

JOURNAL OF THE SENATE

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Monday, April 9, 1951

The Senate convened at 3:00 o'clock P. M., pursuant to adjournment on Friday, April 6, 1951.

The President in the Chair.

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

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

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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 Friday, April 6, 1951, was corrected as follows:

Page 3, column 2, strike out line 22 and insert in lieu thereof the following:

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

And as corrected was approved.

Senator Baker moved that a committee of three be appointed to escort the Honorable Karl Lehmann, of Tavares, Florida, Governor of the Florida District of Kiwanis International, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Baker, Boyle and Morrow as the committee.

Senator Rodgers moved that a committee of three be appointed to escort a delegation of the State League of Women Voters, composed of Miss Margaret Piper of Orange County, President; Mrs. John A. Baker of Dade County, Director and Legislative Chairman, and Miss Warren Piper, Director and Structure of Government Chairman, to seats on the rostrum.

Which was agreed to.

The President appointed Senators Rodgers, Sanchez and King as the committee.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Baynard—

S. B. No. 73—A bill to be entitled An Act to amend Section 165.01, Florida Statutes, 1941, as amended by Chapter 23656, Laws of Florida, Acts of 1947, relating to number of inhabitants necessary to incorporate a municipal government.

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

By Senator Baynard—

S. B. No. 74—A bill to be entitled An Act providing that divorce invalidates a will insofar as divorced spouse is concerned.

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

By Senator Baynard—

S. B. No. 75—A bill to be entitled An Act providing for the practice of physical therapy; defining and regulating the practice thereof; prescribing the duties of the State Board of Medical Examiners under this Act; prescribing penalties for violation of this Act; and repealing all laws in conflict herewith.

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

By Senators Baynard, Collins, Brackin, Gautier (28th), Branch, Gautier (13th) and Shands—

S. B. No. 76—A bill to be entitled An Act to regulate or prohibit the wearing of a mask, hood or any device whereby any portion of the face is so hidden, concealed or covered as to conceal the identity of the wearer while upon the public ways in this State or while upon property of any municipality or county in this State or while upon the property of the State; prohibiting the demanding of entrance or the entrance upon the premises of another while wearing the same; prohibiting the holding of a meeting or demonstration on the property of another while wearing the same unless by written permit of the owner or occupier of the property, providing for certain exemptions from the Act; prohibiting the placing of or causing to be placed of burning or flaming crosses or exhibits of which the same are a real or simulated part in a public place; to prohibit the doing of the same on private property without first obtaining written permission of the property owner or occupier to so do; prohibiting the placing of or causing to be placed anywhere in this State an exhibit with the intent of intimidating any person; prohibiting the placing of or the causing to be placed any exhibit anywhere in this State by a person wearing a mask or any device whereby the face is so covered as to conceal the identity of the wearer; providing for the punishment for violations of this Act as crimes; defining the term "public place"; providing for the separability of the provisions of this Act; and for other purposes, including the repeal of all inconsistent law or laws.

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

By Senators Baynard, Pope, Rodgers and Franklin—

S. B. No. 77—A bill to be entitled An Act appropriating funds for the payment of the costs and expenses, including traveling expenses and per diem of members, incurred by the Joint Committee of the Senate and House, appointed pursuant to Senate Concurrent Resolution No. 633, of the 1949 Regular Session of the Legislature, in making a study of the insurance statutes and laws of this and other states and in preparing a revision, extension and codification of the said laws of this State.

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

By Senators King, Johnston, Beall and Brackin—

S. B. No. 78—A bill to be entitled An Act relating to furnishing reports of mental and physical examinations of persons by doctors and other practitioners of the healing sciences.

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

By Senator Crary—

S. B. No. 79—A bill to be entitled An Act allowing W. Guy Stoval the time he spent in promoting and constructing Connor's Highway as a part of his retirement under the State Officers and Employees Retirement System and providing certain duties for the Comptroller hereunder.

