

JOURNAL OF THE SENATE

26

Thursday, April 5, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, April 4, 1951.

The President in the Chair.

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

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

—38.

A quorum present.

Prayer was offered by the Senate Chaplain, Reverend Walter R. Faust.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 4, 1951, was corrected as follows:

Page 2, column 1, strike out lines 21, 22 and 23 and insert in lieu thereof the following:

"6. Introduction of resolutions, memorials, bills and joint resolutions.

"7. Consideration of Senate Resolutions."

And as corrected was approved.

REPORT OF COMMITTEE

Senator Sanchez, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following Bill:

S. B. No. 20—A bill to be entitled An Act relating to issuance of Bonds by the several Boards of County Commissioners of the State for the purposes of constructing County Public Hospitals; amending Sections 155.04 and 155.14, Florida Statutes, by increasing the time within which such bonds shall be payable and removing the limitation of the cost of any such County Hospital as now provided by Section 155.14.

—and recommends that the same do pass.

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

ENROLLING REPORT

April 5, 1951

Your Enrolling Clerk to whom was referred—H. M. No. 1

—begs leave to report same has 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 RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Lewis—

S. B. No. 29—A bill to be entitled An Act relating to the salary of each Circuit Judge of any Judicial Circuit of

the State of Florida embracing six or more counties with a total population exceeding one hundred sixteen thousand (116,000) and with two or more counties therein with a population of thirty-two thousand (32,000) or more, according to the last preceding Federal Census, and providing that a proportionate part of the salary of each such Circuit Judge be paid from the General Revenue Fund of the counties of said Circuit in the proportion that the population of each county bears to the total population of such Circuit, according to the last preceding Federal Census; making the same a county purpose; making an annual appropriation therefor; providing the effective date hereof and repealing all laws in conflict herewith.

Which was read the first time by title only and referred to the Committee on Population and the Committee on Judiciary "A", in the order named.

By Senator Branch—

S. B. No. 30—A bill to be entitled An Act to repeal Chapter 24918, Laws of Florida, Special Acts of 1947, relating to the reinstatement of Norman T. Whitworth as an employee and member of the Police Department of the City of Tampa and to his eligibility for a pension.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 30 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 Branch moved that the rules be waived and Senate Bill No. 30 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 30 was read the second time by title only.

Senator Branch moved that the rules be further waived and Senate Bill No. 30 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. 30 was read the third time in full.

Upon the passage of Senate Bill No. 30 the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So Senate Bill No. 30 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Clarke, Collins, Crary, Gautier (13th), Johns and Smith—

S. B. No. 31—A bill to be entitled An Act fixing the per diem and traveling expenses of State officers and employees when traveling on State business.

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

By Senator Carroll—

S. B. No. 32—A bill to be entitled An Act to amend Section 322.18, Florida Statutes.

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

By Senator Ripley—

S. B. No. 33—A bill to be entitled An Act amending Section 40.24, Florida Statutes; providing an increase in compensation for certain jurors.

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

By Senator Ripley—

S. B. No. 34—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 "C."

By the Committee on Finance and Taxation—

S. B. No. 35—A bill to be entitled An Act revising Chapter 212, Florida Statutes, relating to the imposing and collecting of privilege taxes on the sale, use and storage for use or consumption of tangible personal property, on admissions and the rental of tangible personal property and certain real property; by eliminating certain exemptions and adding others; providing rates and methods of reporting and remitting such taxes to the State; declaring such taxes to be State funds and providing penalties for failure to remit and for embezzlement of such funds; granting additional powers to the Comptroller and providing funds for the enforcement of the chapter, by amending all or parts of Sections 212.02, 212.04, 212.06, 212.08, 212.11, 212.12, 212.15, and 212.20, and repealing Subsections (4), (5), (6) and (8) of Section 212.03 thereof, providing for an effective date.

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

By the Committee on Finance and Taxation—

S. B. No. 36—A bill to be entitled An Act revising Chapter 209, Florida Statutes, relating to the levy, collection and distribution of the tax on motor fuels other than gasoline, by amending Sections 209.01, 209.02, 209.03, 209.05, 209.06, 209.07, 209.08, 209.09, 209.10, 209.11, 209.12, 209.13, 209.15, 209.16 and 209.17; repealing Sections 209.04 and 209.18 thereof; and adding Sections 209.001, 209.111, 209.19, 209.20, 209.21, 209.22, 209.23 and 209.24 thereto.

