

JOURNAL OF THE SENATE

Wednesday, April 11, 1951

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The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, April 10, 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 Tuesday, April 10, 1951, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

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

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.

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.

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.

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

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.

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.

S. B. No. 100—A bill to be entitled An Act amending Section 800.04, 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.

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.

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

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

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

—and recommends that they do pass.

And the Bills contained in the preceding report were referred to the Committee on Appropriations under the original joint reference.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

S. C. R. No. 1

S. B. No. 16

S. C. R. No. 2

S. B. No. 30

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 11, 1951, for his approval.

Very respectfully,
ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk.

Your Enrolling Clerk, to whom was referred—

H. C. R. No. 3—

—begs leave to report same has been properly enrolled, signed in open session by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

Very respectfully,
ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk.

Senator Davis moved that the future prayers offered by the Senate Chaplain be printed in the Senate daily Journal.

Which was agreed to and it was so ordered.

Pursuant to the provisions of Senate Resolution No. 95, the President announced the appointment of Senators Davis, Leaird and King as the Committee.

Pursuant to Chapter 25369, Laws of Florida, Acts of 1949, the President announced the appointment of Senator B. C. Pearce of the 26th Senatorial District, as a member of the Legislative Council from the 5th Congressional District of Florida.

Senator King moved that the Senate proceed to the consideration of Executive Business.

Which was agreed to.

And the Senate went into Executive Session at 11:17 o'clock A. M.

The Senate emerged from Executive Session at 12:41 o'clock P. M., and resumed its Session.

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.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Gautier (28th) and Boyle—

S. B. No. 132—A bill to be entitled An Act to change the name of that certain body of water which lies both in Brevard and Volusia Counties from Mosquito Lagoon to Indian River Lagoon.

Which was read the first time by title only.

Senator Gautier (28th) moved that the rules be waived and Senate Bill No. 132 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 132 was read the second time by title only.

Senator Gautier (28th) moved that the rules be further waived and Senate Bill No. 132 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. 132 was read the third time in full.

Upon the passage of Senate Bill No. 132 the roll was called and the vote was:

Yeas—32.

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

Nays—None.

So Senate Bill No. 132 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator McArthur now presiding.

By Senators Davis and Sanchez—

S. B. No. 133—A bill to be entitled An Act amending Subsection (3) of Section 409.16, Florida Statutes, relating to Old Age Assistance and providing that the recipient of benefits may have certain earnings or income.

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

By Senator Davis—

S. B. No. 134—A bill to be entitled An Act making appropriations for a fund to rebuild and repair the old Senate Chambers with the Secretary of State as custodian; and for

funds to be released 1 January 1953 for preparation of the Senate and House office space.

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

By Senator Davis—

S. B. No. 135—A bill to be entitled An Act relating to injunction and allowing Circuit Judges to assess damages upon injunction bonds upon dissolution of injunction, with certain limitations.

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

By Senators Crary, Branch, Johnson, Baynard and Dayton—

S. B. No. 136—A bill to be entitled An Act amending Section 36.16, Florida Statutes, relating to substitution of Circuit Judge for County Judge in certain circumstances where the County Judge is unable or disqualified to act.

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

By Senators Crary, Branch, Johnson, Baynard and Dayton—

S. B. No. 137—A bill to be entitled An Act amending Section 735.04, Florida Statutes, relating to the Probate Law, when administration of certain estates unnecessary; prescribing requirements of valuation of such estates in certain circumstances; and prescribing conditions under which administration of the Florida estate of a resident or non-resident decedent may be dispensed with after such decedent has been dead for more than three years.

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

By Senators Crary, Branch, Johnson, Baynard and Dayton—

S. B. No. 138—A bill to be entitled An Act amending Section 734.04, Florida Statutes, relating to the Probate Law; providing for the deposit of funds with the State Treasurer whenever the interest of a missing heir or beneficiary is involved and making the provisions of Section 731.33, Florida Statutes, prescribing rights and procedures in escheated estates, applicable thereto.

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

By Senators Crary, Branch, Johnson, Baynard and Dayton—

S. B. No. 139—A bill to be entitled An Act amending Subsection (1) of Section 733.16 and Subsection (2) of Section 733.18, Florida Statutes, relating to the Probate Law, when claims are filed against the estate: providing for notice to the personal representative, the claimant and the objector.

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

By Senator Baynard—

S. B. No. 140—A bill to be entitled An Act to amend Section 839.09, Florida Statutes, relating to prohibitions against certain purchases by state, county and municipal Boards or Councils.

