

JOURNAL OF THE SENATE

30

Friday, April 6, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 5, 1951.

The President in the Chair.

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

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

—36.

A quorum present.

Senator Brackin was excused from attendance upon the Session today.

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 further corrected as follows:

Page 7, column 2, line 8, counting from the bottom of the column, strike out the name "Branch".

Also—

Page 8, column 1, line 28, between the name "Clarke" and the name "Johnson" insert the name "Gautier (28th)".

And as further corrected was approved.

The Senate daily Journal of Thursday, April 5, 1951, was corrected and as corrected was approved.

Senator Baker moved that the action of the Senate on April 5, 1951, in ordering Senate Bill No. 38 certified to the House of Representatives, be rescinded.

Which was agreed to and it was so ordered.

Senator Baker moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 38 passed the Senate on April 5, 1951.

Which was agreed to by a two-thirds vote, and the Senate reconsidered the vote by which Senate Bill No. 38 passed the Senate on April 5, 1951.

The question recurred on the passage of Senate Bill No. 38.

Pending roll call on the passage of Senate Bill No. 38, by unanimous consent, Senator Baker withdrew Senate Bill No. 38.

Senator Baker moved that the action of the Senate on April 5, 1951, in ordering Senate Bill No. 39 certified to the House of Representatives, be rescinded.

Which was agreed to and it was so ordered.

Senator Baker moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 39 passed the Senate on April 5, 1951.

Which was agreed to by a two-thirds vote, and the Senate reconsidered the vote by which Senate Bill No. 39 passed the Senate on April 5, 1951.

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

Pending roll call on the passage of Senate Bill No. 39, by

unanimous consent, Senator Baker withdrew Senate Bill No. 39.

Senator Rogells moved that a committee of three be appointed to escort the Honorable Edward W. Beamer, a member of the Indiana State Senate to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Rogells, Dayton and Gautier (28th) as the committee.

REPORT OF COMMITTEE

To the Honorable Wallace E. Sturgis, President:

Your Committee on Education respectfully requests the enforcement of the rules of the Senate providing for the referring of all bills to appropriate committees, to the end that all bills, local, special, as well as general, affecting the public free schools of the State or any County thereof shall be referred to it for consideration and report as provided under the rules of the Senate.

Respectfully submitted,
LeROY COLLINS,
Chairman.

Senator Collins moved the adoption of the Report of the Committee on Education.

Pending the adoption of the motion made by Senator Collins, Senator Smith moved as a substitute motion that the adoption of the Report by the Committee on Education be carried over as unfinished business for consideration by the Senate on Monday, April 9, 1951.

A roll call was demanded.

Upon the adoption of the substitute motion made by Senator Smith the roll was called and the vote was:

Yeas—13.

Baker	Johns	Ripley	Wright
Beall	Johnson	Sanchez	
Davis	King	Smith	
Dayton	Moore	Tucker	

—Nays—21.

Mr. President	Crary	Lewis	Rogells
Baynard	Franklin	Lindler	Shands
Branch	Gautier (28th)	Morrow	Shivers
Carroll	Gautier (13th)	Pearce	
Clarke	Johnston	Pope	
Collins	Leaird	Rodgers	

So the substitute motion failed of adoption.

The question recurred on the adoption of the Report of the Committee on Education.

Which was agreed to and the report was adopted.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Baynard—

S. B. No. 49—A bill to be entitled An Act amending Section 1 of Chapter 21071, Laws of Florida, Acts of 1941, relating to Timber Wardens in certain counties and making same applicable only to counties of this State having a population of not less than two hundred thousand (200,000) and not more than two hundred seventy-five thousand (275,000) inhabitants according to the latest official census.

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

By Senator Baynard—

S. B. No. 50—A bill to be entitled An Act to amend Section 1 of Chapter 25552, Laws of Florida, Acts of 1949, relating to Boards of County Commissioners in certain counties, levying, in addition to all other taxes authorized by law, an annual tax not to exceed six mills upon all property in each county subject to taxation, so as to make said act applicable only in counties in Florida having a population of not less than 200,000 and not more than 275,000 inhabitants according to the latest official census.

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

By Senator Baynard—

S. B. No. 51—A bill to be entitled An Act amending Chapter 25524, Laws of Florida, Acts of 1949, applying to certain counties and relating to powers of County Commissioners in the purchase and use of automobiles, by making said Chapter applicable only to counties having a population of not less than two hundred thousand (200,000) and not more than two hundred seventy-five thousand (275,000) inhabitants according to the latest official census.

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

By Senator Baynard—

S. B. No. 52—A bill to be entitled An Act amending Section 1 of Chapter 24196, Laws of Florida, Acts of 1947, relating to Maintenance of a county pound; employment of an impounding officer; impounding of livestock; duties of Timber Warden; heretofore applicable to certain counties and making same applicable only to counties having a population of not less than 200,000 and not more than 275,000 inhabitants according to the latest official census.