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

By Senator Shands, Dayton, Ripley, Rogells, Leaird, Baynard, King, Smith and Gautier (13th)—

S. B. No. 37—A bill to be entitled An Act relating to the practice of Public Accounting; amending Section 473.08, Florida Statutes, 1941; and repealing Section 473.11, Florida Statutes, 1941; providing for eligibility to take the examination for Certified Public Accountant and the conditions for issuing Certificates to practice as Certified Public Accountants to those persons taking and passing said examination; defining residence for the purpose of eligibility; placing authority with State Board of Accountancy for determining standards of accreditation of Colleges and Universities for purposes of eligibility of graduates; and repealing all laws in conflict herewith.

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

By Senator Baker—

S. B. No. 38—A bill to be entitled An Act to abolish all Justice Districts in Lake County, Florida, and providing for a referendum thereof.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 38 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 Baker 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 Baker 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—38.

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So Senate Bill No. 38 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 39—A bill to be entitled An Act to authorize the County of Lake to construct, build, erect, purchase, lease or rent an armory or armories in said county; to declare said armories to be for a county purpose; to authorize the assessment, levy and collection of an ad valorem tax to carry out the purposes of this Act and to validate and confirm the assessment, levy and collection of taxes heretofore made for the purpose of renting or constructing an armory or armories.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 39 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 Baker 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 Baker 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.

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

Yeas—38.

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So Senate Bill No. 39 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

Senate Joint Resolution No. 40:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI OF THE CONSTITUTION, RELATING TO THE RIGHT OF SUFFRAGE AND CONDITIONS TO BE FULFILLED IN ORDER TO BECOME AN ELECTOR BY AMENDING SECTION 1 THEREOF PERTAINING TO THE MINIMUM AGE OF ELECTORS.

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

That the following Amendment to Article VI, Section 1 of the Constitution of Florida is hereby agreed 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 November, A. D. 1952, as follows:

Section 1. **Electors.**—Every male person of the age of eighteen years and upwards that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this constitution. Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer his certificate of naturalization or a duly certified copy thereof.

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

By Senator Ayers—

Senate Joint Resolution No. 41:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI OF THE CONSTITUTION, RELATING TO THE RIGHT OF SUFFRAGE AND CONDITIONS TO BE OVERCOME IN ORDER TO QUALIFY AS AN ELECTOR BY AMENDING SECTION 1 THEREOF PERTAINING TO THE MINIMUM AGE OF ELECTORS.

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

That the following Amendment to Article VI, Section 1 of the Constitution of Florida is hereby agreed 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 November, A. D. 1952, as follows:

Section 1. **Electors.**—Every male person of the age of eighteen years and upwards that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this constitution. Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer his certificate of naturalization or a duly certified copy thereof.

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

By Senator Sanchez—

S. B. No. 42—A bill to be entitled An Act dividing the State of Florida into eight Congressional Districts, and prescribing and setting forth the territorial limits and boundaries of each district.

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

By Senators Brackin and Shands—

S. B. No. 43—A bill to be entitled An Act relating to livestock, providing for the fencing thereof, liability of the owner of livestock running at large or straying, impounding and sale of such livestock, duty of County Commissioners and sheriffs hereunder, punishment for violation of the provisions hereof, holding elections to reject the provisions hereof 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 Roads and Highways.

By Senators Sanchez, Sturgis, Clarke, Brackin, Crary, Ripley, Morrow and Lewis—

S. B. No. 44—A bill to be entitled An Act relating to juvenile courts; prescribing the jurisdiction, powers, practice, pleadings, procedure, process and manner of service thereof, officers and employees; and financing of juvenile courts and other courts the name of which includes the word "juvenile"; prescribing exclusive methods of taking and detaining children in custody and prohibiting certain practices with reference to children; providing the qualifications, manner of election or employment, duties, powers, compensation, expenses, and tenure of judges and employees of such courts; requiring levying of taxes and appropriations of county funds for the expense of operation, quarters, furniture, and equipment of such courts; and repealing inconsistent general laws and special acts.

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

By Senator Johnston—

Senate Joint Resolution No. 45:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE III OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE REGULAR AND EXTRA SESSIONS OF THE LEGISLATURE.

