

# JOURNAL OF THE SENATE

202

Monday, May 2, 1949

The Senate convened at 3:00 o'clock P. M., pursuant to adjournment on Friday, April 29, 1949.

Senator Ray, President Pro Tempore, presiding.

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

Alford	Crary	McArthur	Shivers
Ayers	Davis	Moore	Smith
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Boyle	Johns	Rodgers	Wright
Carroll	Johnston	Sanchez	
Collins	King	Sheldon	

—30.

A quorum present.

Senator Brackin, President of the Senate, was excused from attendance upon the Session today because of the death of his mother; Senator Mathews was excused from attendance upon the Session today on account of official business in Jacksonville; Senators Clarke, Shands and Sturgis were excused from attendance upon the Session today while serving as the committee to officially represent the Senate at the burial services of Mrs. Rebecca Brackin, mother of the President; Senators Beall and Leaird were excused from attendance in order to attend the funeral services for Mrs. Brackin.

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

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, April 18, 1949, was further corrected as follows:

Page 4, column 1, strike out line 43 and insert in lieu thereof the following:

"By Senators Shands, Gautier and Baker—"

And as further corrected was approved.

The Senate daily Journal of Wednesday, April 20, 1949, was further corrected as follows:

Page 1, column 1, strike out lines 23, 24 and 25.

And as further corrected was approved.

The Senate daily Journal of Thursday, April 28, 1949, was further corrected as follows:

Page 18, column 1, line 28, between the word "to" and the word "and" insert the following "by a two-thirds vote".

And as further corrected was approved.

The Senate daily Journal of Friday, April 29, 1949, was corrected as follows:

Page 4, column 2, strike out line 39 and insert in lieu thereof the following:

"was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling."

And as corrected was approved.

## REPORTS OF COMMITTEES

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

S. B. No. 251—A bill to be entitled An Act relating to solicitation of funds by certain organizations in Florida; providing for filing of certain reports.

S. B. No. 264—A bill to be entitled An Act requiring the State Welfare Board to furnish to the Boards of County Commissioners of the several counties of the State of Florida names of persons receiving assistance from said State Welfare Board and certain information relative thereto.

S. B. No. 302—A bill to be entitled An Act to amend Paragraph 62.07, Chapter 62, Florida Statutes, 1941; to authorize the Courts to fix fees for Masters in Chancery and to prescribe the method of fixing same.

S. B. No. 303—A bill to be entitled An Act to provide under certain conditions suit money, including a reasonable attorney's fee, to a divorced wife or husband in supplementary proceedings now pending or hereafter instituted in which the final decree of divorce by the Courts of this State is recorded prior to or subsequent to the effective date of this Act.

S. B. No. 304—A bill to be entitled An Act to limit the time wherein suits, actions or proceedings may be instituted or maintained to test the validity of any law or Act of the Legislature incorporating a municipal corporation, or the inclusion therein of any particular lands.

S. B. No. 339—A bill to be entitled An Act to amend Chapter 23802, Laws of Florida, Acts of 1947, relating to civil liability of radio or television broadcasting stations, by requiring compliance with Federal laws and regulations.

S. B. No. 345—A bill to be entitled An Act granting the license or privilege of practicing law in the State of Florida to certain persons under certain conditions who have been deans of approved Florida law schools.

S. B. No. 364—A bill to be entitled An Act vesting title to sovereignty lands of the State of Florida in the Trustees of the Internal Improvement Fund and authorizing conveyance thereof by said Trustees; and ratifying conveyances previously made.

—and recommends that they do pass.

Senate Bills Nos. 251, 302, 303, 304, 339, 345, and 364, contained in the preceding report, were placed on the Calendar of Bills on Second Reading; and S. B. No. 264, contained in the preceding report, was referred to the Committee on Welfare under the original joint reference.

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

S. B. No. 355—A bill to be entitled An Act declaring that rent control is no longer necessary in the State of Florida and providing notice to the Federal Housing Expediter of such fact.

—and the Committee reports same without recommendation.

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

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

S. B. No. 272—A bill to be entitled An Act providing for the allowance and payment of reasonable attorney's fees in any suit instituted in the Courts necessary in order to coerce any public officer, officers, board or agency, to perform any legal duties; providing for the reimbursement to public officials of attorney's fee so paid, if the refusal to perform said act was not the result of negligence or wilfulness.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Johnston, Chairman of the Committee on Labor

and Industry, reported that the Committee had carefully considered the following Bill:

S. B. No. 252—A bill to be entitled An Act to amend Sections 443.04, 443.05, and 443.06 of Chapter 443, Florida Statutes, 1941, as amended by Chapter 21983, Laws of Florida, Acts of 1943, and Chapters 23919 and 24083, Laws of Florida, Acts of 1947, and known as the "Florida Unemployment Compensation Law," relating to payment of benefits, benefit eligibility conditions and disqualifications, by providing for a revision of weekly benefit amount and duration of benefits; revising eligibility conditions, revising the disqualification for benefits and providing for transition from the old benefit provisions to the new benefit provisions; repealing all laws in conflict herewith and making this Act effective July 1, 1949.

—and the Committee recommends that the Committee substitute therefor, as returned herewith, do pass.

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

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

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 and the leases evidencing same shall cease and determine.

—and the Committee recommends that the Committee substitute therefor, as returned herewith, do pass.

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

#### INTRODUCTION OF RESOLUTIONS

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

Senate Resolution No. 410:

WHEREAS, on April 30, 1949, Mrs. Rebecca Brackin, the beloved mother of Senator Newman C. Brackin, our fellow Senator and President of the Senate, departed this life at her home in Bonifay, Florida, after a prolonged illness, and

WHEREAS, Mrs. Rebecca Brackin came to Florida many years ago and served her family, her community, her state, and her nation faithfully and well during her long and useful life, and

WHEREAS, she gave to Florida two children, a daughter, Mrs. Newell Brock of Daytona Beach, Florida, and a son, Newman C. Brackin, who has served with honor and distinction in the House of Representatives and in the State Senate and is now the President of this Body, where he is held in high esteem and genuine affection, and

WHEREAS, the President Pro Tem, Senator William J. Ray of the Thirty-sixth Senatorial District, appointed a Committee composed of Senator W. A. Shands of the Thirty-second Senatorial District, Senator S. D. Clarke of the Twenty-second Senatorial District, and Senator Wallace E. Sturgis of the Twentieth Senatorial District to attend the funeral of Mrs. Brackin and supply a suitable wreath for the occasion, as a token of the affection the members of the Senate bear for Senator Newman C. Brackin,

NOW, THEREFORE,

BE IT RESOLVED BY THE FLORIDA SENATE OF 1949,

in session duly assembled, as follows:

(1) That we pause and sorrowfully take note of the passing of Mrs. Rebecca Brackin and pay homage to her exemplary life and to the inspiration she afforded those who knew her during her lifetime;

(2) That the members of the Florida Senate of 1949, individually and as a body, express their deepest sympathy to our beloved President, Senator Newman C. Brackin, and his sister, Mrs. Newell Brock, in this their hour of great travail; and

(3) That this resolution be spread upon the Journal of the Senate and that appropriate certified copies thereof be furnished to Senator Newman C. Brackin and his sister, Mrs. Newell Brock, and to the press.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was unanimously agreed to by a rising vote of the Senate and Senate Resolution No. 410 was adopted.

Senator McArthur moved that the Senate adjourn in tribute to Mrs. Rebecca Brackin and out of respect to the President.

Which was agreed to.

And the Senate adjourned at 3:12 o'clock P. M., until 11:00 o'clock A. M., Tuesday, May 3, 1949.