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

By Senator Baynard—

S. B. No. 53—A bill to be entitled An Act amending Section 1, Chapter 16293, Laws of Florida, Acts of 1933, as amended by Chapter 17466, Laws of Florida, Acts of 1935, relating to the creation of the Office of Chief Traffic Officer and Deputy Traffic Officers; their duties; by whom appointed; term of office; and number to be appointed; so as to make said act applicable in counties having a population of not less than two hundred thousand (200,000) nor more than two hundred and seventy-five thousand (275,000) by the last preceding official census.

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

By Senator Franklin—

S. B. No. 54—A bill to be entitled An Act providing for the approval of requests and budgets of the agencies of the State Government by the State Budget Commission in the obtaining of Federal Aid; and providing an effective date hereof.

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

By Senator Franklin—

S. B. No. 55—A bill to be entitled An Act to amend Section 253.12, Florida Statutes, relating to the title to sovereignty tidal lands in the State of Florida, vesting title thereof in the Trustees of the Internal Improvement Fund of Florida, validating certain acts of the Trustees of the Internal Improvement Fund in relation to such lands and repealing certain laws.

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

By Senator Crary—

S. B. No. 56—A bill to be entitled An Act fixing the salaries of the Justices of the Supreme Court and of the Circuit Judges of the State of Florida.

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

By Senator Ripley—

S. B. No. 57—A bill to be entitled An Act authorizing and prescribing the procedure for Civil Proceedings to compel the support of dependent wives, children and poor relatives within and without the State of Florida.

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

By Senator Morrow—

Senate Concurrent Resolution No. 58:

A CONCURRENT RESOLUTION TO RESCIND HOUSE CONCURRENT RESOLUTION NUMBER 10 OF 1945, RELATING TO A DECLARATION OF THE FEDERATION OF THE WORLD.

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

That, House Concurrent Resolution Number 10 of 1945, relating to a declaration of the Federation of the World is hereby rescinded and withdrawn.

Which was read the first time in full and referred to the Committee on Judiciary "A".

By Senator Morrow—

Senate Concurrent Resolution No. 59:

A RESOLUTION RESCINDING AND WITHDRAWING SENATE MEMORIAL NO. 232 RELATING TO THE WORLD FEDERAL GOVERNMENT.

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

That certain Memorial identified as Senate Memorial Number 282, of the 1949 Legislature of Florida, memorializing the Congress of the United States "to convene a Constitutional Convention as provided by Article V of the Constitution of the United States, for the purpose of determining the adoption of an Amendment to the Constitution of the United States whereby the United States can participate in a limited World Federal Government to be created by Amendment to the United Nations Charter, or by a World Constitutional Convention, with authority to enact, interpret and enforce laws to prevent wars" is withdrawn, revoked and rescinded.

Which was read the first time in full and referred to the Committee on Judiciary "A".

By Senator Morrow—

Senate Memorial No. 60:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES TO RESCIND FLORIDA SENATE MEMORIAL NUMBER 282 OF 1949, RELATING TO A CONSTITUTIONAL CONVENTION FOR PURPOSE OF AMENDING THE CONSTITUTION OF THE UNITED STATES SO THAT A LIMITED WORLD FEDERAL GOVERNMENT BE CREATED BY AMENDMENT TO THE UNITED NATIONS CHARTER, OR BY A WORLD CONSTITUTIONAL CONVENTION.

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

That the Congress of the United States is respectfully asked to ignore the previous Florida Senate Memorial Number 282 of 1949, relating to a petition for a constitutional convention for amending the Constitution of the United States so that the United States could participate in a limited World Federal Government with authority to prevent war; as the Legislature of the State of Florida has rescinded and withdrawn this previous petition.

Which was read the first time in full and referred to the Committee on Judiciary "A".

By Senator Morrow—

S. B. No. 61—A bill to be entitled An Act repealing Chapter 25098, Acts of 1949 relating to inclusion of the 1950 ballot

participate of the United States in a World Federal Government.

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

By Senator Morrow—

S. B. No. 62—A bill to be entitled An Act to amend Section 270.11, Florida Statutes, relating to contracts for the sale of public lands and requiring the reservation of certain mineral rights in the State.

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

By Senator Gautier (13th)—

S. B. No. 63—A bill to be entitled An Act amending Section 90.07, Florida Statutes relating to witnesses and providing that a full pardon shall restore the right of convicted perjurors to testify in the Courts of this State.