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

By Senators Brackin, Beall and Crary—

S. B. No. 80—A bill to be entitled An Act amending Section 458.05, Florida Statutes, and relating to applications to take the medical examinations in this State; the qualifications necessary to admit applicants to such examinations; penalties for practicing medicine without a license; and matters in connection therewith.

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

By Senators Brackin, Beall and Crary—

S. B. No. 81—A bill to be entitled An Act amending Section 458.08, Florida Statutes, and relating to the approval and classification of Medical Schools and Colleges, and of Hospitals, by the Board of Medical Examiners.

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

By Senators Brackin, Beall and Crary—

S. B. No. 82—A bill to be entitled An Act amending Section 458.10, Florida Statutes, relating to the amount of fees to be paid in connection with applications to take the medical examinations in this State.

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

By Senators Brackin, Beall and Crary—

S. B. No. 83—A bill to be entitled An Act amending Section 458.12, Florida Statutes, and adding three new and additional Sections to Chapter 458, Florida Statutes, to be known and designated as Sections 458.121, 458.122 and 458.123, all relating to the revocation, suspension, annulment and denial of licenses issued or to be issued under said Chapter 458, Florida Statutes; providing the grounds therefor and the procedure in connection therewith and for appeals from decisions and orders of the Board in connection therewith.

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

By Senators Brackin, Beall and Crary—

S. B. No. 84—A bill to be entitled An Act amending Section 458.13, Florida Statutes, and defining medical practice, fixing certain limitations upon the practice of medicine in this State, and exempting certain things from the operation of Chapter 458, Florida Statutes.

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

By Senators Brackin, Beall and Crary—

S. B. No. 85—A bill to be entitled An Act providing a method for proving that a person is or is not duly licensed and qualified to practice any of the healing arts, or to practice dentistry, pharmacy or nursing under the statutes and laws of the State of Florida.

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

By Senators Brackin, Beall and Crary—

S. B. No. 86—A bill to be entitled An Act providing for the appointment or employment of an Assistant Secretary or Secretaries for the State Board of Medical Examiners and defining his powers, duties and authority.

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

By Senator King—

S. B. No. 87—A bill to be entitled An Act amending Section 341.66, Florida Statutes, 1949, relating to the dedication of certain roads to the public.

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

By Senators Beall, Johnston and Branch—

S. B. No. 88—A bill to be entitled An Act amending Section 768.02 of Florida Statutes 1949 relating to parties and damages in actions for death of persons caused by the wrongful act, negligence, carelessness or default of another.

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

By Senators Beall, Johnston and Branch—

S. B. No. 89—A bill to be entitled An Act amending Section 45.11 of Florida Statutes 1949 relating to abatement of actions by death and change of parties.

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

By Senators Beall, Crary and Morrow—

S. B. No. 90—A bill to be entitled An Act defining the liability of owners, operators and other persons legally responsible for the operation of motor vehicles, for injuries received by guests and non-paying passengers in such motor vehicles, by reason of the negligent operation thereof.

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

By Senators Collins and Johns—

S. B. No. 91—A bill to be entitled An Act relating to public assistance and the State's Welfare Program; excluding certain personal property in the calculation of resources of applicant for, or recipient of, public assistance.

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

By Senator Collins —

S. B. No. 92—A bill to be entitled An Act to amend Section 731.34, Florida Statutes of 1949, relating to the Florida Probate Law, by amending the provisions thereof with respect to liability of widow's dower for proportionate share of estate and inheritance taxes.

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

By Senator Collins—

S. B. No. 93—A bill to be entitled An Act to amend Section 733.37, Florida Statutes of 1949, relating to the Florida Probate Law, by amending the provisions thereof with respect to partnerships.

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

By Senator Collins—

S. B. No. 94—A bill to be entitled An Act amending Chapter 22645, Laws of Florida, Acts of 1945 as amended by Chapter 24363, Laws of Florida, Acts of 1947 as amended by Chapter 26320, Laws of Florida, Acts of 1949 by amending Subsection 210.20 of Section 1 of Chapter 26320, Laws of Florida, Acts of 1949, also known as Section 210.20, Florida Statutes of 1949, to provide for the deposit, appropriation and disposition of the proceeds derived from the State tax on cigarettes, including distribution of a portion thereof to the Director of the Beverage Department for the cost of administration, to municipalities, to Boards of County Commissioners in counties in which there is no municipality and the balance thereof to the State Tuberculosis Board.

