

JOURNAL OF THE SENATE

156

Monday, April 23, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Friday, April 20, 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
Carrroll	Johnson	Pope	
Clarke	Johnston	Ripley	

—38.

A quorum present.

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

"Eternal God, to whom we are primarily subject, we pray that we might please Thee and glorify Thy name. As a nation Thou hast called us out of the old world prejudices and injustices, out of their hates and pitiful submissiveness, to foster a new people, with entirely unique concepts of liberty, democracy and justice. May we at all times stand ready, with other peace-minded nations, to dissipate hatreds and threatening war. In this noble alliance with others keep us safely in the path of sound, God-established, Americanism, one flag, one country, one glorious destiny. Guide Thou the conduct of this legislative session that the best interest of our great State may be served in Jesus' name. Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, April 20, 1951, was corrected as follows:

Page 14, column 2, line 19, counting from the bottom of the column, strike out the figures "35" and insert in lieu thereof the figures "385".

—Also—

Page 27, column 1, line 24, counting from the bottom of the column, strike out the word "adopted" and insert in lieu thereof the word "passed".

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 Resolution:

S. J. R. No. 14—A Joint Resolution proposing an amendment to Article 16 of the Constitution of Florida by adding thereto a section providing for the recall and removal by the electorate of sheriffs, State attorneys, county solicitors, and prosecuting attorneys for counties having county courts.

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

S. J. R. No. 7—A Joint Resolution proposing a constitutional amendment relating to the jurisdiction, powers and duties

of State Attorneys, to the number, appointment, tenure, powers, duties and compensation of assistant State Attorneys, and to the abolishing of other prosecuting offices and positions.

—and recommends that it do pass.

And the Resolution contained in the preceding report was referred to the Committee on Constitutional Amendments under the original joint reference.

Senator Franklin, Chairman of the Committee on Insurance, reported that the Committee had carefully considered the following Bill:

S. B. No. 279—A bill to be entitled An Act authorizing qualified surety companies to become surety to the extent of two hundred (\$200.00) dollars with respect to guaranteed arrest bond certificates of automobile clubs and associations, as defined, and requiring the acceptance of such guaranteed arrest bond certificates in lieu of cash bail in the event of certain violations of the motor vehicle laws of this State; to effect such purpose, amending Florida Statutes, 1949, by adding thereto new sections numbered 648.19 and 903.36; and fixing the effective date of this Act.

—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. 6—A bill to be entitled An Act relating to horse racing and dog racing; prohibiting any person or corporation or combination of persons and/or corporations from owning a controlling interest, as herein defined, in more than one racing permit, and providing for the termination of any violation of such prohibition by suit brought by the State Racing Commission; requiring the filing of sworn statements showing the names, addresses and interests of all persons and corporations having interests in racing permits held by associations and corporations, and requiring the revocation of permits if false statements are filed in behalf of the holders thereof; etc. . . .

—and recommends that it do not pass.

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

Senator McArthur, Chairman of the Committee on Public Utilities, reported that the Committee had carefully considered the following Bill:

H. B. No. 26—A bill to be entitled An Act providing for the regulation, control, and supervision of certain privately owned electric and electric and gas public utilities by the Florida Railroad and Public Utilities Commission; defining such public utilities and prescribing their duties and responsibilities; prescribing the duties and powers of the Commission with reference to the rates, service, securities and financing of said utilities; prescribing penalties for violations of this Act or any order, rate, rule or regulation of said Commission; providing that the provisions of this Act shall neither apply to utilities owned or operated by cooperatives organized and existing under the Rural Electrification Cooperative Law of the State of Florida nor to utilities owned or operated by municipalities; nor to certain natural gas pipe line transmission companies; providing that this Act shall not affect certain rate litigation and refund proceedings; repealing all laws or parts of laws in conflict herewith; and providing the effective date of this Act.

—and recommends that the same 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 Ripley, Chairman of the Committee on Judiciary "C", reported that the Committee had carefully considered the following Bill:

S. B. No. 13—A bill to be entitled An Act relating to hotels, apartment houses and rooming houses; defining said terms for the purposes hereof; authorizing the Hotel Commissioner to suspend or revoke the license issued by him for any hotel, apartment house or rooming house when the manager, assistant manager or desk clerk, or any other person in charge, control or management thereof, suffers or permits gambling therein or in or upon any premises which are used in connection therewith and are under the same management; prescribing the proceedings for such suspension or revocation and for the review of such proceedings; relating to the burden of proof at suspension and revocation hearings and prescribing the effective date hereof.

