

JOURNAL OF THE SENATE

Thursday, April 12, 1951

55

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

The President in the Chair.

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

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

—37.

A quorum present.

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

"Lord God of Hosts, we thank Thee, that through the haze of national and international turmoil, we see the rays of Thy constant light that has ever dispelled the gloom of our despair. Forgive, we pray, our insolent self-sufficiency. As we have failed miserably in a Godless quest for peace give us, as a nation, the holy intelligence to know that with God we are a majority, but in league with atheism and paganism we are but dupes. Grant unto the members of this Senate, clearness of thought, courage in action, and honorableness in purpose. In the name of Him who is the fountain of truth. Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 11, 1951, was corrected as follows:

Page 1, column 1, line 6, counting from the bottom of the column, strike out the figures "11" and insert in lieu thereof the figures "100".

Also—

Page 2, column 1, counting from the bottom of the column, strike out line 11 and insert in lieu thereof the following:

"By Senators Davis and Sanchez—"

Also—

Page 2, column 2, line 19, after the name "Crary" and before the name "Johnson" insert the name "Branch."

Also—

Page 2, column 2, line 32, strike out the figures "730.04" and insert in lieu thereof the figures "734.04."

Also—

Page 2, column 2, line 35, after the figures "731.33," insert the following:

"Florida Statutes".

Also—

Page 2, column 2, at the end of line 16, counting from the bottom of the column, strike out the word "of" and insert in lieu thereof the word "or".

Also—

Page 4, column 1, line 11, strike out the word "by" and insert in lieu thereof the word "and".

Also—

Page 5, column 1, line 17, counting from the bottom of the column, strike out the word "Thirteenth" and insert in lieu thereof the word "Thirtieth".

Also—

Page 6, column 2, line 32, counting from the bottom of the column, after the word "provisions" insert the following:

"to the new benefit provisions;"

And as corrected was approved.

REPORTS OF COMMITTEES

Senator Shands, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 28—A bill to be entitled An Act relating to Motor Vehicles; amending Section 320.07, 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 referred to the Committee on Motor Vehicles under the original joint reference.

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

S. B. No. 8—A bill to be entitled An Act making it unlawful for the holder of a horse or dog racing permit, or for a member of an association or an officer, director or stockholder of a corporation holding such a permit, to make any political contribution; prescribing the penalty for the violation hereof; and prescribing the effective date hereof.

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.

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.

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

—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 Rodgers, Chairman of the Committee on Governmental Reorganization, reported that the Committee had carefully considered the following Bill:

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

—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 Ripley, Chairman of the Committee on Judiciary "C", reported that the Committee had carefully considered the following Bill.

S. B. No. 5—A bill to be entitled An Act relating to and requiring the filing of sworn itemized statements of assets by persons elected to office or appointed to elective office or holding elective office by election or appointment, whether the office be state, county or municipal; prescribing the consequences of failure to file such statements; and prescribing the effective date hereof.

—and recommends that it do not pass.

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

The President announced the appointment of the following committee to investigate and make a report to the Senate on matters of removal and suspension from office by the Governor: Senator Collins, Chairman; Senator Carroll and Senator Morrow.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

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

S. B. No. 176—A bill to be entitled An Act suspending licenses issued by the State Beverage Department and the State Hotel Commission for places that have been deprived of communication facilities by operation of the laws prohibiting bookmaking or other gambling or by operation of any rule of the Florida Railroad and Public Utilities Commission during the time the communication facilities are denied such places; requiring the Florida Railroad and Public Utilities Commission to notify the State Beverage Department and the State Hotel Commission of the termination of communication facilities.

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

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

S. B. No. 177—A bill to be entitled An Act making it unlawful to print or otherwise produce wall charts, tip sheets, scratch sheets, bookmaking tickets or other items in furtherance of illegal gambling or to transport, sell or possess the same; and providing penalties.

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

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

S. B. No. 178—A bill to be entitled An Act to regulate public utilities in the furnishing to others of communication service and facilities; requiring public utilities to report to the Florida Railroad and Public Utilities Commission and the Sheriffs of the counties information obtained relating to the illegal use of communication services or facilities; making it the duty of public utilities to provide appropriate means to ascertain if any of its facilities are being used illegally; making it the duty of public utilities to report messages that are in aid of gambling coming within its knowledge to the Florida Railroad and Public Utilities Commission; and providing penalties.

