

# JOURNAL OF THE SENATE

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Tuesday, April 17, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 16, 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.

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

"O Lord, and God eternal, as we scan the pages of our Nation's glorious history we see it checkered with human frailty but gilded with Divine strategy. We praise Thee that the simple faith of our fathers has been crowned with glory in which we proudly share. Grant that we may also share in their vision of a nation, a unique nation, that would dare stand alone with God for justice and the American concept of liberty. Grant that wisdom and integrity shall rule this Chamber to the blessing of our State, and to serve as a pattern to the entire Union of a working democracy. We pray in the Savior's name, Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, April 16, 1951 was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

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

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

—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 Baker, Chairman of the Committee on Cities and Towns, reported that the Committee had carefully considered the following Bills:

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.

S. B. No. 230—A bill to be entitled An Act to amend Section 11 of Chapter 23077 as amended by Chapter 26362 and 26477, Acts of 1949, relating to authority of housing authorities to clear blighted areas and slums in certain municipalities; to acquire real property by condemnation and to issue obligations; by designating and authorizing additional municipalities to enter into such projects.

—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 Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bill:

S. B. No. 272—A bill to be entitled An Act relating to State Governmental Reorganization; fixing salary, expenses, allowances of Governor; providing for housing and automobile for Governor; providing for Governor's staff and their salaries.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table, without being referred to the Committee on Governmental Reorganization, to which it was jointly referred.

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

S. B. No. 200—A bill to be entitled An Act relating to the establishment of a two percent 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 26,319, Laws of Florida, Acts of 1949.

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.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bill:

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

—and recommends that it do not pass.

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

Senator Moore, Chairman of the Committee on Miscellaneous Legislation, reported that the Committee had carefully considered the following Bill:

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.

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

Senate Memorial No. 60:

A Memorial to the Congress of the United States to rescind Florida Senate Memorial Number 282 of 1949, relating to a Constitutional Convention for purpose of amending the Constitution of the United States so that a limited World Federal Government be created by amendment to the United Nations Charter, or by a World Constitutional Convention.

S. B. No. 61—A bill to be entitled An Act repealing Chapter 25098, Acts of 1949 relating to inclusion of the 1950 ballot participate of the United States in a World Federal Government.

—and recommends that they do pass.

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

Senator Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bills:

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

preparing a revision, extension and codification of the said laws of this State.

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.

—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 Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bill:

H. B. No. 116—A bill to be entitled An Act providing for the approval of requests and budgets of the agencies of the State Government by the State Budget Commission in the obtaining of Federal Aid; and providing an effective date hereof.

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

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.

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.

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.

—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 Johnston, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following House Concurrent Resolution:

H. C. R. No. 8—A Concurrent Resolution for the appointment of a committee of members of the House and Senate to confer with officials of the State of Florida and of the State of Georgia as to commerce between the States.

—and recommends that it do pass.

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

Senator Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bill:

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 it do pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendments attached thereto, was 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 Resolution and Memorial:

Senate Concurrent Resolution No. 59:

A Resolution rescinding and withdrawing Senate Memorial No. 232 relating to the World Federal Government.

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.

—and recommends that they do pass with committee amendments as attached thereto.

And the Resolution and Memorial contained in the preceding report, together with the Committee amendments attached thereto, were placed on the Calendar of Bills on Second Reading.

Senator Baynard, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following Bills:

S. B. No. 31—A bill to be entitled An Act fixing the per diem and traveling expenses of State officers and employees when traveling on State business.

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

S. B. No. 209—A bill to be entitled An Act appropriating the sum of ten thousand dollars to the State Library Board to be expended for bonuses and awards to resident authors of future published books of historic value relating to the State of Florida.

—and recommends that they do pass with committee amendments as attached thereto.

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

Senator Baker, Chairman of the Committee on Cities and Towns, reported that the Committee had carefully considered the following Bills:

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

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.

—and recommends that they do pass with committee amendments as attached thereto.

And the Bills contained in the preceding report, together

with the Committee amendments attached thereto, were placed on the Calendar of Bills on Second Reading.

#### ENGROSSING REPORTS

April 17, 1951

Your Engrossing Clerk to whom was referred, with Senate amendments, for engrossing—

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.

—begs leave to report that the Senate amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

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

And Senate Bill No. 144, contained in the above report was ordered certified to the House of Representatives.

Senator Brackin moved that a committee of three be appointed to escort the Honorable Edwin W. Klump, a member of the Michigan State Senate to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Brackin, Boyle and Rodgers as the committee.

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

By Senator Baker—

S. B. No. 286—A bill to be entitled An Act to abolish all Justice Districts in Lake County, Florida, and providing for a referendum thereof.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 286 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 Baker moved that the rules be waived and Senate Bill No. 286 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 286 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 286 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. 286 was read the third time in full.

Upon the passage of Senate Bill No. 286 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. 286 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 287—A bill to be entitled An Act to authorize the County of Lake to construct, build, erect, purchase, lease or rent an armory or armories in said county; to declare said armories to be for a county purpose; to authorize the assessment, levy and collection of an ad valorem tax to carry out the purposes of this Act and to validate and confirm the assessment, levy and collection of taxes heretofore made for the purpose of renting or constructing an armory or armories.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 287 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 Baker moved that the rules be waived and Senate Bill No. 287 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 287 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 287 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. 287 was read the third time in full.