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

By Senator Gautier (13th)—

S. B. No. 64—A bill to be entitled An Act to declare, designate and establish a certain State Road and give it a name.

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

By Senator Gautier (13th)—

S. B. No. 65—A bill to be entitled An Act to provide that the Board of County Commissioners of every county owning and operating an airport shall have the right, power and authority to enter into contracts with automobile transportation companies for the transportation of passengers for hire between such airport or airports and designated points within such county; providing for the issuance of certificates of public convenience and necessity by the Florida Railroad and Public Utilities Commission to every such transportation company; and for other purposes.

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

By Senator Gautier (13th)—

S. B. No. 66—A bill to be entitled An Act amending subsection (2) of Section 40.01 and Subsection (1) of Section 40.07, Florida Statutes relating to disqualifications of Jurors resulting from certain criminal convictions.

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

By Senator Gautier (13th)—

S. B. No. 67—A bill to be entitled An Act amending Section 40.24, Florida Statutes; providing an increase in compensation for jurors.

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 Gautier (13th)—

S. B. No. 68—A bill to be entitled An Act relating to Appellate Proceedings Generally; providing for the sending of the original record to the Appellate Court in all appeals.

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

By Senator Gautier (13th)—

S. B. No. 69—A bill to be entitled An Act relating to the Commitment of State Prisoners; providing that first offenders may be committed by the Judges of Certain Courts directly to the Apalachee Correctional Institution.

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

By Senator Gautier (13th)—

S. B. No. 70—A bill to be entitled An Act to permit the

Court in a tort action to instruct the jury when awarding damages to itemize the various sums allowed for each element of damage; and repealing all laws or parts of laws in conflict therewith.

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

By Senator Gautier (13th)—

S. B. No. 71—A bill to be entitled An Act relating to Medical School Education in the State of Florida; authorizing the Board of Control to pay to the first approved and accredited Medical School established in Florida the sum of three thousand dollars per year for each qualified Florida student enrolled; defining the necessary qualifications of a medical school and medical students to receive benefits; regulating the expenditure of such funds by said school; limiting the number of students from each county and appropriating the sum of two hundred twenty-five thousand dollars to the Board of Control to carry out the provisions of the act.

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

By Senators Morrow, Pope, Shivers, Baker, Beall, Crary, Collins and Johnson—

S. B. No. 72—A bill to be entitled An Act regulating the practice of nursing for hire or gain, creating the Florida State Board of Nurse Registration and Nursing Education, defining its powers and duties, abolishing the State Board of Examiners for Nurses, transferring its rights, powers and duties, providing for the transfer of funds, prescribing fees, defining certain misdemeanors and providing penalties for violation thereof; repealing Chapter 464 Florida Statutes 1949 and all acts amendatory thereto.

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

MESSAGES 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 Senators Pope, Ayers, Gautier (28th), Baker, Johnson, Shivers, McArthur, Collins, Brackin, Gautier (13th), Sanchez, Smith, Dayton, Rodgers, Moore, Lindler, Johns, Shands, Boyle, Baynard, Carroll, Sturgis, Davis, Pearce, Ripley, Beall, Clarke, Leaird, Franklin, Johnston, Lewis and Morrow.

SENATE CONCURRENT RESOLUTION NO. 2

CONCURRENT RESOLUTION RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO THE TERMS OF OFFICE OF THE PRESIDENT OF THE UNITED STATES.

WHEREAS, the 80th Congress of the United States of America in both houses by a constitutional majority of two-thirds thereof has made the following proposition to amend the Constitution of the United States of America, in the following words to-wit:

"Joint Resolution proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That:

"The following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article No.

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

Therefore,

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

That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the Legislature of the State of Florida.

Be it further resolved, that certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

Respectfully,
LAMAR BLEDSOE,
 Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 2, contained in the above Message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

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 passed—

By Mr. Simpson of Jefferson—

H. B. No. 16—A bill to be entitled An Act to amend Paragraph (j) of Subsection (1), Paragraph (f) of Subsection (2), Paragraph (e) of Subsection (3), and Paragraph (b) of Subsection (4), all of Section 578.09, Florida Statutes, relating to the labeling requirements of agricultural and vegetable seed.

Also:

By Messrs. Murray of Polk, Morgan of Duval, and Haley of Sarasota—

H. B. No. 13—A bill to be entitled An Act relating to appropriations, providing that in the event no general appropriation bill is passed by a regular session of the legislature, the last previous general appropriation act shall apply, repealing all laws or parts of laws in conflict with this act, and providing for the effective date hereof.

And respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
 Chief Clerk, House of Representatives.

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

And House Bill No. 13, contained in the above Message, was read the first time by title only and referred to the Committee on Appropriations.

Senator Gautier (13th) moved that the rules be waived and when the Senate adjourns it adjourn to reconvene at 3:00 o'clock P. M., Monday, April 9, 1951.

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

Senator Gautier (13th) moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:01 o'clock P. M., until 3:00 o'clock P. M., Monday, April 9, 1951.