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

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

S. B. No. 179—A bill to be entitled An Act to regulate public utilities in the furnishing to others communication service; requiring that all contracts for such service shall be subject to

the express condition that the service shall not be used in violation of any state law relating to the prohibiting of bookmaking or other gambling; providing for the termination of such service; prohibiting new contracts for resumption of service without the approval of the Florida Railroad and Public Utilities Commission; and providing penalties.

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

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

S. B. No. 180—A bill to be entitled An Act regulating the transmission and communication of information relating to horse racing, and providing penalties.

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

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

Senate Memorial No. 181:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES REQUESTING THE ENACTMENT OF A FEDERAL LAW FORBIDDING THE INTERSTATE TRANSMISSION OF RACING INFORMATION WHEN THE SAME IS TRANSMITTED WITH SUCH SPEED, DETAIL AND ACCURACY AS TO FURTHER GAMBLING PURPOSES.

WHEREAS, the laws of the State of Florida prohibit the transmission of information by wire for illegal gambling purposes,

WHEREAS, it has been found difficult to fully enforce the intent of such laws because of the interstate use of long distance telephone and telegraph facilities and radio broadcasting for the rapid transmitting and receiving of information for horse race gambling purposes, and

WHEREAS, it has been definitely established by committees of the United States Senate that there exists a nation wide racket race wire as well as lesser gambling information dissemination systems which are used in violation of gambling and other laws through the aid of interstate communication facilities and that many radio stations broadcast race information in such manner and within such time limits that it is obviously intended to be an aid in gambling; NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

1. That the Congress of the United States is hereby memorialized to enact a Federal law forbidding the interstate transmission of racing and other gambling information by any means when the same is transmitted with such speed, detail and accuracy as to further gambling purposes.

2. That the Secretary of the State of Florida is directed to send certified copies of this memorial to the Senators and Representatives of the Congress of the United States from the State of Florida, to the Attorney General of the United States, to the Federal Communications Commission, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the Chairman of the United States Senate Committee to Investigate Crime, and to the Chairman of the United States Subcommittee on Interstate and Foreign Commerce.

3. That a copy of this memorial be spread in full upon the journals of the Senate and House of Representatives of the State of Florida and sufficient copies thereof be furnished to the press.

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

By Senator Shands—

S. B. No. 182—A bill to be entitled An Act relating to the assessment, levying and collection of taxes upon the estates of decedents, amending Chapter 198, Florida Statutes, 1949, providing for the taxation of certain intangible property of the estates of nonresident decedents, and fixing the time for discharging estates of decedents from estate tax liability.

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

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

Senate Joint Resolution No. 183:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 15 OF THE CONSTITUTION OF THE STATE OF FLORIDA RELATING TO THE SUSPENSION AND REMOVAL OF OFFICERS BY SUBSTITUTING A NEW SECTION 15 PROVIDING CAUSES FOR SUSPENSION AND REMOVAL; PROVIDING THAT THE GOVERNOR BE GIVEN POWER OF SUBPOENA IN SUSPENSION AND REMOVAL HEARINGS; PROVIDING PROCEDURE FOR SUSPENSION AND REMOVAL INCLUDING PROCEDURE FOR REVIEW OF ORDERS OF SUSPENSION AND REMOVAL WITHOUT SUPERSEDEAS OR STAY BY THE SUPREME COURT ON CERTIORARI AND PROVIDING THAT IF THE COURT QUASHES THE ORDER, THE OFFICER SHALL BE RESTORED TO OFFICE AND RECEIVE COMPENSATION FOR THE PERIOD OF SUSPENSION.