Upon the passage of Senate Bill No. 287 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. 287 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 288—A bill to be entitled An Act relating to the compensation to be paid to the members of the Board of County Commissioners of Lake County, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 288 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 Baker moved that the rules be waived and Senate Bill No. 288 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 288 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 288 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. 288 was read the third time in full.

Upon the passage of Senate Bill No. 288 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. 288 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Baker—

S. B. No. 289—A bill to be entitled An Act to prohibit the running or roaming at large of livestock in Lake County, Florida; to provide for impounding and sale of livestock found running or roaming at large in said County; to provide that owners of property damaged or destroyed by livestock running or roaming in said County may recover damages from the owner or owners of said livestock and to provide penalties for violation of this act.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 289 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 Baker moved that the rules be waived and Senate Bill No. 289 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 289 was read the second time by title only.

Senator Baker moved that the rules be further waived and Senate Bill No. 289 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. 289 was read the third time in full.

Upon the passage of Senate Bill No. 289 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. 289 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Crary—

Senate Joint Resolution No. 290:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF FLORIDA RELATING TO THE JUDICIAL DEPARTMENT; REPEALING SECTIONS TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), FORTY-FOUR (44) AND FORTY-NINE (49) THEREOF PERTAINING TO THE ORGANIZATION, POWERS AND JURISDICTION OF THE SUPREME COURT, THE ASSIGNMENT OF JUDGES TO HEAR AND DETERMINE CASES, AND ELIGIBILITY OF RETIRED JUSTICES AND CIRCUIT JUDGES FOR CALL TO TEMPORARY ACTIVE DUTY; AND INSERTING IN LIEU THEREOF THE FOLLOWING SECTIONS NUMBERED TWO (2) TO EIGHT (8), INCLUSIVE, PERTAINING TO THE SAME GENERAL SUBJECT MATTER.

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

That Article V of the Constitution of Florida relating to the Judicial Department be amended by striking therefrom present Sections 2, 3, 4, 5, 6, 7 and 8, and Sections 44 and 49 thereof, and substituting in lieu thereof the following sections, to be numbered 2 to 8, inclusive:

Section 2. Supreme Court; Number of Justices; Term; Compensation; Appointment and Election of Justices.

(a) The Supreme Court shall consist of seven Justices, or such larger number of Justices not exceeding ten as the Legislature may prescribe. The Justices of the Supreme Court shall hold office for the term of six years, but no term of any incumbent shall be affected by this amendment. The Justices of the Supreme Court shall receive for their services such compensation as may be fixed by law, which shall not be diminished during their terms of office.

(b) In the event the number of Justices is increased beyond seven, the Legislature shall prescribe the length of the first term of each such additional Justice, which term shall not exceed six years. The Governor shall appoint a qualified person to fill each such office for a term extending only to the first Tuesday after the first Monday in January following the next succeeding general election. A successor to each such additional Justice shall be elected by the qualified electors at the next succeeding general election following such appointment and he shall hold office only for the remainder of the unexpired term prescribed by the Legislature.

(c) Except as provided in subsection (b) hereof, each Justice of the Supreme Court shall be elected for a six-year term by the qualified electors of the State at the times and places of voting for members of the Legislature, at the general election next preceding the expiration of each term of such office; provided, that in the event of a vacancy in the office of any Justice and there be an unexpired term, the successor shall be elected only for the balance of the unexpired term.

Section 3. Judges; qualifications. No person shall ever be appointed or elected as a Justice of the Supreme Court, or Judge of a Circuit Court or Criminal Court, who is not at least twenty-five years of age, a citizen and resident of Florida, and an attorney at law duly licensed to practice in Florida.

Section 4. Supreme Court; Quorum; Divisions; Chief Justice, Selection, Powers and Duties.

(a) A majority of the Justices of the Supreme Court shall constitute a quorum for the dispatch of business, except as hereinafter provided in this section

(b) All cases involving capital punishment, or the determination of a State or Federal constitutional question wherein shall be brought into controversy the constitutionality of a Federal or State statute, rule, regulation or municipal ordinance, shall be considered and determined by the Chief Justice and not less than six other Justices of the Court designated by him; and a judgment concurred in by a majority of the Justices considering the case shall be the judgment of the Court.

(c) All other cases may be considered and determined by a division of the Court consisting of not less than three Justices, and the judgment of a majority of any such division shall be the judgment of the Court. A division of the Court may sit in any part of the State of Florida.

(d) The Chief Justice shall from time to time be selected by the Justices of the Supreme Court to serve for such term of office as they shall determine. He shall be the Chief Administrative Officer of all Courts of the State, and it shall be his duty to see that litigation in the Courts of the State is dispatched promptly. He shall have the exclusive power to direct a Judge of any court to serve temporarily as Judge in a coordinate or inferior court; and it shall be the duty of every Judge to obey such direction unless excused by the Chief Justice for sufficient cause. The Chief Justice shall also have the power, with the advice and consent of the Court, to appoint an Administrative Assistant of Courts at a compensation to be determined by the Legislature, who shall serve at the pleasure of the Court and perform such administrative duties as the Chief Justice may direct.

The Chief Justice shall submit to each session of the Legislature a report covering the work done by all courts and the condition of all court dockets; his recommendations for legislation covering the judicial system; the appropriation necessary for the proper and efficient operation and maintenance of the judicial system and such other matters as will improve the prompt and efficient administration of justice in the courts. He shall have the power to require of all Judges and Clerks such data as he may desire from time to time for his information, and it shall be the duty of the Judges and Clerks to furnish such data promptly and without charge.