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

By Senator Franklin—

S. B. No. 141—A bill to be entitled An Act to amend Subsection 3, of Section 745.15, Florida Statutes, relating to guardians and wards and to property of incompetents.

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

By Senator McArthur—

S. B. No. 142—A bill to be entitled An Act to amend Section 317.38, Florida Statutes, relating to traffic signals by operators of motor vehicles.

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

By Senator Johnston—

Senate Memorial No. 143:

**MEMORIAL TO THE
SECRETARY OF THE INTERIOR OF THE UNITED STATES**

A MEMORIAL TO PETITION THE SECRETARY OF THE INTERIOR OF THE UNITED STATES TO RECONSIDER AND ABANDON THE IDEA OF CONDEMNING CERTAIN LANDS OWNED BY THE STATE OF FLORIDA OR ONE OF ITS AGENCIES IN CITRUS COUNTY, FLORIDA TO BE USED AS A MIGRATORY BIRD REFUGE.

WHEREAS, in April, 1950, an agreement was reached by and between the State of Florida, acting through its agents, and the Department of the Interior of the United States wherein certain lands in Citrus County, Florida, owned by the State of Florida or one of its agencies was to be exchanged with certain lands in Florida and owned by the United States of America, and

WHEREAS, it was not possible for the State of Florida through its agencies to complete this exchange of lands and

WHEREAS, the citizens and residents of Citrus County, Florida, offering strong objections to this exchange, the Secretary of the Interior of the United States instituted condemnation proceedings whereby the United States of America sought to acquire these lands for use as a migratory bird refuge, said lands being described as:

Township Twenty (20) South, Range Sixteen (16) East, Tallahassee Meridian, all that part of said township lying west of the west boundary of T. 20 S., R. 17 E. (shown on the official plat of survey of the United States General Land Office, approved September 30, 1850), and south of the south boundary of T. 19 S., R. 16 E. (shown on the official plat of survey approved April 30, 1879), and

WHEREAS, it has been shown to the Legislature of the State of Florida that for the United States of America to proceed with this condemnation suit and to condemn and take these lands would work a tremendous hardship on the citizens and residents of Citrus County, that the taking of the property would permanently and materially affect the economy and growth of Citrus County, Florida and that the taking of said property is tantamount to an inordinate and undue interference with the sovereignty and reserved rights of the State of Florida, and

WHEREAS, there is extreme doubt as to the necessity of condemning said lands for the purpose stated in the condemnation proceedings, NOW, THEREFORE,

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

1. That the Secretary of the Interior of the United States of America is hereby memorialized to determine that there is no necessity for the taking of these lands for the purposes stated in these condemnation proceedings and that he abandon such proceedings because of the hardships that would be imposed upon the State of Florida and its citizens and residents.

2. That a copy of this Memorial duly authenticated, be sent by the Secretary of State, State of Florida, to the Secretary of the Interior of the United States of America and to each Senator and Representative in Congress from this State and to the President of the United States.

Which was read the first time in full.

Senator Johnston moved that the rules be waived and Senate Memorial No. 143 be placed on the Calendar of Bills on Second Reading, without reference.

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

By the Committee on Cities and Towns—

S. B. No. 144—A bill to be entitled An Act to confer additional powers upon Municipalities in the State of Florida in relation to parking facilities; to authorize and empower any such Municipality to acquire, construct, improve, extend,

enlarge, reconstruct, maintain, equip, repair and operate parking facilities within the corporate limits of such Municipality; to provide for paying the cost of such parking facilities by the issuance of revenue bonds, payable solely from revenues; to provide for the imposition and collection of rates, rentals, fees and charges for the use of such parking facilities; to authorize the pledging to the payment of such bonds of the revenues of such parking facilities and of parking meters; to authorize and empower any such Municipality to prohibit or restrict the parking of motor vehicles in streets and public ways in the vicinity of such parking facilities; to grant to any such Municipality power to acquire necessary real and personal property and to exercise the power of eminent domain; to exempt from taxes and assessments such parking facilities and such bonds; to authorize the issuance of revenue refunding bonds; and to prescribe the powers and duties of the Municipality in connection with the foregoing and the rights and remedies of the holders of any bonds issued under the provisions of this Act.