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

That the following amendment to Article IV of the Constitution of the State of Florida, by substituting the same in lieu of present Section 15 relating to suspension and removal of officers, 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 15. All officers that shall have been appointed or elected and 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. The Governor shall file with the Supreme Court a copy of the order of suspension not later than five days from the date thereof. The suspended officer may within thirty days from the date of the order of suspension, petition the Supreme Court for a review of the order and the Supreme Court on certiorari, without supersedeas or stay, shall review the order of suspension and shall within fifteen days from the filing of the petition enter its order either affirming or reversing the Governor's order of suspension. The Supreme Court in its discretion may require that a transcript of all matters pertaining to the suspension be filed with it and may permit the filing of documentary or other evidence by the suspended officer. If the Supreme Court affirms the order of suspension, the Governor shall, within twenty four hours, execute an order of removal. If the Supreme Court reverses the order of suspension, the suspended officer shall immediately resume the duties of his office, and shall not suffer any loss of salary or other compensation in consequence of the suspension. Should the suspended officer fail to file his petition for review within the time provided, the Governor shall forthwith execute an order of removal. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended or removed. The suspension or removal herein authorized shall not relieve the officer from indictment or prosecution for any misdemeanor or other crime in office. If the Governor should, in his discretion, determine to hold a hearing on charges or accusations against an officer prior to an order of suspension or in contemplation of such order, he shall have the power of subpoena and the right to swear witnesses and examine witnesses subject to the perjury and contempt laws of the State of Florida, witnesses subpoenaed in such instances by the Governor shall be entitled to compensation in the same amount as allowed witnesses in the Circuit Courts, such compensation to be paid from funds appropriated for the expense of the Governor.

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

By Senator Johnston—

S. B. No. 184—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 Johnston—

S. B. No. 185—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 Johnston—

S. B. No. 186—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 Ripley—

S. B. No. 187—A bill to be entitled An Act relating to forest protection; providing a penalty for obstructing the suppression of woods fires; creating a liability for cost of suppressing woods fires upon person responsible; defining and providing certain duties of railroads relating to prevention of woods fires on rights-of-way and maintenance of equipment so as to prevent woods fires; and providing a penalty for mutilating or destroying fire control or forestry signs and posters.

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

By Senator Sturgis—

S. B. No. 188—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 Boyle—

S. B. No. 189—A bill to be entitled An Act authorizing Boards of County Commissioners of the several counties of the State of Florida to enter into and carry into effect contracts and agreements with each other relating to their common duties and functions, and authorizing said boards to contribute to a central agency provided for in said contract when a common agency of said counties could perform the common duties and functions of said boards more efficiently and economically than when such duties and functions are performed by each county independently.

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

By Senator Boyle—

S. B. No. 190—A bill to be entitled An Act authorizing the Boards of County Commissioners of the several counties of the State of Florida to cause appraisal of property in said counties to be made by some company or board of appraisers to be selected by the Board of County Commissioners of each of said counties; authorizing levy of taxes and expenditure of county funds for the purpose of securing such appraisal and providing for copies of said appraisal to be deposited in the office of the Tax Assessor and in the office of the Board of County Commissioners.

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

By Senator Boyle—

S. B. No. 191—A bill to be entitled An Act to amend Sections 28.24, 293.15, 695.23 and 696.05, Florida Statutes, 1949, relating to duties of Clerks of Circuit Courts and fees allowed for performance thereof.

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

By Senator Boyle—

S. B. No. 192—A bill to be entitled An Act amending Section 125.08, Florida Statutes, 1949, relating to advertisement of competitive bidding on contracts of Boards of County Commissioners of the several counties of the State of Florida.

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

By Senator Ayers—

S. B. No. 193—A bill to be entitled An Act amending Section 741.04, Florida Statutes, relating to domestic relations, husband and wife, marriage license and conditions precedent to issuance.

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

By Senator Gautier (13th)—

S. B. No. 194—A bill to be entitled An Act creating and providing for the appointment, terms of office, and prescribing the powers and duties of assistant State attorneys in all the judicial circuits of the State of Florida having a total population of more than three hundred twenty-five thousand (325,000) people according to the last preceding Federal census.

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

By Senator Franklin—

S. B. No. 195—A bill to be entitled An Act regulating absolute and conditional sales or offers to sell at auction, diamonds, precious or semi-precious stones or imitations thereof, watches, clocks, jewelry, gold, silver or plated ware; prescribing qualifications for applicants and the manner of applying for a license to engage in the auction business and for permits for auctioneers and providing for license and permit fees therefor; prescribing rules and regulations for auction sales of said classes of goods, and forbidding auctions thereof between the hours of 8:00 o'clock p. m. and 7:00 o'clock a. m. and limiting such auctions to 45 days in each calendar year; to provide for cancellation of licenses and permits for violations of the Act and procedure therefor including appeals and certiorari and denying supersedeas in certain cases; and prescribing criminal penalties for violations of the Act.

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

By Senator Sturgis—

S. B. No. 196—A bill to be entitled An Act to amend Chapter 25369, Laws of Florida, Acts of 1949, as amended by Chapter 26333, Laws of Florida, Acts of 1949, extraordinary session, the same being Section 11.21, Florida Statutes, 1949, relating to membership of the Legislative Council.