In the event the Chief Justice is unable to act for any cause the Justice longest in continuous service and able to act shall act in his stead.

Section 5. Jurisdiction of Supreme Court. The Supreme Court shall have appellate jurisdiction in all cases at law and in equity originating in Circuit Courts, and of appeals from the Circuit Courts in cases arising before Judges of the County Courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the Circuit Courts. The Court shall have the power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or any Justice thereof, or before any Circuit Judge.

The Supreme Court shall have the power to make rules governing the administration of all courts in the State, and the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

Section 6. Eligibility of Circuit Judges to serve temporarily as Associate Justices of Supreme Court. Circuit Judges may be called by the Chief Justice for temporary duty on the Supreme Court to act in the place and stead of any absent, disqualified or disabled Justice, or to help relieve congestion of the Court docket; provided that a division of the Court shall not include more than one such Judge.

Section 7. Eligibility of Retired Justices and Circuit Judges to Serve Temporarily as Substitute Justices and Judges.

(a) Justices of the Supreme Court and Judges of the Circuit Courts who have retired with compensation may be called by the Chief Justice for temporary duty on the Supreme Court to act in the place and stead of any absent, disqualified or disabled Justice, or to help relieve congestion of the Court docket; provided that a division of the Court shall not include more than one such Justice or Judge. While on temporary duty with the Supreme Court such Justice or Judge shall have the same powers and jurisdiction, with respect to matters referred to him for consideration as an active Justice of the Supreme Court.

(b) Justices of the Supreme Court and Judges of the Circuit Courts who have retired with compensation may be called by

the Chief Justice for temporary duty in a Circuit Court, to act in the place and stead of any absent, disqualified or disabled Judge or to help relieve congestion of the Court docket. While on temporary duty pursuant to such call such retired Justice or Circuit Judge shall have the same powers and jurisdiction as an active Judge of the Court to which he has been assigned.

(c) No retired Justice or Circuit Judge shall be required to serve without his consent; but if he serves he shall receive, in lieu of his retirement compensation, for the period of temporary duty, the same compensation as an active Justice or Judge of the court to which he has been called.

Section 8. Clerk; Marshal; Librarian. The Supreme Court shall appoint a Clerk, who shall be the reporter for the Court and perform such other duties as the Court may direct. The Supreme Court shall appoint a Marshal, who shall have the power, and be obligated, to execute all orders of the Court, including orders of arrest. He shall perform such other duties as the Court may direct. The Supreme Court may appoint a Librarian whose duties shall be defined by the Court. The salaries of such officers shall be fixed by law and such officers shall hold office during the pleasure of the Court.

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

By Senators McArthur and Shands—

S. B. No. 291—A bill to be entitled An Act to authorize the incorporation of associations not for profit for the purpose of encouraging conservation and constructive care of Florida's natural resources, including its forests and public parks.

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

By Senator Ripley—

S. B. No. 292—A bill to be entitled An Act amending Section 849.14, Florida Statutes 1949, relating to gambling and aiding and abetting gambling.

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

By Senator Ripley—

S. B. No. 293—A bill to be entitled An Act containing legislative findings and declaration of policy with reference to the earnings of and upon pari-mutuel pools conducted by dog race tracks and as to the taxes thereon; and to provide for additional taxes upon pari-mutuel pools conducted by dog race tracks based upon increasing percentages of two percent, three percent and four percent upon the amounts by which the total pari-mutuel handle at such tracks exceed \$40,000.00, \$70,000.00 and \$90,000.00, respectively, during any twenty-four hour period; defining such twenty-four hour period; providing that such additional taxes so assessed shall be paid into a special fund and become a part of a special revolving building fund for capital improvements at State Institutions, subject to appropriations from said fund, and in such priority as may be provided by law, except in the event of any insufficiencies in the racing funds to be distributed to the several counties of the State of Florida; repealing all laws and parts of laws in conflict herewith and fixing the effective date of this act.

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

By Senator Gautier (13th)—

S. B. No. 294—A bill to be entitled An Act for the relief of Belcher Towing Company, a Florida Corporation, and making an appropriation to compensate said corporation for losses sustained as a result of damage done to its barge known as Barge No. 11.

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

By Senator Gautier (13th)—

S. B. No. 295—A bill to be entitled An Act for the relief of Belcher Oil Company, a Florida corporation, and making

an appropriation to compensate it for losses sustained as a result of damage done to its barge known as Barge No. 10, by an employee of the State Road Department.

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

By Senators Franklin and Moore—

S. B. No. 296—A bill to be entitled An Act relating to the salary of each Circuit Judge of a Judicial Circuit of the State of Florida embracing six or more counties with a total population not exceeding one hundred twenty-five thousand and with one county therein with a population of thirty thousand or more according to the last preceding State or Federal census, and in which said circuit there is neither established or provided a Criminal Court of Record or a Civil Court of Record, and providing that a part of the salary of each such Circuit Judge be paid from the general revenue fund of the counties of his said circuit in the proportion that the population of each county bears to the total population of such circuit according to the last preceding State or Federal census; making the same a county purpose, making an annual appropriation therefor; providing the effective date hereof and repealing all laws in conflict herewith.

Which was read the first time by title only.

