

# JOURNAL OF THE SENATE

42

Tuesday, April 10, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 9, 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 further corrected as follows:

Page 11, column 2, line 9, after the word "Senators" and before the name "King" insert the name "Johnston".

And as further corrected was approved.

The Senate daily Journal of Monday, April 9, 1951, was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

Senator Shivers, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following Bills:

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.

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.

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.

—and recommends that they do pass.

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

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

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.

S. B. No. 55—A bill to be entitled An Act to amend Section 253.12, Florida Statutes, relating to the title of 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.

—and recommends that they do pass.

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

Senator King, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bill:

S. B. No. 17—A bill to be entitled An Act amending Section 320.06, Florida Statutes, relating to license plates for Motor Vehicles by providing a slogan to be shown thereon.

—and recommends that it do pass.

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

Senator King, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bill:

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

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

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

Senator Gautier (13th), Chairman of the Committee on Rules and Calendar, reported that the Committee had carefully considered the following Resolution:

S. R. 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.

—and recommends that same do not pass.

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

Senator Ripley moved that a committee of three be appointed to escort a delegation from the Georgia Legislature composed of Senator Glenn Ellard of Habersham County, Senator Bunnell Aikens of Union County, and Representatives Howard Overby and Hammond Johnson of Hall County to seats on the rostrum.

Which was agreed to.

The President appointed Senators Ripley, Pearce, and Clarke as the committee.

## INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Crary, Morrow and King—

S. B. No. 111—A bill to be entitled An Act to amend Section 324.02, Section 324.04, Section 324.05, Section 324.14 and Section 324.15 of Florida Statutes 1949, and to repeal Section 324.12 of Florida Statutes 1949, all of same being a part of the law relating to proof of financial responsibility by owners and operators of motor vehicles: Prescribing the

duties, powers and authority of the Insurance Commissioner, providing for the suspension and revocation of licenses and motor vehicle registration and providing for other matters in connection with the financial responsibility of owners and operators of motor vehicles, and providing penalties for violation of said law

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

By Senators Crary, King and Branch—

S. B. No. 112—A bill to be entitled An Act to amend Section 47.16 of Florida Statutes 1949, and relating to the service of process on persons, associations and co-partnerships, who are non-residents of the State of Florida and the United States of America, and foreign corporations, and residents who subsequently remove from the State or conceal their whereabouts, who operate, conduct, engage in, or carry on a business or business venture in this State.

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

By Senators King, Rodgers and Crary—

S. B. No. 113—A bill to be entitled An Act to amend Sections 317.13, 317.15 and 317.17 of Florida Statutes 1949, relating to reports of accidents resulting from the operation of motor vehicles within the State of Florida.

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

By Senators McArthur and Pearce—

S. B. No. 114—A bill to be entitled An Act to repeal Chapter 585, Florida Statutes 1941; Chapter 22581, Laws of Florida, Acts of 1945; Chapter 22886, Laws of Florida, 1945; Chapter 23775, Laws of Florida, Acts of 1947; Chapter 25358, Laws of Florida, Acts of 1949; and Chapter 585, Florida Statutes, 1949; to abolish the State Live Stock Sanitary Board as heretofore created and existing; and to create the State Live Stock Board and to prescribe its membership, powers and duties, and fix the compensation for the services of its members and to vest in said Board the authority to provide for the prevention, suppression and control of dangerous communicable, contagious, infectious and other diseases of cattle, hogs and other domestic animals, and to establish, maintain and enforce quarantines, to prevent the introduction or spread of infectious, contagious and communicable diseases among such animals, and to adopt and to enforce rules and regulations regarding any and all said matters, and to give said Board power and authority in respect thereto, and to authorize County Commissioners to appropriate and expend funds for the work of tick eradication and hog cholera control, and to provide for the appointment of a State Veterinarian and other agents and employees of said Board, and to fix the powers thereof, and to prescribe punishment for violations of this Act and of the rules and regulations of said Board.

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

By Senator McArthur—

S. B. No. 115—A bill to be entitled An Act designating and establishing a certain State Road in Nassau County.

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. 116—A bill to be entitled An Act to Amend Section 548.03, Florida Statutes, 1941, relating to and defining the meaning of Pugilistic Exhibits.

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

By Senators Gautier (13th), Leaird and Baynard—

Senate Joint Resolution No. 117:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VIII, SECTION 1, OF THE CONSTITUTION

OF FLORIDA RELATING TO COUNTIES AS POLITICAL SUBDIVISIONS OF STATE.