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

By Senators Collins, Leaird, King, Johnston and Gautier (13th)—

S. B. No. 197—A bill to be entitled An Act to confer additional powers upon Municipalities in the State of Florida in relation to the collection, treatment and disposal of sewage, including industrial wastes; to authorize and empower any such Municipality to construct, improve, extend, enlarge, reconstruct, maintain, equip, repair and operate sanitary sewers and sewage disposal systems; to authorize the levy of special assessments upon property benefited by the construction or reconstruction of such sanitary sewers; to provide for paying the whole or a part of the cost of a sewage disposal system or systems, of extensions and additions thereto, and of sanitary sewers, by the issuance of either (1) General obligation bonds of such Municipality payable from ad valorem taxes or from ad valorem taxes and the proceeds of sewer service charges or special assessments or both, or (2) sewer revenue bonds of such Municipality payable solely from sewer service charges or from sewer service charges and special assessments; to provide for the levy of a sufficient ad valorem tax for the payment of general obligation bonds; to provide for the imposition and collection of charges for making connections with the sewer system of such Municipality, for the imposition and collection of rates, fees and charges for the use of the services and facilities of such sewage disposal system or systems, for the imposition and collection of rates, fees and charges for the use of the services and facilities of such sanitary sewers, and for the application of such revenues; to authorize and empower any such municipality to require connections with sanitary sewers served or which may be served by any sewage disposal system; to grant to any such

Municipality power to acquire necessary real and personal property and to exercise the right of eminent domain; to give the consent of the State of Florida to the use of all State lands lying under water which are necessary for the accomplishment of the purposes of this Act; to exempt from taxes and assessments the sewage disposal system of any such Municipality; to authorize Municipalities to accept grants and contributions in aid of the purposes of this Act; to authorize the pledge of surplus water revenues; to authorize the issuance of sewer revenue refunding bonds; to authorize the combination of the water and sewer systems of any such Municipality for financing purposes and the issuance of water and sewer revenue bonds; and to prescribe the powers and duties of municipalities in connection with the foregoing and the rights and remedies of the holders of any bonds issued pursuant to the provisions of this Act.

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

By Senators Collins, Leaird, King, Johnston and Gautier (13th)—

S. B. No. 198—A bill to be entitled An Act providing for the financing by counties and municipalities in the State of Florida of certain self-liquidating projects without the incurring of indebtedness or the levy of taxes; providing for the purchase, construction, improvement, extension, betterment, repair, operation and maintenance of bridges, causeways and tunnels by counties and waterworks systems, bridges, causeways, tunnels, harbor and port facilities and parking facilities by municipalities, authorizing the issuance of revenue bonds, payable solely from revenues, to pay the cost of such projects, providing that no debt of any such county or municipality shall be incurred in the exercise of any of the powers granted by this Act, and that no county or municipality shall have the power to levy taxes for the payment of such revenue bonds; providing for the collection of rates, fees, rentals and tolls for the payment of such revenue bonds and for the cost of maintenance, repair and operation of such projects; providing for the execution of trust agreements to secure the payment of such revenue bonds without mortgaging or encumbering any such projects; authorizing the issuance of revenue refunding bonds; and prescribing the powers and duties of counties and municipalities in connection with the foregoing and the rights and remedies of the holders of any bonds issued pursuant to the provisions of this Act.

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

By Senator Smith—

S. B. No. 199—A bill to be entitled An Act establishing a Small Claims Court in each county of this State; providing the jurisdiction of said court and the powers, practice, procedure and notice of proceedings therein; providing for the appointment and election of a judge and affixing his compensation and term of office; providing for a clerk and prescribing his duties; providing for a review of cases from said court.

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

By Senators Shivers and Franklin—

S. B. No. 200—A bill to be entitled An Act relating to the establishment of a two per cent limited sales and use tax; providing for certain exemptions; providing a comprehensive plan of administration and enforcement; providing for the distribution of the proceeds collected; making an appropriation; and repealing Chapter 26319, Laws of Florida, Acts of 1949.

Which was read the first time by title only.

Senator Shivers moved that the rules be waived and Senate Bill No. 200 be placed on the Calendar of Bills on Second Reading, without reference.

Which was not agreed to.

So Senate Bill No. 200 was referred to the Committee on Finance and Taxation.