Senator Franklin moved that the rules be waived and Senate Bill No. 296 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 Senator Johns—

S. B. No. 297—A bill to be entitled An Act to create an industrial trust fund for the State Prison at Raiford, appropriating funds therefor, providing for crediting of additional monies to such fund, authorizing uses of and disbursements from such fund and providing for keeping of necessary records and accounts.

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

By Senator Branch—

S. B. No. 298—A bill to be entitled An Act designating the Royal 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 Senators Branch, Ripley and Gautier (13th)—

S. B. No. 299—A bill to be entitled An Act to provide for the issuance and service of witness subpoenas and subpoenas duces tecum by the grand jury in all counties in this State having a population of 225,000 or more, according to the last State or Federal census.

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

By Senator Beall—

S. B. No. 300—A bill to be entitled An Act creating a Small Claims Court in each county of this State having a population of less than eighty-five thousand (85,000) according to the last official census; providing for the County Judge to be the Judge of said court; providing for the pleading, practice and service of notice of proceedings therein; providing for a Clerk and prescribing his duties.

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

By Senator King—

S. B. No. 301—A bill to be entitled An Act for the relief of Wilbur Lloyd Turner, of Polk County, Florida.

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

By Senator Collins—

S. B. No. 302—A bill to be entitled An Act to repeal Section 205.41 Florida Statutes, relating to occupational licenses; to

prohibit fortune telling and other practices whereby money is obtained by the pretense of the exercise of occult or unnatural powers; and providing penalties for violation.

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

By Senator Morrow (By Request)—

S. B. No. 303—A bill to be entitled An Act to amend Subsection (2) of Section 440.44, Florida Statutes 1949, relating to the Industrial Commission; per diem and expense allowance of the members of the Industrial Commission under the Florida Workmen's Compensation Act.

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

Senator Gautier (13th) asked unanimous consent of the Senate to take up and consider Senate Bill No. 194, out of its order, at this time.

Which was agreed to.

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.

Was taken up.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 194 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 194 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 194 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. 194 was read the third time in full.

Upon the passage of Senate Bill No. 194 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
Carrroll	Johnson	Pope	
Clarke	Johnston	Ripley	

Nays—None.

So Senate Bill No. 194 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Pearce moved that the rules be waived and the Senate revert to consideration of Reports of Committees:

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

**REPORT OF SPECIAL INVESTIGATING COMMITTEE  
PURSUANT TO RESOLUTION NO. 33-X  
(1949) (SESSION)**

TO: THE HONORABLE WALLACE E. STURGIS, PRESIDENT, AND MEMBERS OF THE 1951 SENATE OF FLORIDA:

We, the undersigned members of Special Committee of the Florida State Senate, appointed by the President of the Senate pursuant to Resolution No. 33-X (49), beg to report:

The Committee was charged with the duty and responsibility of making an investigation by whatever means necessary with

reference to the policies, practices, functions and general operations of the Game and Fresh Water Fish Commission of the State of Florida, and to report to the Legislature of 1951 the result of such investigation, together with suggestions to the 1951 Senate for legislation to carry out the full purpose and intent of the Constitutional Amendment which was adopted by the people creating the said Commission.

We have conducted such an investigation and have had innumerable hearings at which we have received sworn testimony and assembled data and information with reference to the operation of the Commission, its policies, and the conduct of its personnel.

The members of this Committee are in full accord with the purpose and intention of the Constitutional Amendment creating the Commission to conserve the game and fresh water fish of the State of Florida for the benefit of its present and future citizens.

From the testimony which we have received, and as a result of the available data and information in our possession, we find:

**FINDINGS**

**FIRST.** This Board was created by Constitutional Amendment which provided for appointment of its members by the Governor and confirmation by the Senate. A majority of the members of the Board in their operations and in conducting public business have assumed the attitude that because they are Constitutional Officers they are immune from the general laws of the State and were not subject to the restrictions imposed upon public officials generally. As examples of this attitude, we found the following:

One Commissioner, who was the principal owner of an automobile business, purchased two trucks for the Commission from his own firm without competitive bidding. On another occasion, a particular Commissioner bought thousands of dollars worth of equipment without competitive bidding. In other words, each individual Commissioner seemed to feel that he could purchase equipment for his district without Board action. On many occasions private bids would be received with no public advertisement and without the general public being notified that bids would be received. This practice is presently being continued as evidenced by recent purchases of uniforms without advertising for bids.

The general laws of the State which refer to competitive bidding after notice to the public and prohibiting the purchase of supplies or materials from an individual, firm or corporation where a Board member is interested in the same, apply to all Constitutional Officers and Boards of the State, and these laws with reference to competitive bidding in the purchase of supplies and materials apply with equal force to the members of the Game and Fresh Water Fish Commission as they do to other Constitutional Officers.

It is the unanimous opinion of the Committee, which opinion is based upon voluminous testimony adduced before the Committee, that the attitude of a majority of the members of the Game and Fresh Water Fish Commission is that as members of such Commission they are "annointed rather than appointed" and answerable for their actions neither to the Governor, nor the Legislature, nor the people of the State of Florida; and further that this attitude has been adopted by the Director and certain of the employees of the Commission.

