sanchez	
Collins	Mathews	Shands	

So Senate Bill No. 39 failed to pass.

Senator Johnston moved that House Bill No. 150 be recalled from the Committee on Games and Fisheries and the Committee on Appropriations and placed on the Calendar of Bills on Second Reading.

Which was agreed to and it was so ordered.

Senator Johnston asked unanimous consent of the Senate to take up and consider House Bill No. 150, out of its order, at this time.

Which was not agreed to.

Senator Johns moved that Senate Resolution No. 9 be recalled from the Committee on Welfare and the Committee on Legislative Management and placed on the Calendar.

Which was agreed to and it was so ordered.

Senator Johns asked unanimous consent of the Senate to take up and consider Senate Resolution No. 9, out of its order, at this time.

Which was agreed to.

Senate Resolution No. 9:

A RESOLUTION PROVIDING FOR AN INVESTIGATION OF THE STATE WELFARE BOARD.

WHEREAS, there is widespread criticism and dissatisfaction with the administration of the State Welfare Board because of its policies and practices and its heavy salary expenses for its employees; and,

WHEREAS, there are many citizens in our State requiring welfare assistance who are unable to have their claims considered by the State Welfare Board and its case workers except after long delays; and,

WHEREAS, many persons desiring old age assistance and other welfare benefits are not provided with adequate amounts of benefits because a considerable portion of the funds provided by the State Welfare Board is unnecessarily paid to case workers and other employees which could properly be used for welfare benefits; and,

WHEREAS, an immediate investigation should be had to determine the facts and to suggest remedies;

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA STATE SENATE OF THE STATE OF FLORIDA:

That the State Welfare Board be investigated by a special Senate Committee, provided for hereinafter, said committee to inquire into the expenses of operating said welfare board; to investigate the policies and practices of the welfare board; to determine the reasons for the delay in processing applications for welfare assistance, and to report its conclusions to the Legislature with suggestions as to legislation to remedy conditions in the administration of the State Welfare Board;

BE IT FURTHER RESOLVED, that the President of the Senate appoint three members of the Senate on said investi-

gating committee, and said committee shall have all the powers appertaining to an investigation committee of the Legislature with rights to subpoena witnesses and necessary records and papers;

BE IT FURTHER RESOLVED, that said committee shall make its investigation and file its report before the expiration of the present session of the Legislature.

Having been read in full on April 8, 1949, was taken up and read the second time in full for the information of the Senate.

Senator Johns offered the following amendment to Senate Resolution No. 9:

On Page 2, Line 10, strike out the word "three" (3) and insert in lieu thereof the following: "five" (5).

Senator Johns moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question was put on the adoption of the Resolution, as amended.

Upon which a roll call was demanded.

Upon the adoption of Senate Resolution No. 9, as amended, the roll was called and the vote was:

Yeas—27

Mr. President	Getzen	Moore	Sheldon
Ayers	Johns	Pearce	Smith
Baynard	Johnston	Pope	Sturgis
Beacham	King	Ray	Walker
Collins	Leaird	Rodgers	Wilson
Davis	Mathews	Sanchez	Wright
Franklin	McArthur	Shands	

Nays—7

Alford	Carroll	Crary	Shivers
Baker	Clarke	Lindler	

And Senate Resolution No. 9, as amended, was adopted.

Pursuant to the provisions of Senate Resolution No. 9, the President announced the appointment of the following committee: Senator Johns, Chairman; Senator Sanchez, Vice-Chairman; Senators Getzen, Shands, and Ray.

Senator McArthur moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:18 o'clock P. M., until 11:00 o'clock A. M., Thursday, April 14, 1949.