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

That the following Amendment to Article VIII, Section 1, of the Constitution of Florida relating to counties as political subdivisions of state is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the general election in 1952, as follows:

**SECTION 1. Counties as political subdivisions of state.**

The State shall be divided into political subdivisions to be called counties. The Legislature shall have the power to grant to any county a charter under which it may regulate and govern itself. The Legislature may provide, by general or special law, the manner in which any county may form its own charter. Any county charter may designate the name of the county, regulate the powers, duties and jurisdiction of all county officers, and designate their classes, terms, and jurisdiction, and provide the manner of their selection and compensation. The Legislature may authorize the adoption of charters by the several counties at general or special elections, which charters may be altered or amended only by the method by which they were adopted, notwithstanding any other provision of this Constitution.

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

By Senator Gautier (13th)—

S. B. No. 118—A bill to be entitled An Act relating to changing the names of persons: amending Section 69.02, Florida Statutes, providing certain public notice and requiring sworn petition setting forth certain facts.

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

By Senator Johnson—

S. B. No. 119—A bill to be entitled An Act relating to the use of county moneys for the payment of county obligations, transfers of money from one county fund to another, and use of moneys appropriated for one purpose when not needed for that purpose for which appropriated in the payment of other county expenses in counties having a population of not less than 36,300 and not more than 37,000, according to the last preceding Federal census.

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

By Senators Johnson, Morrow, Rodgers, Johnston, Crary, Beall and Rogells—

S. B. No. 120—A bill to be entitled An Act requiring persons taking or having possession of written statements with respect to accidents or injuries to furnish copies thereof to the persons making such statements and prescribing the effect of failure to furnish copies in accordance with the provisions of this Act.

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

By Senators Johnson, Morrow, Rodgers, Johnston, Crary, Beall and Rogells—

S. B. No. 121—A bill to be entitled An Act prohibiting the taking of statements and releases from and the making of settlements with any injured person while such injured person is a patient in any hospital, sanitarium or nursing home, within fifteen days of the time of such injury, and prohibiting the taking of statements from injured minor except upon the written permission of his parents or guardian, and prescribing the effect of statements or releases taken or settlements made in violation of the terms of this Act.

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

By Senator Ripley—

S. B. No. 122—A bill to be entitled An Act relating to the

cutting or removing of timber from uninclosed land; making certain acts a crime; providing penalties.

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

By Senator Ripley—

S. B. No. 123—A bill to be entitled An Act to amend Sections 590.02 and 590.14, Florida Statutes, relating to forest protection; the powers, authority and duties of the Florida Board of Forestry; the appointment of forest fire fighting crews, forest rangers and forest investigators and their powers, authority and duties; and penalties for violation of forest protection laws.

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

By Senators Shivers, Pearce and Leaird—

S. B. No. 124—A bill to be entitled An Act providing for the regulation, control, and supervision of certain privately owned electric and electric and gas public utilities by the Florida Railroad and Public Utilities Commission; defining such public utilities and prescribing their duties and responsibilities; prescribing the duties and powers of the Commission with reference to the rates, service, securities and financing of said utilities; prescribing penalties for violations of this Act or any order, rate, rule or regulation of said Commission; providing that the provisions of this Act shall neither apply to utilities owned or operated by cooperatives organized and existing under the rural electrification cooperative law of the State of Florida nor to utilities owned or operated by municipalities; repealing all laws or parts of laws in conflict herewith; and providing the effective date of this Act.

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

By Senators Sanchez, Johnson, Wright, Davis, Tucker, Ayers, Lindler and Johns—

S. B. No. 125—A bill to be entitled An Act to provide for refund of a portion of tax paid on motor fuel when used exclusively for non-highway, agricultural purposes as defined in this Act; to provide certain rules and regulations for carrying out the provisions of this Act; prescribing the powers and duties of the Comptroller hereunder and providing penalties for the violation hereof.

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

By the Committee on Legislative Management—

Senate Resolution No. 126:

A RESOLUTION PROVIDING FOR PAY OF OFFICERS AND ATTACHES OF THE SENATE REPEALING SENATE RESOLUTION NO. 22.

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

Section 1. All officers and attaches of the Senate shall receive ten (\$10.00) dollars per diem except pages who shall receive six (\$6.00) dollars per diem.

Section 2. This resolution shall also include all necessary attaches employed before and after the session.

Section 3. Senate Resolution No. 22 is repealed and superseded by this resolution.