It is the further unanimous opinion of the Committee that by reason of the attitude of some of the Commission members, and their various concerted actions pursuant thereto, conservation in the State of Florida has been hindered rather than promoted and the cost of conservation is entirely out of line with the accrued benefits therefrom. In short, that the State of Florida is not getting the full benefit from its conservation program by reason of the autocratic attitude and the inefficient administration of the present Commission, its directors and others employed in key positions.

The Committee further finds that, notwithstanding the publicized avowals of the lack of politics within the Commission, it irrefutably appears that the Commission, and all branches thereof, is riddled with politics of the worst kind, i. e.:

(a) Maintenance of a full paid publicity staff, the members

of which are apparently charged with the primary duty of promoting publicity releases most favorable to the Commission and covering up any unfavorable publicity.

(b) Discharge of experienced and efficient employees for no given reason other than curtailment of expenses, while, during the same period of time, additional employees are hired to do the same work the discharged employee was doing.

**SECOND.** We further find on innumerable occasions property purchased ostensible for the purposes of conservation has been used by various members of the Commission for their own private purposes and for their own convenience and pleasure. We particularly refer to the use of boats on Lake Okeechobee, and the use of outboard motors by one member at his private fishing camp which was not even in his own district.

**THIRD.** We find from the report of the State Auditor dated December 31st, 1949, the average number of employees per month was 290, and that as of that date the Department had 174 motor vehicles, two airplanes, 216 outboard motors and 24 boats equipped with motors. It appears to the members of the Committee that the number of motor vehicles and the number of outboard motors is out of all proportion to the requirements of the department when it is considered that the department has only 290 as an average number of employees.

**FOURTH.** We further find that at least two members of the Commission were negligent with reference to their expense account and exceeded the amount allowed by the Constitution, and only refunded the same after the State Auditor brought it to their attention.

**FIFTH.** We further find that there was gross inequality in the amount of salaries paid to various individual employees performing the same duties and in the expense allowances for such employees. As an example of travel expense in comparison with salary, we cite that O. E. Frye, Biologist, who drew from July 1, 1949 through December 31, 1949, a salary of \$2,349.96, and travel expense of \$1,145.21. In this connection, since the original report of this Committee was filed, salaries of wildlife officers have been standardized.

**SIXTH.** There seems to be no effective control or regulation as to the acquirement of property or the expenditure of public funds under the jurisdiction of the Commission. For example, we find that on one occasion a boathouse was constructed by some employees of the Commission with materials and supplies paid for by the Commission on land not even owned or under lease by the Commission. We can find no authority in the minutes of the Commission authorizing the construction of this boathouse or the purchase of supplies and materials which went into it. Since this matter was brought to the attention of the Commission, written authority to remove said boathouse at will has been obtained. As a further example of loose methods, we do not find any effective regulation or control with reference to the purchase of gas, oil, lubrication, and making of repairs to equipment, and no performance cost records are kept on motorized equipment. Such flagrant inefficiency and carelessness in the handling of public funds should be stopped. According to the Auditor's Report for the fiscal year ending June 30, 1949, the budget estimate for gasoline, oil and lubrication was \$44,000.00. The actual expenditure amounted to \$75,-896.13, or an over-expenditure of more than \$31,000.00.

**SEVENTH.** As further evidence of the fact that the Commission does not attempt to protect the public interest in the conservation of game, action was taken to grant special privileges for hunting on large plantations in Leon County. Neither the owners nor the agents of these plantations requested any such special privileges. A public indignation meeting was held in the Leon County Courthouse to protest this action and to petition the Commission to reverse its decision. At this meeting it developed that the action was taken on the suggestion of a member or members of the Commission. At this meeting the Chairman attempted to do all the talking and to rebuke the citizens of Leon County who expressed opinions contrary to his own. It was only when Mr. Cecil Webb, another member to the Commission, appeared on the scene that the citizens of Leon County could be heard to voice their complaints and petition the Commission for a redress of their grievances. At a subsequent meeting the Commission on motion of Commissioner Webb, the action

with reference to large plantations in Leon County was rescinded.

**EIGHTH.** According to the report of the State Auditor, although there is a book record of the physical properties acquired or bought by the Commission, there is no annual inventory taken to determine what properties are actually owned by the Commission or where such properties are located or who has control of such properties.

**NINTH.** We further find that a number of employees of the Department have been guilty of drunkenness and drunken driving, which resulted in the wrecking of motor equipment owned by the Commission, and although the Commission has full knowledge of these facts, such employees are still on the payroll of the Commission. This is in direct contrast to the discharge of efficient employees for some petty or political reason.

**TENTH.** We further find that the major activities of the Commission and the major policies of the Commission in the past have been determined largely by three Commissioners who would meet in secret session without the knowledge of the other members of the Commission. As an example of this, after a regular meeting in Tallahassee recently, three members of the Commission met in secret session at a place other than the Commission offices and discharged a highly efficient employee because at the regular meeting he had expressed an opinion contrary to the opinion of the three members of the Commission. It is gratifying to observe that one member constituting the majority is no longer a member of the Commission.

**ELEVENTH.** We further find that the rules and regulations of the Commission with reference to confiscated game have been flagrantly violated. On one occasion a number of doe deer were killed out of season. It appears that one Ralph Cooksey, who was at that time President of the Florida Wild Life Association, participated in giving directions that such deer were to be delivered to some place in Tallahassee. The undisputed testimony was that the deer did reach Tallahassee. At that point we could not trace ultimate destination of all of the deer, but Mr. Cooksey admitted that he personally got some of the deer. No record of any kind was made or kept concerning this transaction of the ultimate disposition of the confiscated deer.