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

By Senator Boyle—

S. B. No. 145—A bill to be entitled An Act prescribing the method of closing, vacating and abandoning by Boards of County Commissioners of parks, parkways, school sites, waterways or other bodies of water, or other tracts of land, howsoever designated, excepting roads, streets, alleys and other thoroughfares, and when the same shall become effective; providing in certain cases for the reversion or passing of title to lands lying within the confines of any of the foregoing that may be closed, vacated and abandoned; providing for consent of Board of Public Instruction of County if school site is involved, and of governing body of Municipality if lands or waters lie within Municipal limits.

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

By Senator Boyle—

S. B. No. 146—A bill to be entitled An Act relating to dedications and conveyances of lands or waters for public purposes; requiring acceptance and approval by resolutions of Boards of County Commissioners and Public Instruction and Municipal governing bodies in certain cases; requiring certain evidence of acceptance of approval; providing that approval may be subject to conditions; making this Act inapplicable in certain cases.

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

By Senator Shands—

S. B. No. 147—A bill to be entitled An Act creating a Small Claims Court for each County in the State having a population of not less than fifty-five thousand and not more than seventy thousand according to the last official census and prescribing its jurisdiction, fees, and methods of serving process; setting forth rules governing pleading and practice therein and providing for their modification; providing for the nature and effect of judgments thereof and appeals therefrom; prescribing the method of selection, qualifications, term, means of remuneration, duties and powers of the Judge thereof; authorizing a clerk thereof and prescribing his duties; prescribing the forms to be used therein and providing for their modification; and providing for the furnishing of office supplies for any such court.

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

By Senators Shands and Baynard—

S. B. No. 148—A bill to be entitled An Act relating to the Public Assistance and Welfare Program of the State; requiring that the names and addresses of recipients of public assistance in each county be filed in the office of the Clerk of the Circuit Court of such county.

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

By Senators Shands and Baynard —

S. B. No. 149—A bill to be entitled An Act amending Section 409.28, Florida Statutes of 1949, relating to the Public Assistance Program of the State; requiring the appointment of County Welfare Advisory Committees; providing for hearings by said committees; requiring attendance of witnesses and providing penalties for their failure to obey subpoenas and for other misconduct; and providing that no funds appropriated by the State for its Public Assistance Program shall be distributed in any county unless such committee is appointed and functioning therein.

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

By Senator Crary—

S. B. No. 150—A bill to be entitled An Act to declare, designate and establish a certain State Road.

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

By Senator Franklin —

S. B. No. 151—A bill to be entitled An Act amending Section 698.08, Florida Statutes, relating to recording Chattel Mortgages and similar instruments and the effective life of notice to public.

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

By Senator Dayton—

S. B. No. 152—A bill to be entitled An Act amending Section 372.61, Florida Statutes, 1941, relating to reports and remittances of County Judges.

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

By Senator Lindler—

S. B. No. 153—A bill to be entitled An Act relating to the office of County Attorney, in and for Columbia County, Florida, providing for the manner of election thereof, prescribing the duties of said officer, fixing the term of office of said officer, and the compensation to be paid to said officer, and repealing all laws and parts of laws in conflict therewith.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 153 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Lindler moved that the rules be waived and Senate Bill No. 153 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No 153 was read the second time by title only.

Senator Lindler moved that the rules be further waived and Senate Bill No. 153 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. 153 was read the third time in full.

Upon the passage of Senate Bill No. 153 the roll was called and the vote was:

Yeas—38.

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

Sanchez	Shivers	Tucker
Shands	Smith	Wright

Nays—None.

So Senate Bill No. 153 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Collins moved that the time of adjournment be extended until completion of Messages from the House of Representatives.

Which was agreed to and it was so ordered.

By Senator Lindler—

S. B. No. 154—A bill to be entitled An Act authorizing and directing the Board of Public Instruction of Columbia County to purchase site and erect school building thereon at Columbia City; to authorize and direct the Board of Public Instruction of Columbia County to issue interest bearing certificates in an amount not exceeding forty thousand dollars; directing said board to set aside the first five thousand dollars received during January of each year for eight consecutive years from its portion of race track funds accruing to said county for the purpose of retiring said interest bearing revenue certificates.

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

Proof of publication of Notice was attached to Senate Bill No. 154 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By the Committee on Judiciary "B"—

S. B. No. 155—A bill to be entitled An Act adopting and enacting Volume I, Florida Statutes, 1951; correcting, changing, amending, and repealing certain sections therein; and authorizing the inclusion of General Laws of State-wide application enacted in 1951 as prima facie evidence of such laws.