Which was read the first time in full.

Upon the adoption of Senate Resolution No. 126 the roll was called and the vote was:

Yeas—36.

Mr. President	Brackin	Davis	Johnson
Ayers	Branch	Dayton	Johnston
Baker	Carroll	Franklin	King
Baynard	Clarke	Gautier (28th)	Leaird
Boyle	Collins	Gautier (13th)	Lewis
Beall	Crary	Johns	McArthur

Moore	Pope	Rogells	Shivers
Morrow	Ripley	Sanchez	Smith
Pearce	Rodgers	Shands	Tucker

Nays—None.

So Senate Resolution No. 126 was adopted.

By Senator Collins—

S. B. No. 127—A bill to be entitled An Act relating to liability insurance coverage of and suits against the State of Florida, Counties of the State and other political subdivisions and entities of the State, for personal injury and property damage resulting from the negligence or wrongful act of its officers, agents and employees.

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

By Senator Collins—

S. B. No. 128—A bill to be entitled An Act to amend Section 440.39, Florida Statutes 1949, relating to the payment of Workmen's Compensation Benefits where the employee is injured or killed by the negligence or wrongful act of a third party tort-feasor and actions at law and other remedies against such third parties.

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

By Senator Beall—

S. B. No. 129—A bill to be entitled An Act prescribing grounds for disqualification of members of any commission, authority, administrative body or governmental agency existing under the Laws of Florida; providing for appointment of person to serve temporarily in lieu of disqualified member; providing for appointment of Circuit Judge to serve temporarily when the disqualified member is authorized to exercise judicial powers; providing for the effect of any judgment, order, determination or decision of any such commission, authority, administrative body or governmental agency when the same shall consist of one or more persons appointed to serve under provisions 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 Governmental Reorganization.

By Senator Pope—

S. B. No. 130—A bill to be entitled An Act relating to the construction, acquisition, expansion, equipping, rehabilitation and conversion of armory facilities in this State, appropriating funds therefor and empowering the State Armory Board to cooperate with and enter into contracts with Federal, State, county and municipal agencies in carrying out the provisions of the Act.

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

By Senators Gautier (13th), Baynard, Leaird and Crary—

S. B. No. 131—A bill to be entitled An Act creating and establishing a Florida State Tax Commission and fixing its powers, authority, duties and jurisdiction in connection with taxation under the Laws of this State.

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

#### CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

Senate Bills Nos. 35 and 36 were taken up in their order and the consideration thereof was informally passed, the Bills retaining their places on the Calendar.

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 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.

## A MEMORIAL TO THE MEMORY OF JOHN R. BEACHAM

WHEREAS, the Honorable John R. Beacham, a prominent citizen, civic worker, business man and conscientious and energetic legislator, of West Palm Beach, Palm Beach County, Florida, was called forever from among us on the 21st day of October, 1950, at his home in West Palm Beach; and

WHEREAS, the passing of the said John R. Beacham is a loss deeply felt by the people of his home county and throughout the entire State of Florida; and

WHEREAS, John, as he was affectionately known, was held in high esteem by all who knew him, and especially those who served with him in the Legislature of the State of Florida;

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA that there be inscribed on a page in the records of this Body, there to ever remain, the following memorial to the memory of the Honorable John R. Beacham:

### IN MEMORIAM

John R. Beacham was born in Unadilla, Georgia on July 22, 1898, was educated in the schools of Unadilla and Pinehurst, Georgia, and graduated from high school in 1916. He served his country in military service during World War I. He attended Mercer University, Macon, Georgia, as well as Detroit College of Law, receiving his LL.B. degree from the latter institution in 1924. He came to West Palm Beach, Florida in 1924 and engaged in various businesses until 1929, at which time he was admitted to the practice of law in this State. He was elected to the City Commission of West Palm Beach in 1929, and became Mayor in 1930. He resigned as Mayor to enter the Senate race in 1932 and served continuously as the Senator from the 35th Senatorial District from his election in 1932 until his untimely passing in 1950. His service covered nine regular sessions of the Legislature of the State of Florida and several special sessions and extended over a period of eighteen years. During this long tenure of office, he served on every important committee of the Senate. He was elected President of the Senate and served as such for two years commencing with the Legislative Session of 1941.

John R. Beacham was a member of the Baptist Church, American Legion, Kiwanis International, Benevolent and Protective Order of Elks, Lodge No. 1352, Free and Accepted Masons, of West Palm Beach, Lake Worth Consistory, Mahi Shrine Temple of Miami, and Abu Shrine Club of West Palm Beach.