—and the Committee recommends that the Committee Substitute therefor, as returned herewith, do pass.

And the Bill contained in the preceding report, with the recommended Committee Substitute attached thereto, 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 Bills:

S. B. No. 4—A bill to be entitled An Act relating to horse and dog racing; prohibiting prescribed classes of persons from holding a horse or dog racing permit in the State of Florida, or being members of an association holding such a permit, or being officers or directors of a corporation holding such a permit, or being employees of the holder of any such permit in connection with the racing business; and providing for the revocation of racing permits in case of violation of this Act.

S. B. No. 9—A bill to be entitled An Act relating to gambling; prescribing penalties for engaging in the species of gambling commonly known as bookmaking; and prescribing the effective date hereof.

S. B. No. 10—A bill to be entitled An Act relating to racing; providing that the records, books, maps, documents and papers of the State Racing Commission shall be open at all times to the inspection of any citizen of Florida; and providing penalties for the violation hereof.

—and the Committee recommends that the Committee Substitute therefor, as returned herewith, do pass.

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

Senator McArthur Chairman of the Committee on Public Utilities, reported that the Committee had carefully considered the following Bill:

S. B. No. 18—A bill to be entitled An Act enlarging the number of commissioners of the Florida Railroad and Public Utilities Commission; and providing additional duties, powers and jurisdiction for said commission as enlarged; dividing the State into Commissioners' districts and providing for the election and term of office of the Commissioners; providing that the present Florida Railroad and Public Utilities Commissioners shall remain in office until the expiration of their respective terms and providing for the appointment of two additional commissioners; defining the terms used in this Act; providing that all present and future franchises shall be indeterminate; providing for the acquisition by a municipality of any public utility operating in a municipality and the manner of determining the compensation to be paid therefor; providing for the regulation, supervision and control of mergers, consolidations and reorganizations of public utility companies and for the approval of certain securities issued by said companies; providing for fees for inspection and control of public utility companies in addition to other fees and taxes imposed by law; providing for penalties for the violation of this Act and the procedure

for its enforcement and for suits to recover such penalties; providing for the eligibility and oath of office for the members of said commission and the manner in which vacancies shall be filled and fixing the salaries and expenses of the Commissioners; providing for the manner in which the compensation of the employees of said Commission shall be determined; providing for the location of the principal office of the Commission and the time of holding the meeting there and elsewhere in the State; providing for a seal; providing that said Acts shall not apply to utilities owned and operated by municipalities or cooperatives and repealing all laws and parts of laws in conflict herewith and providing for the severability of this Act and its effective date.

—and the Committee recommends that the Committee substitute therefor, as returned herewith, do pass.

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

ENGROSSING REPORTS

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

Senate Concurrent Resolution No. 174:

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

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

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

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

BE IT FURTHER RESOLVED:

(1) That the Secretary of State of the State of Florida is hereby directed to certify under the great seal of the State of Florida and promptly transmit copies of this Resolution

to the Senate and House of Representatives of the United States of America as the law may require.

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

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

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

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

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

And Senate Concurrent Resolution No. 174, contained in the above report was ordered certified to the House of Representatives.

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

S. B. No. 109—A bill to be entitled An Act to amend sub-paragraph (7), (23), (27) and (36) of Section 601.03; and 601.03 by the addition of a new sub-paragraph defining Temple Oranges; sub-paragraph (3) of Section 601.13; sub-paragraph (2) of Section 601.14; sub-paragraph (3) (a) of Section 601.15; sub-paragraph (3) (c) of Section 601.15; sub-paragraph (7) of Section 601.15; Section 601.16 601.21 and 601.22; the first paragraph of Section 601.23; sub-paragraphs (a) (b) (e) and (f) of paragraph (1) of Section 601.28; Sections 601.49, 601.50; 601.51, 601.52, 601.61 and sub-paragraphs (2) and (3) of Section 601.0104 of the Florida Statutes involving parts of the Florida Citrus Code of 1949, being sub-paragraphs (7) (23) (27) and (36) of Section 3; and Section 3 also by the addition of a new sub-paragraph defining Temple Oranges; sub-paragraph 3 of Section 13; sub-paragraph (2) of Section 14; sub-paragraph (3) (a) of Section 15; sub-paragraph (3) (c) of Section 15; sub-paragraph (7) of Section 15; Sections 16, 21 and 22 and the first paragraph of Section 23; sub-paragraphs (1), (2), (5) and (6) of Section 28; Sections 49, 50, 51, 52 and 61; and sub-paragraphs (2) and (3) of Section 104, of Chapter 25149, Laws of Florida 1949, known as the Florida Citrus Code of 1949; and providing for an effective date.