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

By Senator Davis—

Senate Resolution No. 95:

A RESOLUTION FOR THE APPOINTMENT OF A COMMITTEE OF THE SENATE OF THE STATE OF FLORIDA TO MAKE CERTAIN INVESTIGATIONS AS TO THE PERSONNEL, EMPLOYEES AND SUPERVISORS OF THE STATE BEVERAGE DEPARTMENT AND THE ADMINISTRATION

OF THE DUTIES AND RESPONSIBILITIES OF THE BEVERAGE DEPARTMENT AS PROVIDED BY LAW.

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

That a committee of three members of the Senate be appointed by the President thereof who shall make immediate and thorough investigations of the personnel, employees and supervisors of the State Beverage Department; of the administration of the beverage laws by the Beverage Department; of salaries and expenses paid by the Beverage Department and other pertinent information relating to the Beverage Department. That the said committee is authorized to require such necessary papers and information as well as free access to the records and files of the said Beverage Department as may be necessary to effectuate a thorough investigation of the affairs of the said Beverage Department. The members of said committee appointed hereunder shall receive no compensation, but shall be paid their necessary expense incurred hereunder.

Said committee shall report its findings and make recommendations in the premises to the 1951 Session of the Legislature of the State of Florida.

Which was read the first time by title.

Senator Davis moved that the rules be waived and Senate Resolution No. 95 be read the second time in full and put upon its adoption.

The question was put on the adoption of the motion made by Senator Davis.

A roll call was demanded.

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

Yeas—25.

Mr. President	Davis	Johnston	Rogells
Ayers	Dayton	King	Shands
Baker	Franklin	Lindler	Shivers
Baynard	Gautier (28th)	Pearce	Wright
Boyle	Gautier (13th)	Pope	
Brackin	Johns	Ripley	
Collins	Johnson	Rodgers	

Nays—12.

Beall	Crary	McArthur	Sanchez
Branch	Leaird	Moore	Smith
Clarke	Lewis	Morrow	Tucker

Which was agreed to by a two-thirds vote.

So Senate Resolution No. 95 was read the second time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 95 was adopted.

By Senator Franklin—

Senate Joint Resolution No. 96:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATIVE TO ASSESSMENT OF PROPERTY FOR TAXES AND THE COLLECTION OF TAXES, BY ADDING THERETO ADDITIONAL SECTIONS TO PROVIDE THAT IN THE COUNTY OF LEE, STATE OF FLORIDA THE COUNTY TAX ASSESSOR SHALL ASSESS THE PROPERTY OF THE COUNTY FOR THE PURPOSE OF LEVYING STATE, COUNTY, SCHOOL AND MUNICIPAL TAXES LEVIED BY THE STATE, COUNTY, COUNTY SCHOOL BOARD, SCHOOL DISTRICTS, SPECIAL TAX SCHOOL DISTRICTS, PORT DISTRICTS, DRAINAGE DISTRICTS, AND ANY OTHER TAXING DISTRICTS, AND MUNICIPALITIES OF THE COUNTY WHICH BY ORDINANCE REQUEST THEIR TAXES TO BE SO ASSESSED AND LEVIED, AND THAT THE COUNTY TAX COLLECTOR SHALL COLLECT AND DISTRIBUTE THE SAID TAXES.

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

That the following amendment to Article VIII of the Constitution of the State of Florida relative to the assessment and collection of all taxes in the county of Lee, State of Florida, by adding thereto additional sections to be numbered by the Secretary of State, 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—. From and after January 1, 1954, the county tax assessor in the county of Lee, State of Florida, shall assess all property for all state, county, school, and municipal taxes to be levied in the county by the state, county, county school board, school district, special tax school districts, port districts, drainage districts, and any other taxing districts, and municipalities which by ordinance request their taxes to be so assessed.