He was generous in his dealings with his fellow man and rendered a great public service to the people by his hospitality, charity, helpfulness and understanding. He was devoted to his family and held in close affection all in the family circle.

BE IT FURTHER RESOLVED that copies of this Resolution be certified by the Secretary of State of the State of Florida under the Great Seal of the State of Florida, and forthwith forwarded to the respective members of the bereaved family of the late John R. Beacham.

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the representatives of the press.

Was taken up in its order and read the second time in full.

Senator Boyle moved that the rules be waived and Senate Bill No. 20 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. 20 was read the third time in full.

Upon the passage of Senate Bill No. 20 the roll was called and the vote was:

Yeas—37.

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

Nays—1.

Rodgers

So Senate Bill No. 20 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to the motion made by Senator Morrow on April 9, 1951, and the hour having arrived, the Senate took up for consideration Senate Resolution No. 26, as a Special and Continuing Order.

Senate Resolution No. 26:

#### A MEMORIAL TO THE MEMORY OF JOHN R. BEACHAM

WHEREAS, the Honorable John R. Beacham, a prominent citizen, civic worker, business man and conscientious and energetic legislator, of West Palm Beach, Palm Beach County, Florida, was called forever from among us on the 21st day of October, 1950, at his home in West Palm Beach; and

WHEREAS, the passing of the said John R. Beacham is a loss deeply felt by the people of his home county and throughout the entire State of Florida; and

WHEREAS, John, as he was affectionately known, was held in high esteem by all who knew him, and especially those who served with him in the Legislature of the State of Florida;

NOW THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA that there be inscribed on a page in the records of this Body, there to ever remain, the following memorial to the memory of the Honorable John R. Beacham.

#### IN MEMORIAM

John R. Beacham was born in Unadilla, Georgia on July 22, 1898, was educated in the schools of Unadilla and Pinehurst, Georgia, and graduated from high school in 1916. He served his country in military service during World War I. He attended Mercer University, Macon, Georgia, as well as Detroit

College of Law, receiving his LL.B. degree from the latter institution in 1924. He came to West Palm Beach, Florida, in 1924 and engaged in various businesses until 1929, at which time he was admitted to the practice of law in this State. He was elected to the City Commission of West Palm Beach in 1929, and became Mayor in 1930. He resigned as Mayor to enter the Senate race in 1932 and served continuously as the Senator from the 35th Senatorial District from his election in 1932 until his untimely passing in 1950. His service covered nine regular sessions of the Legislature of the State of Florida and several special sessions and extended over a period of eighteen years. During this long tenure of office, he served on every important committee of the Senate. He was elected President of the Senate and served as such for two years commencing with the Legislative Session of 1941.

John R. Beacham was a member of the Baptist Church, American Legion, Kiwanis International, Benevolent and Protective Order of Elks, Lodge No. 1352, Free and Accepted Masons, of West Palm Beach, Lake Worth Consistory, Mahi Shrine Temple of Miami, and Abu Shrine Club of West Palm Beach.

He was generous in his dealings with his fellow man and rendered a great public service to the people by his hospitality, charity, helpfulness and understanding. He was devoted to his family and held in close affection all in the family circle.

BE IT FURTHER RESOLVED that copies of this Resolution be certified by the Secretary of State of the State of Florida under the Great Seal of the State of Florida, and forthwith forwarded to the respective members of the bereaved family of the late John R. Beacham.

BE IT FURTHER RESOLVED that a copy of this Resolution be furnished to the representatives of the press.

Was taken up, pending adoption, having been read the first time in full on April 4, 1951.

Senator Morrow moved that a committee of three be appointed to escort Mrs. John R. Beacham, of West Palm Beach, Florida, widow of the late Honorable John R. Beacham, former Senator from the 35th Senatorial District and former President of the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Morrow, Lewis and Clarke as the committee and Mrs. Beacham was duly escorted to the rostrum.

Senators Morrow, Leaird, Crary, Brackin, Collins and Lewis addressed the Senate in the order mentioned, eulogizing the late Senator Beacham.

Following the addresses of the Senators the question was put on the adoption of the Resolution.

Which was unanimously agreed to by a rising vote of the Senate and Senate Resolution No. 26 was adopted.

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

Which was agreed to.

And the Senate stood adjourned at 12:21 o'clock P. M., until 11:00 o'clock A. M., Wednesday, April 11, 1951.