By Senator Gautier (13th)—

S. B. No. 201—A bill to be entitled An Act to amend Sec-

tions 855.01 and 855.02, Florida Statutes, 1949, relating to following trade and selling of goods on Sunday.

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

By Senators Sanchez, Moore and Shivers—

S. B. No. 202—A bill to be entitled An Act providing for the coverage of certain officers and employees of the State and local governments under the old-age and survivors insurance provisions of Title II of the Federal Social Security Act, as amended, designating a State agency to administer the same and making appropriation therefor, and making this Act effective July 1, 1951.

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

By Senators Branch and Wright—

S. B. No. 203—A bill to be entitled An Act to amend the second paragraph of Subsection (1) of Section 583.01, Subsections (2) and (3) of Section 583.12, Subsection (1) of Section 583.13, Section 583.14 and the third Subsection (un-numbered) of Section 583.18, Florida Statutes, relating to and regulating the sale of live and dressed poultry or fowl in the State of Florida; defining dealer in live or dressed poultry or fowl; defining dressed poultry or fowl, both Florida and shipped; providing for the manner of labeling dressed poultry or fowl; requiring the certification of dealers in dressed poultry or fowl, and imposing an inspection fee on all dressed poultry or fowl sold by dealers in this State.

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

By Senator Branch—

S. B. No. 204—A bill to be entitled An Act to amend the first paragraph of Subsection (1) of Section 583.01 and Section 583.09, Florida Statutes, relating to the definition of dealer in eggs and the certification of dealers in eggs.

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

By Senators Branch, Johnson and Ripley—

S. B. No. 205—A bill to be entitled An Act providing for an allowance of two per cent of all taxes imposed by the State of Florida on motor fuel to retail dealers on motor fuel, kerosene and other taxed petroleum products sold by them, repealing all laws in conflict herewith and for other purposes.

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

By Senator Clarke—

Senate Concurrent Resolution No. 206:

A Concurrent Resolution memorializing Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to taxes on incomes, inheritances and gifts.

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

That the Florida State Legislature does hereby make application to the Congress of the United States to call a convention for the purpose of proposing the following Article as an amendment to the Constitution of the United States.

"ARTICLE.....

"Section 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"Section 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration; Provided, that in no case shall the maximum rate of tax exceed 25 per cent.

"Section 3. The maximum rate of any tax, duty, or excise

which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 per cent.

"Section 4. The limitations upon the rates of said taxes contained in Sections 2 and 3 shall not apply during hostilities while the United States is in a state of war declared by Congress and shall be subject to the further qualification that in the event of a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each house may for a period not exceeding one year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power to repeat such action as often as such emergency may require.

"Section 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this Article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"Section 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of Section 3, laid in accordance with the terms of any law then in effect."

And be it further

RESOLVED, That the Congress of the United States be, and it is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several states, and be it further

RESOLVED, That a duly attested copy of this resolution be immediately transmitted to the secretary of the Senate of the United States, the clerk of the House of Representatives of the United States and to each member of the Congress from this State.

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

By Senators Rodgers and Boyle—

S. B. No. 207—A bill to be entitled An Act relating to the closing of certain places of business licensed to retail alcoholic beverages in Florida immediately preceding and on the day of and succeeding any State, County, City, primary, general or special election; prohibiting the sale of alcoholic beverages by all other places licensed to sell at retail during the above period of time; providing the location of the places required to comply; providing penalties for the violation thereof; repealing all laws in conflict herewith; providing the effective date.

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

MESSAGE FROM THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
April 12, 1951

Honorable Wallace E. Sturgis
President of the Senate,
State Capitol
Sir:

I have the honor to inform you that I have today approved the following Act, which originated in your Honorable Body, Regular Session, 1951, and have caused same to be filed in the office of the Secretary of State:

S. B. NO. 16, RELATING TO BARTOW

Respectfully,
FULLER WARREN,
Governor.

MESSAGE 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 passed—

By Messrs, Jernigan and Darby of Escambia—

H. B. No. 63—A bill to be entitled An Act to fix the compensation of the Judge of the Court of Record in and for Escambia County, to be paid by the County of Escambia.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 63, contained in the above Message, was read the first time by title only.

Senator Beall moved that the rules be waived and House Bill No. 63 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 63 was read the second time by title only

Senator Beall moved that the rules be further waived and House Bill No. 63 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 63 was read the third time in full.