The legislature shall at the Legislative Session in 1953 and from time to time thereafter, enact laws specifying the powers, functions, duties and compensation of county tax assessor, designated in the first paragraph of this section, and shall likewise, provide by law for the extension on the assessment roll of the county tax assessor of all taxes levied by the state, county, county school board, school districts, special tax school districts, port districts, drainage districts, and any other taxing districts, and municipalities, whose taxes may be assessed by the county tax assessor pursuant to the first paragraph of this section.

Section—. From and after January 1, 1954 the county tax collector in the county of Lee, State of Florida, shall collect all taxes levied in the county by the state, county, county school board, school districts, special tax school districts, port districts, drainage districts, and any other taxing districts, and municipalities, whose taxes may be assessed by the county tax assessor pursuant to the first paragraph of the preceding section hereof.

The legislature shall at the Legislative Session of 1953, and from time to time thereafter enact laws specifying the powers, functions, duties and compensation of county tax collector designated in the first paragraph of this section, and shall likewise provide for the collection, care, custody, reporting and disbursement of all taxes collected by the county tax collector.

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

By Senator Franklin—

S. B. No. 97—A bill to be entitled An Act requiring Members of the Board of County Commissioners to be nominated by voters at large and not by Districts and providing for residence requirements of Board Members.

Which was read the first time by title only and referred to the Committee on Privileges and Elections and the Committee on County Organizations, in the order named.

By Senator Pope—

S. B. No. 98—A bill to be entitled An Act to declare, designate and establish a certain State Road in St. Johns County, Florida.

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

By Senator Dayton—

S. B. No. 99—A bill to be entitled An Act amending Sections 322.28 and 322.31, Florida Statutes, 1941, relating to the period of suspension on revocation and the right of appeal of any person whose driver's license has been denied, cancelled, suspended or revoked.

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

By Senator Dayton—

S. B. No. 100—A bill to be entitled An Act amending Section

300.04, Florida Statutes of 1949, relating to any lewd, lascivious or indecent assault or act upon or in the presence of a child and providing punishment therefor.

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

By Senator Dayton—

S. B. No. 101—A bill to be entitled An Act amending Chapter 19554, Laws of Florida 1939, to provide for the presence of any court reporter or stenographer before the Grand Jury while they are in session and to repeal Section 93 of said Chapter 19554, Laws of Florida 1939.

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

By Senator Dayton—

S. B. No. 102—A bill to be entitled An Act to amend Sub-section Two of Section 40.01, Florida Statutes 1929, relating to the qualifications of Jurors; and providing the effective date hereof.

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

By Senator Dayton—

Senate Resolution No. 103:

A RESOLUTION MEMORIALIZING THE DEATH OF FRED L. TOUCHTON.

WHEREAS, Fred L. Touchton late of Dade City, Florida, and a former member of the Senate of the State of Florida departed this life on July 27, 1947, and

WHEREAS, his life of unselfish civic service and good citizenship commands the respect of the Senate of Florida and of the citizens of our State,

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

SECTION I: That the Senate of the State of Florida does hereby record this memorial and expression of respect and bereavement.

IN MEMORIAM FRED L. TOUCHTON

Fred L. Touchton was born in Lowndes County, Georgia, on August 28, 1892. His father, George L. Touchton, was a farmer and served capably as county commissioner of Lowndes County, for six consecutive terms.

Dr. Fred L. Touchton was educated in the public schools of Lowndes County, Georgia, and the Georgia Normal College and Business Institute in Douglas, Georgia. He taught school in Coffee County, Georgia, and was principal of the Barwick Georgia High School.

Dr. Touchton became interested in the drug business in the early twenties. He moved to Florida in 1925, first to Avon Park and then in 1926 to Dade City, Florida, where he was engaged in the pharmaceutical profession. He was closely identified with the civic, religious and fraternal life in this community, and soon became one of its outstanding citizens.