**TWELFTH.** This Committee had considerable difficulty in obtaining free and frank statements or testimony from members of the Commission and many of the employees of the Commission. Many of the employees frankly stated to members of the Committee that if they testified and members of the Commission knew they had testified, they would lose their jobs. At a meeting of the Committee held in Orlando, several members of the Commission were represented by attorneys. Commissioner M. C. Lewis was not represented by counsel and on these grounds refused to answer any questions on the grounds that he might incriminate himself; later, on advice of counsel, he did answer questions propounded. Employees of the Commission, who testified before the Committee after being summoned, were subjected to thorough questioning by the Commission as to what evidence they had given the Committee.

**THIRTEENTH:** We find that in some cases where the Commission did not have sole jurisdiction of the conservation program, it failed to show any co-operation effort with other agencies having some jurisdiction over the same territory. For example, in Lake Apopka there were two closely related problems, that of water control and conservation. In order to solve the problems it would require co-operation between two agencies. The Commission refused to co-operate in solving this vital and important dual problem, to the great loss of the public in both conservation and water control.

**FOURTEENTH.** It appears to the Committee that considerable money has been spent in employing biologists, junior biologists and biologists' aides, which might better have been diverted to other sources in the furtherance of a sound conservation program. From undisputed testimony, it appears no particular qualifications are required of biologists' aides, other than a high school education. No particular skill is required of these biologists' aides. They are supposed to be present when certain fishing operations are going on and to count the fish as they come in. On many occasions fishing with nets operated as long as a week and

no biologist, junior biologist or biologist aide would be present to check the haul. Although it appears that any person with a high school education could perform the duties of a biologist aide, they are paid salaries out of all proportion to the salaries paid to experienced, efficient wild life officers.

**FIFTEENTH.** Also, although a survey of Lake Okeechobee, which was originally set up for several months, has been continued for over two years, and the Chief Fisheries Biologist of the Commission made a final report on the survey and recommended that it be discontinued, such survey, several months after and notwithstanding such report, is still being continued with no evidence that it will be discontinued in the near future.

In this connection, although said final report showed that there was no evidence that commercial fishing was harmful to sports fishing in Lake Okeechobee, and there was some evidence that it was actually beneficial to sport fishing, the Commission still keeps said lake closed to commercial fishing except for a few preferred permit holders, all to the serious loss of several hundred persons, who formerly obtained their livelihood from commercial fishing on said lake.

**SIXTEENTH.** The members of the Committee disagree with the conclusions and opinions of the members of the Commission to the effect that they being Constitutional Officers are immune from all general laws of the State of Florida and are not answerable to anyone for their actions. We call their attention to the fact that many of the acts which we have heretofore mentioned constitute either misfeasance, malfeasance or nonfeasance in office, and as such would be grounds for suspension by the Governor under the Constitution of the State.

**SEVENTEENTH.** We find that on many occasions the employees of the Commission have resorted to the universally condemned practice of entrapment. In one case they encouraged and persuaded some ignorant Indians to sell some alligators and had them arrested for doing that which they persuaded them to do. On another occasion they planted deer heads or "dummy" deers in an attempt to entice game violations. We condemn the use of public funds for any such purposes, as being in violation of all laws and rules of decency in law enforcement.

**EIGHTEENTH.** Since the filing of the preliminary report by the Committee, the individual members of the Commission have, on many occasions, resorted to public bickering and quarrelling among themselves, and it now appears that the Commission, by reason of bitter personal feeling between the individual commissioners, is now deadlocked—two members against the other two members—on any matter of policy which might need to be determined. That, because of the existence of such personal feelings, and the public display thereof, between the individual members of the Commission, the general public has lost confidence in the Commission, and it is the opinion of this Committee that so long as the Commission is composed of its present Commissioners, conservation in Florida will suffer to a great extent. As the terms of the individual Commissioners have some time to run, and as the personal feelings, as publicly expressed, existing between the individual Commissioners, appear to be so bitter that there is no hope of possible reconciliation, the only practical solution appearing to this Committee is that, in the interest of good conservation in Florida, the individual Commissioners ought in a body to submit their resignations to the Governor, in order that he be in position to re-organize the Commission with efficient Commissioners who can work in harmony with each other.

#### RECOMMENDATIONS

**FIRST.** As an immediate remedial measure, we recommend that the Commission, as now composed, forthwith hold a meeting, and, at such meeting, the Commissioners as a whole submit their individual resignations to the Governor of Florida, each resignation to be effective May 1, 1951, and to be conditioned upon each of the other Commissioners also tending his resignation, and that upon such resignations being tendered, the Governor accept each resignation and thereafter appoint a new full Commission of five members from the general public and such of the resigned Commissioners as he may deem good for conservation in Florida.

**SECOND.** That a Constitutional Amendment be submitted to the people of Florida at the next general election, which amendment would amend the Constitutional Amendment whereby the Commission was created, so as not to do away with the Commission as a Constitutional Agency, but to make the Commission and its individual members answerable to the Cabinet, sitting as a Board of Supervisors of the Game and Fresh Water Fish Commission, and such supervisory body to have the right of veto and/or amendment of any action of the Commission which action may be appealed to it.

**THIRD.** We recommend that a copy of this report be furnished to each member of the Florida Game and Fresh Water Fish Commission, and a copy to the Governor.