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

That the following amendment to Section 2 of Article III of the Constitution of the State of Florida relating to the regular and extra sessions of the Legislature 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, 1952, as follows:

Section 2. The regular sessions of the Legislature shall be held annually, commencing on the first Tuesday after the first Monday in April, A. D., 1953, and on the corresponding day of every year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, however the Senate and the House of Representatives may by the adoption of a concurrent resolution concerning adjournment Sine Die agreed to by two-thirds of all the members elected to each house, cause said annual regular session of the Legislature to adjourn Sine Die, at any time within the sixty day period, provided its work is completed prior to the sixtieth day from the date said regular session of the Legislature convened, but no special session convened by the Governor shall exceed twenty days.

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

By Senator Ripley—

S. B. No. 46—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Duval County, Florida, to convey to Rosa Stephens of Duval County, Florida, certain lands lying and situate in said county, upon the payment of certain monies and fees.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 46 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 Ripley moved that the rules be waived and Senate Bill No. 46 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 46 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 46 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. 46 was read the third time in full.

Upon the passage of Senate Bill No. 46 the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So Senate Bill No. 46 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Morrow—

S. B. No. 47—A bill to be entitled An Act providing that the provisions of Chapter 134, Florida Statutes, 1949, relating to County Officers and Employees Retirement System, are applicable to officers and employees of drainage districts and making an appropriation therefor.

Which was read the first time by title only and referred to the Committee on Judiciary "A" and the Committee on Appropriations, in the order named.

By Senator Morrow—

S. B. No. 48—A bill to be entitled An Act vesting power and authority in Drainage Districts to regulate and control when and under what circumstances connections may be made with their works and improvements and to regulate and control the volume of water which may be discharged into and taken out of their canals and laterals.

Which was read the first time by title only and referred to the Committee on Drainage and Water Conservation.

MESSAGE FROM THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 5, 1951

GENTLEMEN OF THE LEGISLATURE:

In pursuance of the requirement of Section 11 of Article IV of the State Constitution, I have the honor to transmit herewith a report covering every case of fine or forfeiture remitted, or reprove, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprove since making report to the Legislature, April 5, 1949.

Respectfully submitted,
FULLER WARREN,
Governor.

Whereupon the report transmitted with the foregoing message from the Governor was filed in the Senate.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 5, 1951.

Hon. Wallace E. Sturgis,
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 Messrs. Patton, Whitlock, Burnsed, Akridge, Hathaway, Williams, Smith, S. C., Tapper, Kirkland, Smith, Tate, Williams, Jr.—

House Memorial No. 1:

A Memorial to the President of the United States requesting the release of funds for the construction and implementing of new veteran hospital facilities in Florida as provided in Congressional Appropriation Bills heretofore passed for the construction and erection of veteran hospital facilities, including two Veterans Hospitals in the State of Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Memorial No. 1, contained in the above message, was read the first time in full.

Senator Pearce moved that the rules be waived and House Memorial No. 1 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 1 was read the second time in full.

The question was put on the adoption of the Memorial.

A roll call was demanded.

Upon the adoption of House Memorial No. 1 the roll was called and the vote was:

Yeas—38.

Mr. President	Collins	King	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So House Memorial No. 1 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Moore moved that Senate Bills Nos. 4, 6, 8, 9, 10, 11, and 12 which had been referred to the Committee on Judiciary "C" be referred jointly to the Committee on Miscellaneous Legislation.

The question was put on the motion made by Senator Moore.

A roll call was demanded.

Upon the motion made by Senator Moore the roll was called and vote was:

Yeas—7.

Boyle	Pearce	Smith	Wright
Moore	Rogells	Tucker	

Nays—31.

Mr. President	Clarke	Johns	Morrow
Ayers	Collins	Johnson	Pope
Baker	Crary	Johnston	Ripley
Baynard	Davis	King	Rodgers
Beall	Dayton	Leaird	Sanchez
Brackin	Franklin	Lewis	Shands
Branch	Gautier (28th)	Lindler	Shivers
Carroll	Gautier (13th)	McArthur	

So the motion failed of adoption.

Senator Gautier (13th) moved that the Senate adjourn. Senator Brackin moved as a substitute motion that the rules be waived and when the Senate adjourns it adjourn to reconvene at 11:00 o'clock, A. M., Monday, April 9, 1951.

The question was put on the substitute motion made by Senator Brackin.

Which was not agreed to.

The question recurred upon the adoption of the motion made by Senator Gautier (13th).

Which was agreed to and the Senate stood adjourned at 12:00 o'clock, Noon, until 11:00 o'clock A. M., Friday, April 6, 1951.