—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. 109, contained in the above report was ordered certified to the House of Representatives.

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

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, 212.03, 212.04, 212.06, 212.08, 212.11, 212.12, 212.15 and 212.20 thereof; and providing an effective date.

—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. 35, contained in the above report was ordered certified to the House of Representatives.

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

S. B. No. 20—A bill to be entitled An Act relating to issuance of bonds by the several Boards of County Commissioners of the State for purposes of constructing county public hospitals; amending Sections 155.04 and 155.14, Florida Statutes, by increasing the time within which such bonds shall be payable and removing the limitation of the cost of any such county hospital as now provided by Section 155.14.

—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. 20, contained in the above report was ordered certified to the House of Representatives.

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

S. M. No. 392—A Memorial to Congress and the President of the United States urging continuance of a major armament program and such support of the United Nations that will strengthen it as an instrument of peace.

—begs leave to report that the Senate amendment has 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 Memorial No. 392, contained in the above report was ordered certified to the House of Representatives.

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

S. B. No. 101—A bill to be entitled An Act amending Section 905.17, Florida Statutes of 1941, to provide for the presence of any court reporter or stenographer before the grand jury while they are in session and to repeal Section 905.14, Florida Statutes of 1941

—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. 101, contained in the above report was ordered certified to the House of Representatives.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

S. B. No. 20

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 23, 1951, for his approval.

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

Your Enrolling Clerk to whom was referred—

- S. B. No. 23
- S. B. No. 46
- S. B. No. 50
- S. B. No. 51
- S. B. No. 53
- S. B. No. 147
- S. B. No. 153
- S. B. No. 154

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 23, 1951, for his approval.

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

Senator Johnson moved that Senate Bill No. 119, the enrolling of which was postponed on motion of Senator Johnson on April 20, 1951, be enrolled.

Which was agreed to.

So Senate Bill No. 119 was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

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

S. B. No. 414—A bill to be entitled An Act to amend Section 12 of Chapter 25016, Laws of Florida, 1949, granting certain powers to the Florida Railroad Commissioners, the Attorney General and the State Attorneys of the State of Florida, for the enforcing of the provisions of Chapter 25016, relating to the regulation of public utilities in the furnishing to others of private wire service and other similar service for the dissemination of information, regulating the use of such service and prohibiting the use of same for gambling purposes and to provide remedies and penalties for the enforcement thereof.

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

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

S. B. No. 415—A bill to be entitled An Act to amend Subsection (d) of Section 1, and Sections 4 and 8 of Chapter 25016, Laws of Florida, Acts of 1949, defining private wire and relating to the regulation of public utilities in the furnishing to others of private wire service and other similar service including telephone service for the dissemination of information; providing for contracts in certain instances with certain exceptions and providing for discontinuance of private wires and other similar service including telephone service and providing remedies.

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

By Senator Morrow—

S. B. No. 416—A bill to be entitled An Act dividing the State of Florida into eight (8) congressional districts; prescribing and setting forth the territorial limits and boundaries of each district; providing for the contingency of creation of new counties; and repealing all laws in conflict herewith.

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

By Senator McArthur—

S. B. No. 417—A bill to be entitled An Act abolishing all Justice of Peace districts in Nassau County subject to approval at a referendum election.

Which was read the first time by title only.

Senator McArthur moved that the rules be waived and Senate Bill No. 417 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 417 was read the second time by title only.

Senator McArthur moved that the rules be further waived and Senate Bill No. 417 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. 417 was read the third time in full.

Upon the passage of Senate Bill No. 417 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. 417 passed; title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Crary—

S. B. No. 418—A bill to be entitled An Act amending Section 230.25, Florida Statutes, 1949, relating to qualifications of county superintendents.

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

By Senator Gautier (13th)—

S. B. No. 419—A bill to be entitled An Act for the relief of Thayer Stewart of North Miami, Florida, to compensate him for losses sustained by him through the negligence of the State Road Department.

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. 420—A bill to be entitled An Act for the relief of Ann Powers of Dade County, Florida, widow of the late John Powers.

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. 421—A bill to be entitled An Act for the relief of Helen Rodgers of Miami, Florida, and making an appropriation to compensate her for losses sustained as a result of damage done to her automobile and for physical injuries by the negligence of the State Road Department.

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. 422—A bill to be entitled An Act for the relief of Zelda George, of Miami, Florida, to compensate her for physical injuries sustained by her through the negligence of an employee of the State Road Department of Florida.