Dr. Touchton was elected to the Florida State Senate in 1934, where he served with honor and distinction during the sessions of 1935 and 1937. He was one of the leaders in the fight to rid Florida of legalized slot machines and rendered other valuable service to our State.

Dr. Touchton was a Mason, Shriner, Kiwanian and an active member of the Baptist Church. His entire life was characterized by his unselfish service for others. He is survived by his wife, Mrs. Jamie Beaty Touchton, a son, Fred L. Touchton, Jr., and a daughter, Mary Letha Touchton.

In his passing Florida has lost a beloved and valuable citizen.

SECTION II: That a copy of this Resolution be spread upon the Journal of the Senate, and copies given to the press and to each of the members of Dr. Touchton's family.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 103 was adopted.

By Senators Sanchez and Brackin—

S. B. No. 104—A bill to be entitled An Act requiring all producers of phosphate to secure a license, and imposing a license tax on such producers of phosphate; providing for a severance tax on the mining or producing of phosphate; providing for the administration of this act; and creating an appropriation for the purpose of carrying out the terms of this act; providing for a fund to be derived from the net proceeds of the moneys collected from the license and severance taxes which shall be disbursed by the State Board of Control for the building, equipping and maintaining of a medical and a dental school in Gainesville, Florida, and other necessary additional buildings required by University of Florida, Florida State University and Florida A. & M. College; providing for the creation and enforcement of a lien for the payment of the taxes; 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 Oil and Natural Resources, in the order named.

By Senator Branch—

S. B. No. 105—A bill to be entitled An Act providing for the enforcement of orders or decrees for the payment of alimony, support and separate maintenance prescribing the manner of and venue in which application may be made, providing for the payment of costs and attorney's fees, and providing the manner of service of notice.

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

By Senators Leaird and Collins—

Senate Joint Resolution No. 106:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII OF THE STATE CONSTITUTION, BY ADDING THERETO SECTION 18, PROVIDING THAT PART OF THE REVENUE DERIVED FROM THE LICENSING OF MOTOR VEHICLES SHALL BE USED FOR CAPITAL OUTLAY AND DEBT SERVICE SCHOOL PURPOSES AND PRESCRIBING THE METHOD OF DISTRIBUTION AND USE THEREOF.

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

That the following amendment to Article XII of the State Constitution, by adding thereto Section 18, providing that part of the revenue derived from the licensing of motor vehicles shall be used for capital outlay and debt service school purposes and prescribing the method of distribution and use thereof, is hereby agreed to and shall be submitted to the electors of the State for ratification or rejection at the next general election to be held in 1952, as follows:

SECTION 18 (a) That beginning January 1, 1953, and for thirty (30) years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the County Capital Outlay and Debt Service School Fund in the State Treasury, and used only as provided in this Amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred (\$400.00) dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this Amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore or hereafter provided by general law, or (2) the number of instruction units in such county for the preceding school fiscal year computed in the manner here-

tofore or hereafter provided by general law and approved by the State Board of Education (hereinafter called the State Board).

Such funds so distributed shall be administered by the State Board as now created and constituted by Section 3 of Article XII of the Constitution of Florida. For the purposes of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred upon said Board.

(b) The State Board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a) hereof. The State Board shall also have power, for the purpose of obtaining funds for the use of any County Board of Public Instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said State Board. All such bonds shall bear interest at not exceeding six (6) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than three (3) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding six (6) per centum per annum and shall mature prior to January 1, 1983. The State Board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the State Board shall provide.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this Amendment and to enter into any covenants and other agreement with the holders of such bond or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the State Board until after the adoption of a resolution requesting the issuance thereof by the County Board of Public Instruction of the county on behalf of which such obligations are to be issued. The State Board is hereby authorized in its discretion to limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five (75) per cent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this Amendment. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the State Board of Education but shall be issued for and on behalf of the County Board of Public Instruction requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this Amendment to the credit of each county only in the following manner and order of priority:

(1)—To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject,

however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this Amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request of the Board of Public Instruction of the county and with the approval of the State Board; and provided further, that this Subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1, 1953. The legislature shall not reduce the levies of said motor vehicle license taxes during the life of this Amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this Amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this Amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this Amendment or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

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

By Senators King and Baker—

S. B. No. 107—A bill to be entitled An Act ratifying, confirming, and validating the continued use of the one per cent (1%) of the General Inspection Fund and the Florida Citrus Advertising Fund for the rental of the Florida Citrus Building at Winter Haven, Florida, the proceeds thereof being used to retire the certificates of indebtedness issued for the construction of said building.