Which was read the first time by title only.

Senator Crary asked unanimous consent of the Senate to take up and consider Senate Bill No. 155, out of its order, at this time.

Which was agreed to.

Senator Crary moved that the rules be waived and Senate Bill No. 155 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 155 was read the second time by title only.

Senator Crary moved that the rules be further waived and Senate Bill No. 155 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. 155 was read the third time in full.

Upon the passage of Senate Bill No. 155 the roll was called and the vote was:

Yeas—34.

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

Nays—None.

So Senate Bill No. 155 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senator Boyle—

S. B. No. 156—A bill to be entitled An Act to provide for the compensation and fees to be paid to County Judges as Judges of the County Courts in all counties having a population of not less than twenty-five thousand and not more than twenty-seven thousand according to the last official census.

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

By Senators Shands and Ripley—

S. B. No. 157—A bill to be entitled An Act designating the Sabal Palmetto Palm as the Florida State Tree.

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

By Senator Ripley—

S. B. No. 158—A bill to be entitled An Act to amend Section 40.10 of Florida Statutes relating to jury lists and duties of jury commissioners in certain counties.

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

By Senator Ripley—

S. B. No. 159—A bill to be entitled An Act repealing Chapter 26319, Laws of 1949, relating to the levy and collection of a Privilege Tax upon sales of personal property, admissions and rentals of real and personal property.

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

By Senator Ripley—

S. B. No. 160—A bill to be entitled An Act amending Sections 317.11; 317.15; and repealing Sections 317.12; 317.13; 317.14; 317.17; 317.19, Florida Statutes relating to regulation of traffic on highways and requiring certain reports to be filed.

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

By Senator Ripley—

S. B. No. 161—A bill to be entitled An Act to amend Section 912.01, Florida Statutes, 1949, relating to when trial by jury may be waived.

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

By Senator Smith—

S. B. No. 162—A bill to be entitled An Act requiring the closing of public schools and all public offices on Memorial Day, the Thirtieth Day of May of each year.

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

By Senator Baker—

S. B. No. 163—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 163 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 163 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 163 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. 163 was read the third time in full.

Upon the passage of Senate Bill No. 163 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 163 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 164—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 164 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 164 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 164 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. 164 was read the third time in full.

Upon the passage of Senate Bill No. 164 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 164 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 165—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 165 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 165 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 165 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. 165 was read the third time in full.

Upon the passage of Senate Bill No. 165 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 165 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 166—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator Baker moved that the rules be waived and Senate Bill No. 166 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 166 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 166 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. 166 was read the third time in full.

Upon the passage of Senate Bill No. 166 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 166 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Smith—

S. B. No. 167—A bill to be entitled An Act relating to the State Veterans' Service Officer and Assistant State Service Officers; amending Sections 292.06 and 292.07, Florida Statutes, relating to compensation of such officers; and providing for an additional Senior Assistant Service Officer.

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 Senator Smith—

S. B. No. 168—A bill to be entitled An Act exempting veterans with a permanent total service connected disability which results in paralysis of the lower extremities from any taxation on real estate, including residence thereon, acquired wholly or in part through financial assistance authorized by the Veterans Administration of the United States Government. But no property shall be exempt from assessments nor is such exemption provided herein in addition to homestead exemption.

Which was read the first time by title only and referred

to the Committee on Veterans Affairs and the Committee on Finance and Taxation, in the order named.

By Senator Smith—

S. B. No. 169—A bill to be entitled An Act to amend Section 205.161(2), Florida Statutes, by extending certain license tax exemptions to the unmarried widow of a man who lost his life while in the military service of the United States.

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

By Senator Ripley—

S. B. No. 170—A bill to be entitled An Act making it unlawful to make, issue, utter or endorse checks or other orders for money on banks without sufficient funds on deposit to pay same or to receive goods or other things of value in exchange for such checks and providing penalties for violations.

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

By Senators Collins and Leaird—

S. B. No. 171—A bill to be entitled An Act relating to education: making annual appropriations from the General Revenue Fund of the State to the State Minimum Foundation Program Fund and providing that the appropriations for any biennium beginning with the school year 1951-1952 shall not exceed \$120,457,075.00; and making annual appropriations from the General Revenue Fund of the State to the State Supervisory Service Fund and providing for its use through the State Department of Education.