We further ask that this report be approved and adopted by the Senate and that this Committee be continued for the duration of the 1951 Session for the purpose of making further investigation and recommendations in the event the recommendations herein contained are disregarded.

Respectfully submitted,

B. C. PEARCE, Chairman,  
Senator 26th District.

OLIN G. SHIVERS,  
Senator 25th District.

J. MIN AYERS,  
Senator 21st District.

J. EDWIN BAKER,  
Senator 23rd District.

JAMES W. MOORE,  
Senator 27th District.

Dated: April 17, 1951.

Senator Pearce moved the adoption of the foregoing report of the Committee.

Which was agreed to and the report of the Special Investigating Committee was adopted by a viva voce vote with Senators Beall, Collins and Franklin voting "Nay".

By Senator Brackin—

Senate Concurrent Resolution No. 304:

**A CONCURRENT RESOLUTION REQUESTING THE IMMEDIATE RESIGNATION OF THE FOUR COMMISSIONERS OF THE GAME AND FRESH WATER FISH COMMISSION OF FLORIDA.**

WHEREAS, the future development and prosperity of Florida's natural wild life resources is dependent upon the proper functioning of its Game and Fresh Water Fish Commission, and

WHEREAS, the collective actions of the commissioners of the Game and Fresh Water Fish Commission portrays an attitude of abuse of public office and has demonstrated an indifference and lack of interest in their respective assignments which is exceedingly detrimental to the conservation, preservation and propagation of the game and fish, and also the welfare of the people of and visitors to our State; and

WHEREAS, for the best interests of our State, it is imperative that all the commissioners of the Game and Fresh Water Fish Commission immediately resign so a group of individuals, who will be harmonious and willing to accept the responsibilities and properly discharge the duties of the commission, may be appointed as members of the commission, NOW, THEREFORE,

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

Section 1 That the Governor of Florida does immediately accept the resignation of all the commissioners of the Game and Fresh Water Fish Commission of Florida so that persons who will endeavor to cooperate and sincerely accept the responsibilities and properly discharge all the duties of the commission, may be selected and appointed as members of the

Game and Fresh Water Fish Commission by the Governor, subject to the confirmation of the Senate.

Section 2. That all persons or organizations of Florida interested in wildlife conservation are urged to send to the Governor their recommendation of qualified persons to fill the vacancies created by such resignations.

Section 3. That a copy of this resolution be delivered to his Excellency the Governor, and a copy hereof sent to each commissioner of the Game and Fresh Water Fish Commission.

Which was read the first time in full.

Senator Brackin moved that the rules be waived and Senate Concurrent Resolution No. 304 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 304 was read the second time in full.

Senator Crary now presiding.

The question was put on the adoption of the Concurrent Resolution.

A roll call was demanded.

Upon the adoption of Senate Concurrent Resolution No. 304 the roll was called and the vote was:

Yeas—20.

Mr. President	Gautier (13th)	McArthur	Rodgers
Baker	Johnson	Moore	Shands
Brackin	Johnston	Morrow	Shivers
Collins	Leaird	Pearce	Tucker
Gautier (28th)	Lewis	Pope	Wright

Nays—18.

Ayers	Carroll	Franklin	Rogells
Baynard	Clarke	Johns	Sanchez
Beall	Crary	King	Smith
Boyle	Davis	Lindler	
Branch	Dayton	Ripley	

So Senate Concurrent Resolution No. 304 was adopted and the action of the Senate was ordered certified to the House of Representatives.

**EXPLANATION OF VOTE**

We voted against Senate Concurrent Resolution No. 304 as it condemns all of the Commissioners. It is conceded that one or two of the Commissioners now holding office have been non-cooperative and are responsible for all complaints against the Commission. In the case of Miller V. Joiner, Commissioner from the Second District, we have found him to be very desirous of doing a good job and in our opinion he has done so. Likewise, M. Cecil Webb has been commended for his work on the Commission. We cannot condemn these two men in an effort to get rid of others.

G. WARREN SANCHEZ (17th) Dist.  
CHARLEY E. JOHNS (15th) Dist.

The President presiding.

**MESSAGES FROM THE GOVERNOR**

STATE OF FLORIDA  
EXECUTIVE DEPARTMENT  
TALLAHASSEE

April 17, 1951

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

I have the honor to inform you that I have filed with the Secretary of State the following Act, which originated in your Honorable Body, Regular Session, 1951, the same having remained in my office for the full Constitutional period of five days and will become a law without my approval:

S. B. NO. 30, RELATING TO TAMPA POLICE DEPARTMENT.

Respectfully,  
FULLER WARREN,  
Governor.

STATE OF FLORIDA  
EXECUTIVE DEPARTMENT  
TALLAHASSEE

April 16, 1951

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

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

SCR NO. 1, RELATING TO GOVERNOR'S MESSAGE.

SCR NO. 2, RELATING TO PRESIDENT OF UNITED STATES.

Respectfully,  
FULLER WARREN  
Governor.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message from the House of Representatives was read:

Tallahassee, Florida,

April 17, 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 as amended—

By Messrs. Okell, Fascell and Floyd of Dade—

H. B. No. 82—A bill to be entitled An Act to provide that the Board of County Commissioners of every county owning and operating an airport shall have the right, power and authority to enter into contracts with automobile transportation companies for the transportation of passengers for hire between such airport or airports and designated points within such county; providing for the issuance of certificates of public convenience and necessity by the Florida Railroad and Public Utilities Commission to every such transportation company; and for other purposes.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 82, contained in the above Message, was read the first time by title only and referred to the Committee on Transportation and Traffic.