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

By Senators King and Baker—

S. B. No. 108—A bill to be entitled An Act to amend Sub-paragraphs (a), (b), (e), and (f) of Paragraph (1) of Section 601.28 Florida Statutes, being Subparagraphs (1), (2), (5), and (6) of Section 28 of Chapter 25149 Laws of Florida 1949 known as the Florida Citrus Code of 1949, entitled: "An Act to provide for the regulation and the control of the citrus industry of the State of Florida; to amend Section 1 of Chapter 22535, Laws of Florida 1945, being Section 595.01 Florida Statutes 1941 as amended, relating to the creation and establishment of the Florida Citrus Commission and prescribing the qualifications and terms of office of members thereof; to amend Section 1 of Chapter 23680, Laws of Florida 1947, being Section 595.07, Florida Statutes 1941, as amended, relating to the general powers of the Commission, by increasing their powers and, among other things, giving them power to regulate the canning and concentrating of citrus products and increasing the overhead expense of the Commission; 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 revocation 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, (except Sections 595.01 and 595.07), 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.

By Senators King, Baker, Crary, Dayton, Baynard, Boyle, Johnston and Rodgers—

S. B. No. 109—A bill to be entitled An Act to amend Sub-paragraph (7), (23), (27) and (36) of Section 601.03; and 601.03 by the addition of a new Sub-paragraph defining Temple Oranges; Sub-paragraph (3) of Section 601.13; Sub-paragraph (2) of Section 601.14; Sub-paragraph (3) (a) of Section 601.15; Sub-paragraph (3) (c) of Section 601.15; Sub-paragraph (7) of Section 601.15; Section 601.16, 601.21 and 601.22; the first Paragraph of Section 601.23; Sub-paragraphs (a) and (b) of Paragraph (1) of Section 601.28; Sections 601.49, 601.50; 601.51, 601.52, 601.21 and Sub-paragraphs (2) and (3) of Section 601.0104, all of the Florida Statutes involving parts of the Florida Citrus Code of 1949, being Sub-paragraphs (7) (23) (27) and (36) of Section 3; and Section 3 also by the addition of a new Sub-paragraph defining Temple Oranges; Sub-paragraph 3 of Section 13; Sub-paragraph (2) of Section 14; Sub-paragraph (3) (a) of Section 15; Sub-paragraph (3) (c) of Section 15; Sub-paragraph (7) of Section 15; Sections 16, 21 and 22 and the first Paragraph of Section 23; Sub-paragraphs (1) and (2) of Section 28; Sections 49, 50, 51, 52 and 61; and Sub-paragraphs (2) and (3) of Section 104, all of Chapter 25149, Laws of Florida, 1949, known as the Florida Citrus Code of 1949, entitled: "An Act to provide for the regulation and the control of the citrus industry of the State of Florida; to amend Section 1 of Chapter 22535, Laws of Florida 1945, being Section 595.01, Florida Statutes 1941 as amended, relating to the creation and establishment of the Florida Citrus Commission and prescribing the qualifications and terms of office of members thereof; to amend Section 1 of Chapter 23680, Laws of Florida 1947, being Section 595.07, Florida Statutes 1941, as amended, relating to the general powers of the commission, by increasing their powers and, among other things, giving them power to regulate the canning and concentrating of citrus products and increasing the overhead expense of the commission; 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 revocation 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 (except Sections 595.01 and 595.07), 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.