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. 423—A bill to be entitled An Act for the relief of Nathau S. Finkelstein of Miami, Florida, and making an

appropriation to compensate him for losses sustained as a result of damages done to his automobile 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 Senator Gautier (13th)—

S. B. No. 424—A bill to be entitled An Act to ratify, confirm and validate a special election in El Portal Village held February 8, 1950, whereby the freeholders approved the making of a loan by said village of not to exceed \$18,000.00 as a general obligation of said village and to confirm and validate the obligations issued by El Portal Village pursuant thereto.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 424 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 Gautier (13th) moved that the rules be waived and Senate Bill No. 424 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 424 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 424 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. 424 was read the third time in full.

Upon the passage of Senate Bill No. 424 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. 424 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Shivers—(By Request)—

S. B. No. 425—A bill to be entitled An Act creating the State Department of Public Welfare for the administration of public assistance and welfare programs in the State; Repealing Chapter 409 of the Florida Statutes of 1949 relating to the State Welfare Board, public assistance and social welfare; reenacting certain sections of said Chapter 409 with revisions and amendments; providing for conveyance of certain property to said department by applicants for and recipients of public assistance and creating a lien on other property of such applicants and recipients, with certain reservations; disposition of proceeds of such property; providing for medical examination where aid to dependent children is claimed because of disability; making certain transfers of property of applicants for public assistance void; imposing certain duties on County Attorneys, County Prosecuting Attorneys, County Solicitors and State Attorneys; requiring applicants for assistance to prosecute action for support from persons liable for their support; creating county welfare advisory committees and fixing their terms of office, qualifications, duties and authority; authorizing said county welfare advisory committees to summon witnesses and providing procedure and punishment upon failure of witnesses to appear or testify; making certain described acts or conduct connected with public assistance or its administration misdemeanors and providing punishment upon conviction thereof.

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

By Senator Gautier (13th)—

S. B. No. 426—A bill to be entitled An Act to validate and confirm certain acts and doings of the City Commission of the City of Miami, Dade County, Florida, from the 25th day of November, 1950 up to and including the 21st day of February, 1951.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 426 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 Gautier (13th) moved that the rules be waived and Senate Bill No. 426 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 426 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 426 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. 426 was read the third time in full.

Upon the passage of Senate Bill No. 426 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. 426 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier (13th)—

S. B. No. 427—A bill to be entitled An Act to validate the incorporation of the Town of Hialeah Gardens in Dade County.

Which was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

Proof of publication of Notice was attached to Senate Bill No. 427 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By Senator Gautier (28th)—

Senate Resolution No. 428:

A MEMORIAL TO THE MEMORY OF
WALTER G. WALKER

WHEREAS, Walter G. Walker, late of Daytona Beach, Florida, and a former member of the Senate of the State of Florida, departed this life on November 14, 1949, and

WHEREAS, his life of unselfish civic service and good citizenship commands the respect of the Senate of Florida and of the citizens of Volusia County and the entire State of Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA that the Senate of the State of Florida does hereby record this memorial and expression of respect and bereavement.

A MEMORIAL TO THE MEMORY OF WALTER G. WALKER

WHEREAS, Walter G. Walker, late of Daytona Beach, Florida, and a former member of the Senate of the State of Florida, departed this life on November 14, 1949, and

WHEREAS, his life of unselfish civic service and good citizenship commands the respect of the Senate of Florida and of the citizens of Volusia County and the entire State of Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA that the Senate of the State of Florida does hereby record this memorial and expression of respect and bereavement.

IN MEMORIAM

Walter G. Walker was born in New Smyrna Beach, Florida, in 1892, and was educated in the public schools of that city. He attended John B. Stetson University in Deland, Florida, and was graduated from that institution in 1915 with an LL.B. degree. After receiving his law degree, he moved to Elkhart, Indiana, where he was Judge of the Criminal Court for six years. He then returned to his native State and entered the practice of law in Daytona Beach, Florida, continuing to practice in that city until the time of his death. During that time he served as prosecuting attorney for the County Court, and took an active part in the civic, religious and fraternal life of Volusia County, becoming one of its outstanding citizens.

In 1942 he won a seat in the Florida House of Representatives, serving as a member of the lower House until 1946. In 1946 he was elected to the Senate, and served as the Senator from the 28th Senatorial District from the time of his election until his untimely passing in November of 1949.

Walter G. Walker was a Mason and Shriner, a member of the Benevolent and Protective Order of Elks, and an active member of the Christian Science Church. He was conscientious and energetic in the service of others, and his passing is an irreparable loss to the State of Florida, Volusia County, and to all who knew him.