Upon the passage of House Bill No. 63 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	Moore	Smith
Boyle	Gautier (28th)	Morrow	Tucker
Brackin	Gautier (13th)	Pearce	Wright
Branch	Johns	Pope	
Carroll	Johnson	Ripley	
Clarke	Johnston	Rodgers	

Nays—None.

So House Bill No. 63 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Collins moved that a committee of three be appointed to escort Honorable R. A. Gray, Secretary of State of the State of Florida, Rear Admiral Thomas S. Combs, U. S. N., Chief of Bureau of Aeronautics, U. S. Navy Department, and Mrs. Combs to seats on the rostrum of the Senate.

Which was agreed to.

And the President appointed Senators Collins, Davis and Johnson as the committee.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

S. B. No. 35—A bill to be entitled An Act revising Chapter 212, Florida Statutes, relating to the imposing and collecting of privilege taxes on the sale, use and storage for use or consumption of tangible personal property, on admissions and the rental of tangible personal property and certain real

property; by eliminating certain exemptions and adding others: providing rates and methods of reporting and remitting such taxes to the State; declaring such taxes to be State funds and providing penalties for failure to remit and for embezzlement of such funds; granting additional powers to the Comptroller and providing funds for the enforcement of the chapter. by amending all or parts of Sections 212.02, 212.04, 212.06, 212.08, 212.11, 212.12, 212.15 and 212.20, and repealing Sub-sections (4), (5), (6) and (8) of Section 212.03 thereof; providing for an effective date.

Was taken up in its order.

Senator Shands moved that the rules be waived and Senate Bill No. 35 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 35 was read the second time by title only.

Pending further consideration of Senate Bill No. 35, Senator Collins moved that the rules be waived and Senate Bill No. 35 be committed to the Committee on Finance and Taxation.

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

A roll call was demanded.

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

Yeas—16.

Baynard	Dayton	Lewis	Rogells
Branch	Franklin	Morrow	Shivers
Collins	Johnson	Pope	Tucker
Davis	Johnston	Ripley	Wright

Nays—20.

Mr. President	Brackin	Gautier (13th)	Pearce
Ayers	Carroll	Johns	Rodgers
Baker	Clarke	King	Sanchez
Beall	Crary	Leaird	Shands
Boyle	Gautier (28th)	Moore	Smith

So the motion failed of adoption.

Senator Moore offered the following amendment to Senate Bill No. 35:

In Section 7, line 8 following the words "the same to a" insert the following: "licensed exporter for exporting or to a"

Senator Moore moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Finance and Taxation offered the following amendment to Senate Bill No. 35:

In Section 9, page 5, at the end of line 5 after word "meals", insert a comma and add the following: "or packaged lunches".

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Moore offered the following amendment to Senate Bill No. 35:

In Section 2, at the end of said Section add the following: "Sub-section 12 of Section 212.02, Florida Statutes, is amended to read: 12—"Tangible personal property" means and includes personal property which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses, including advertisements in newspapers and magazines. The term "tangible personal property" shall not include stocks, bonds, notes, insurance or other obligations or securities, or intangibles as defined by the intangible tax law of the State of Florida nor pari-mutuel tickets sold or issued under the racing laws of the State of Florida."

Senator Moore moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Pending further amendment, of Senate Bill No. 35, Senator

Shands moved that the rules be waived and the time of adjournment be extended until final disposition of all amendments on the desk on Senate Bill No. 35.

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

Senator Shivers offered the following amendment to Senate Bill No. 35:

In Section 9, line 7 strike out the paragraph beginning with the word "Food" and ending with the word "business."

Senator Shivers moved the adoption of the amendment.

A roll call was demanded.

Upon the adoption of the amendment offered by Senator Shivers to Senate Bill No. 35 the roll was called and the vote was:

Yeas—14.

Ayers	Franklin	Lindler	Tucker
Baynard	Gautier (28th)	Pope	Wright
Clarke	Johns	Ripley	
Davis	Johnston	Shivers	

Nays—23.

Mr. President	Carroll	King	Rodgers
Baker	Collins	Leaird	Rogells
Beall	Crary	Lewis	Sanchez
Boyle	Dayton	Moore	Shands
Brackin	Gautier (13th)	Morrow	Smith
Branch	Johnson	Pearce	

So the amendment failed of adoption.

Pending further amendment of Senate Bill No. 35, Senator Pope moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:19 o'clock P. M., until 11:00 o'clock A. M., Friday, April 13, 1951.