By Senator Pope—

Senate Resolution No. 110:

A RESOLUTION TO HAVE THE PRESIDENT OF THE SENATE APPOINT A COMMITTEE TO INVESTIGATE AND REPORT BACK TO THE SENATE ON ALL OFFICERS OF THE STATE REMOVED BY THE GOVERNOR AND SUBSEQUENTLY REINSTATED.

WHEREAS, a number of public officials have been removed upon evidence obtained and submitted before grand juries followed by lawful indictments, and

WHEREAS, although some of these officers were freed by subsequent court action of any legal wrong doing, the basic cause of the charges and the evils of the problems are still of vital interest to the general public, and

WHEREAS, some of these officers have been reinstated before the Senate has considered removals, and

WHEREAS, this is a denial of the constitutional prerogative of passing judgment upon suspended officers, NOW, THEREFORE,

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

That the president of the Senate appoint a committee to make an investigation of the causes and evidence submitted before removal, where removal has occurred and subsequently the officer has been reinstated, making a report back to the Senate recommending remedial action.

Which was read the first time in full and referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 9, 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 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.

Proof of publication attached.

Also—

By Senator King—

S. B. No. 16—A bill to be entitled An Act to amend Section 5 of Chapter 9683, Laws of Florida 1923, as amended by Chapter 10327, Laws of Florida 1925; Section 115 of Chapter 9683, Laws of Florida 1923, as amended by Chapter 10329, Laws of Florida 1925; and Section 118 of Chapter 9683, Laws of Florida 1923, as amended by Chapter 23179, Laws of Florida 1945, said Chapter 9683, Laws of Florida 1923, being entitled: "An Act to validate and legalize an election held in and for the City of Bartow, on the 13th day of December, A. D. 1921;

to validate and legalize the charter of the City of Bartow, which was adopted by the electors of said city at said election held on the 13th day of December, A. D., 1921; and to validate and legalize all contracts, municipal assessments, ordinances and resolutions, appointments and election of officers, and all other Acts which have been done under and by virtue of said charter, and providing a form and method of government for said City of Bartow"; the substance of these amendments to Sections 5, 115 and 118 of Chapter 9683, Laws of Florida 1923, as amended, being that all seats upon the City Commission shall be numbered; that primary and general elections shall be held to fill vacancies; to provide for runoff elections in the event no candidate receives a majority of the votes cast in said elections; to provide for nominating petitions; and fixing the hours for the polls to be open.

Proof of publication attached

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

And Senate Bills Nos. 30 and 16, contained in the above Message, were 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 9, 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 Mr. Bollinger of Palm Beach—

House Concurrent Resolution No. 3:

A RESOLUTION INVITING THE HONORABLE SPESSARD L. HOLLAND AND THE HONORABLE GEORGE SMATHERS, UNITED STATES SENATORS FROM FLORIDA, TO ADDRESS A JOINT SESSION OF THE FLORIDA LEGISLATURE.

WHEREAS, the Honorable Spessard L. Holland and the Honorable George Smathers have extensive knowledge of many of the major problems now confronting this Legislature, and their advice and counsel on these and other public matters would be of great value to the Members of this Legislature—now, therefore,

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

That the Honorable Spessard L. Holland and the Honorable George Smathers, United States Senators from Florida, are hereby invited to address a joint session of the Florida Legislature, to be convened at 12:30 o'clock in the afternoon, on Thursday, April 19, 1951, in the Hall of the House of Representatives, in Tallahassee, Florida.

And respectfully requests the concurrence of the Senate therein.

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

And House Concurrent Resolution No. 3, contained in the above Message, was read the first time in full.

Senator Gautier (13th) moved that the rules be waived and House Concurrent Resolution No. 3 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 3 was read the second time in full.

The question was put on the adoption of the Resolution.

Which was agreed to.

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And House Concurrent Resolution No. 3 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Senator Morrow moved that the rules be waived and Senate Resolution No. 26 be made a Special and Continuing Order of Business for consideration by the Senate beginning at 12:00 o'clock Noon on Tuesday, April 10, 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 4:29 o'clock P.M., until 11:00 o'clock A.M., Tuesday, April 10, 1951.