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 Senator Branch—

S. B. No. 172—A bill to be entitled An Act to amend Sections 443.04 and 443.05, Chapter 443, Florida Statutes, 1949, known as the "Unemployment Compensation Law," relating to payment of benefits and eligibility conditions, by providing for a revision of weekly benefit amount and duration of benefits; revising eligibility conditions; providing for transition from the old benefit provisions to the new benefit provisions; and making this Act effective immediately.

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

By Senators Branch, Tucker, Leaird, Smith, Pearce, and Ripley—

S. B. No. 173—A bill to be entitled An Act relating to Criminal Contempt of Court for failure to testify or produce documentary or other evidence before the Grand Jury, and providing a penalty therefor.

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

By Senators Morrow and Baynard—

Senate Memorial No. 174:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES OF AMERICA, ADOPTED BY TWO-THIRDS OF THE MEMBERSHIP OF BOTH THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF FLORIDA, REQUESTING THE SAID CONGRESS TO DISREGARD HOUSE MEMORIAL NO. 15 ADOPTED BY THE FLORIDA LEGISLATURE IN 1943, AND HOUSE CONCURRENT RESOLUTION NO. 10 ADOPTED BY THE 1945 LEGISLATURE, AND SENATE MEMORIAL NO. 282 ADOPTED BY THE 1949 LEGISLATURE, THUS RESCINDING, RECALLING AND REVOKING THE AFORESAID MEMORIALS FROM THE STATE OF FLORIDA FOR THE CONVENING OF A CONSTITUTIONAL CONVENTION, AS PROVIDED BY ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THE SUBJECT MATTER OF SAID MEMORIALS BEING TO INITIATE AND ADOPT AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, WHEREBY THE UNITED

STATES OF AMERICA MIGHT PARTICIPATE IN A LIMITED WORLD FEDERAL GOVERNMENT.

WHEREAS: The Legislature of the State of Florida, desiring to officially record itself by a two-thirds vote of the members of both Senate and House thereof, by this Resolution, declares that the Legislative Memorial passed and adopted by former Legislatures of the State of Florida, to-wit: Memorial No. 15 of the 1943 Legislature; House Concurrent Resolution No. 10 of the 1945 Legislature and Memorial No. 282 of the 1949 Legislature, should no longer be permitted to stand in their purport, operation and effect, in proposing from the State of Florida, the calling of a Federal Constitutional Convention by the Congress of the United States of America, to amend the Constitution of the United States of America to provide for authority for participation by the United States of America in a limited World Federal Government,

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA, TWO-THIRDS OF THE MEMBERSHIP OF BOTH HOUSES HAVING VOTED FOR SAME,

(1) That any and all applications heretofore made to the Congress of the United States of America, pursuant to Article V of the Constitution of the United States of America, to call a convention for the sole purpose of proposing amendments to the Constitution of the United States of America, to enable the participation of the United States of America in a World Federal Government, as provided by Memorial No. 15 of the 1943 Legislature, House Concurrent Resolution No. 10 of the 1945 Legislature and Memorial No. 282 of the 1949 Legislature, be, each and all of them, and the same are hereby recalled, revoked and rescinded, and the State of Florida withdraws any and all applications for the call of the Constitutional Convention heretofore emanating from it, or adopted by its Legislature, and heretofore transmitted to the Congress of the United States of America.

BE IT FURTHER RESOLVED:

(1) That the Secretary of State of the State of Florida is hereby directed to certify under the great seal of the State of Florida and promptly transmit copies of this Resolution to the Senate and House of Representatives of the United States of America as the law may require.

(2) That a copy of this resolution shall also be transmitted to the Governor of each of the several States of the United States of America, with the request that the said Governor transmit copies thereof to the respective Legislative bodies of his State, in the manner and form provided by law.

(3) That a copy of this resolution be forwarded to the President of the United States of America.

(4) That this resolution shall become effective immediately upon its passage by a two-thirds vote of the members of each body of the Legislature of the State of Florida.

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

The President now presiding.

By Senators Brackin, Beall and Wright—

S. B. No. 175—A bill to be entitled An Act to amend Section 26.02, Florida Statutes, relating to Circuit Court of First Judicial Circuit of Florida, by increasing number of Judges thereof; and requiring that not more than one Judge of said Court can come from each County; and providing for the appointment of a third Judge.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 11, 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. Williams of Citrus—

House Memorial No. 5:

A MEMORIAL TO PETITION THE SECRETARY OF THE INTERIOR OF THE UNITED STATES TO RECONSIDER AND ABANDON THE IDEA OF CONDEMNING CERTAIN LANDS OWNED BY THE STATE OF FLORIDA OR ONE OF ITS AGENCIES IN CITRUS COUNTY, FLORIDA, TO BE USED AS A MIGRATORY BIRD REFUGE.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Memorial No. 5, contained in the above Message, was read the first time in full.