**SENATE BILLS ON SECOND READING**

By the Committee on Finance and Taxation—

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 Subsections (4), (5), (6) and (8) of Section 212.03 thereof; providing for an effective date.

Which was pending amendment, having been read the second time by title only on Thursday, April 12, 1951, was taken up.

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

In Section 4 (typewritten bill) strike out the entire section and insert in lieu thereof the following:

SECTION 4. Subsections (4) and (5) of Section 212.03, Florida Statutes, are hereby amended to read:

212.03 (4) Permanent residents of hotels, apartment houses, rooming houses, tourist or trailer camps as herein defined are hereby exempted from the tax imposed by this section, in accordance with the terms and conditions hereinafter prescribed. A permanent resident is hereby defined to be any person who shall reside, continuously, longer than six months at any one hotel, apartment house, rooming house, tourist or trailer camp, and shall have paid the tax levied by this section for six months of residence in any one hotel, rooming house, apartment house, tourist or trailer camp.

(5) Any guest of any hotel, apartment house, rooming house, or tourist or trailer camp shall have the right to demand of any lessor a receipt for payment of the tax imposed by this section, and every lessor or person who receives such tax is required to furnish such receipt at the time of payment of said tax on such form as the Comptroller may by regulation prescribe to the lessee or person who pays such tax. Whenever any guest of any hotel, apartment house, rooming house, tourist or trailer camp, who shall have met the conditions prescribed herein for qualification as a permanent resident, desire to move forthwith to another hotel, apartment house, rooming house or trailer camp, as a permanent resident, he shall have the right to apply to the Comptroller, on forms to be supplied by the Comptroller, for a certificate establishing the status of such guest as a permanent resident of such hotel, apartment house, rooming house or trailer court as defined in this chapter. The information required to be furnished in said application shall be sworn to or affirmed by the applicant. The Comptroller shall thereupon furnish to any applicant meeting the requirements of this section a certificate setting forth his status as such permanent resident. Provided that any person who shall have resided in a hotel, apartment house, rooming house, tourist or trailer camp for a continuous period of six months prior to the date this Act becomes effective shall be exempt from any taxes imposed by this section until he changes his place of residence.

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

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

In Section 9, line 21, on Page 5, Strike out the period following the word "Florida" and insert in lieu thereof the following: "and all patented medicines used for the treatment of humans."

Senator Brackin moved the adoption of the amendment.

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

Senators Johnson and Davis offered the following amendment to Senate Bill No. 35:

In Section 9, line 34 (typewritten bill) strike out the semicolon and insert the following "and cheese cloth used on tobacco shades;"

Senator Johnson 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 to Senate Bill No. 35.

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

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

In Section 9, line 26 of Page 5, following the word "newspapers," strike out the comma and insert in lieu thereof the following: "(but not including tangible personal property used in publication of newspapers)".

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, line 29, page 5 following the word "made" at the end of said line, change the period to a comma, and add the following: "and the rental of motion picture film or radio and television transcriptions."

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

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

In Section 9, line 38 (typewritten bill) Strike the period at the end of said line, and insert in lieu thereof the following: A "comma" and add the following: "and any funeral, when the total cost thereof, is five hundred (500) dollars or less is wholly exempt."

Senator Johns 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 (typewritten bill) strike out the last paragraph thereof, and insert in lieu thereof the following: There shall also be exempt from so much of the tax imposed by this chapter as shall exceed \$300.00 on the sale, use, storage or other consumption in this State of machines and equipment and parts therefor used in farming, mining, quarrying, compounding, processing, producing or manufacturing of tangible personal property for sale, or used in furnishing communication, transportation or public utility services, provided that the term "machines and equipment and parts therefor" as used herein, shall mean only any machines and equipment and parts therefor which are specifically designed and used for farming, mining, quarrying, compounding, processing, producing, manufacturing, storing or refrigerating tangible personal property, or used in furnishing communication or transportation services.

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

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

In Section 10, (typewritten bill) add sub-paragraph 3, to read as follows:

"(3) Whenever the tax on the rental of any machine described in the last paragraph of Section 212.08, Florida Statutes, shall amount to the total tax which would have been paid on said machine had the same been a sale rather than a rental, then there shall be no further rental tax collected thereon".

Senator King 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:

Strike out the title and insert in lieu thereof the following: 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, 212.03, 212.04, 212.06, 212.08, 212.11, 212.12, 212.15 and 212.20 thereof; and providing an effective date.

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which the following amendment to Senate Bill No. 35 failed of adoption:

In Section 9, line 21, on Page 5, Strike out the period following the word "Florida" and insert in lieu thereof the following: ", and all patented medicines used for the treatment of humans."

Which was agreed to by a two-thirds vote and the Senate reconsidered the vote by which the amendment failed of adoption.

The question recurred on the adoption of the amendment.

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

Senator Shands moved that the rules be waived and Senate Bill No. 35, as amended, be placed on the Calendar of Bills on Third Reading, without first being committed for engrossing.

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

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:21 o'clock P. M., until 11:00 o'clock A. M., Wednesday, April 18, 1951.