Senator Johnston moved that the rules be waived and House Memorial No. 5 be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And House Memorial No. 5 was read the second time in full.

The question was put upon the adoption of the Memorial.

Which was agreed to and House Memorial No. 5 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Johnston withdrew Senate Memorial No. 143.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 11, 1951

Hon. Wallace E. Sturgis,
President of the Senate,
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Haley and Tate of Sarasota, Simpson of Jefferson, Ayres of Marion, Patton of Franklin, Moody, Johnson and Pittman of Hillsborough, Dekle of Taylor, Jacobs of Suwannee, Rood and Fuqua of Manatee, Usina of St. Johns and Summers of Liberty—

H. M. No. 3—A Memorial to the Congress of the United States requesting the abolition of certain provisions of the laws of the United States of America invoked by the Social Security Administration as the basis for regulations for withholding information as to the names and other information concerning persons who are recipients of welfare payments.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

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

Senator Shands moved that the rules be waived and House Memorial No. 3 be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

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

The question was put upon the adoption of the Memorial.

Which was agreed to and House Memorial No. 3 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 10, 1951

Hon. Wallace E. Sturgis,
President of the Senate,
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Fascell, Okell and Floyd of Dade, and Usina of St. Johns—

House Concurrent Resolution No. 6:

A CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF FLORIDA TO COMMUNICATE FORTHWITH TO THE SENATE THE NAMES OF ALL SUSPENDED OFFICE HOLDERS AND THE CAUSE THEREFOR AS REQUIRED BY ARTICLE IV, SECTION 15 OF THE CONSTITUTION: AND REQUESTING THAT THE GOVERNOR DEFER ANY ACTION ON RE-INSTATEMENT OF SUCH SUSPENDED OFFICE HOLDERS UNTIL RECEIPT OF ADVICE AND CONSENT OF THE SENATE.

WHEREAS, Article IV, Section 15, of the Constitution of the State of Florida says in part: "Section 15. Removal or suspension of officers.—All officers that shall have been appointed or elected, and that are not liable to impeachment, may be suspended from office by the Governor for malfeasance, or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session."****"; and

WHEREAS, prior to the convening of the present session of the Legislature, the Governor of this State had suspended many public office holders for various reasons as authorized under the Constitution, and

WHEREAS, during the present session of the Legislature the Governor has without the advice and consent of the Senate and without any approval or disapproval either as to the appointment or the suspension, preemptorily reinstated a law enforcement official of this State who had been previously suspended, and

WHEREAS, the Governor has not yet communicated to the Senate during this Session the causes of suspension of public officials by him suspended since the last session of the Legislature;

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

Section 1. That the Governor is requested to communicate forthwith to the Senate of the State of Florida the names of all public office holders who were by him suspended since the 1949 session of the Legislature, and the cause of such suspensions of each as required by Article IV, Section 15 of the Constitution of the State of Florida.

Section 2. That the Governor defer any action on reinstatement of any such suspended office holder until receipt of further advice and consent of the Senate.

Section 3. That a copy of this resolution be sent to the Governor of the State of Florida.

—and respectfully requests the concurrence of the Senate therein.

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

And House Concurrent Resolution No. 6, contained in the above Message, was read the first time in full.

Senator Morrow raised a point of order that the subject matter of House Concurrent Resolution No. 6 is such that the said Resolution could be adopted by the House of Representatives without concurrence on the part of the Senate, and that any such action which might be contemplated by the Senate could properly form the subject of a Senate Resolution in which the concurrence of the House of Representatives would not be required and therefore the said Resolution should be returned to the House of Representatives.

The point of order was sustained and the Secretary of the Senate was directed by the President to return House Concurrent Resolution No. 6 to the House of Representatives.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:28 o'clock P. M., until 11:00 o'clock A. M., Thursday, April 12, 1951.

EXECUTIVE SESSION ANNOUNCEMENTS

The Senate in Executive Session on April 11, 1951, upon the recommendation of the Governor, removed from office the following named officers:

Frank W. Williams, Sheriff of Polk County, Florida;
Walter Clark, Sheriff of Broward County, Florida.