BE IT FURTHER RESOLVED that a copy of this Resolution be spread upon the Journal of the Senate, and that copies of this Resolution be certified by the Secretary of State of the State of Florida under the Great Seal of the State of Florida, and forthwith forwarded to the respective members of the bereaved family of the late Walter G. Walker.

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

IN MEMORIAM

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

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to.

So Senate Resolution No. 428 was adopted.

By Senator Gautier (28th)—

S. B. No. 429—A bill to be entitled An Act relating to institutions of higher learning providing an appropriation to the Industrial Engineering Experiment Station for the purpose of continuing a program of research of beach erosion and hurricane tracking.

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

Senator Collins asked unanimous consent of the Senate to take up and consider Senate Bill No. 404, out of its order.

Which was not agreed to.

Senator Shands moved that the rules be waived and Senate Bill No. 6, which was reported unfavorably by the Committee on Judiciary "C", be placed on the Calendar of Bills on Second Reading, the unfavorable report of the Committee to the contrary notwithstanding.

A roll call was demanded.

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

Yeas—22.

Mr. President	Davis	Lindler	Rogells
Baker	Franklin	Morrow	Shands
Baynard	Gautier (28th)	Pearce	Shivers
Brackin	Gautier (13th)	Pope	Smith
Carroll	King	Ripley	
Collins	Lewis	Rodgers	

Nays—14.

Ayers	Clarke	Johnston	Tucker
Beall	Crary	McArthur	Wright
Boyle	Dayton	Moore	
Branch	Johns	Sanchez	

So the motion failed of adoption by not receiving the required two-thirds vote.

PAIRING

The following pair was announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Leaird on the motion by Senator Shands to place Senate Bill No. 6 on the Calendar; if he were present he would vote "Aye" and I would vote "No."

Dewey M. Johnson
Senator, 6th District.

EXPLANATION OF VOTE

The following Explanation of Vote was filed with the Secretary:

I have voted in the negative on the motion to place Senate Bill No. 6 on the Calendar notwithstanding the adverse report by the Committee on Judiciary "C". The operation of race tracks in Florida is either legal or illegal. Since they are legal according to law, I cannot vote to prevent citizens from buying stock and operating more than one track if they so desire.

G WARREN SANCHEZ
Senator 17th District.

Senator Sanchez moved that a committee of three be appointed to escort the Honorable Sid A. Hinely, of Live Oak, former member of the Senate from the 17th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Sanchez, Shands and Davis as the Committee.

SENATE BILLS ON SECOND READING

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

Was taken up in its order.

Senator Branch moved that the rules be waived and Senate Bill No. 89 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 89 was read the second time by title only.

Senator Branch moved that the rules be further waived and Senate Bill No. 89 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. 89 was read the third time in full.

Upon the passage of Senate Bill No. 89 the roll was called and the vote was:

Yeas—21.

Mr. President	Davis	King	Sanchez
Beall	Dayton	Lewis	Shivers
Brackin	Gautier (28th)	Morrow	Smith
Branch	Johns	Pearce	
Collins	Johnson	Rodgers	
Crary	Johnston	Rogells	

Nays—12.

Ayers	Clarke	Lindler	Ripley
Baynard	Franklin	McArthur	Shands
Carroll	Gautier (13th)	Pope	Tucker

So Senate Bill No. 89 passed; title as stated, and the action of the Senate was ordered certified to the House of Representatives.

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

providing for the payment of costs and attorney's fees, and providing the manner of service of notice.

Was taken up in its order.

Senator Branch moved that the rules be waived and Senate Bill No. 105 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 105 was read the second time by title, having been placed back on the Calendar of Bills on Second Reading on motion of Senator King on April 13, 1951.

Senator Branch offered the following amendments to Senate Bill No. 105:

In Section 1, lines 8 and 9, (typewritten bill) strike out the words: "Where the parties or either of them reside" and insert in lieu thereof the following: "Where the defendant resides."

Senator Branch moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Franklin offered the following amendment to Senate Bill No. 105:

Add new section to be Section 3, as follows:

"Section 3. The defendant shall have the privilege of paying the amount in default before the date of hearing and upon proof of such payment no further proceedings shall be taken on said affidavit."

Senator Franklin moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Branch moved that the rules be further waived and Senate Bill No. 105, as amended, 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. 105, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 105, as amended, the roll was called and the vote was

Yeas—32.

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

Nays—2.

Davis Lewis

So Senate Bill No. 105 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator King moved that Senate Bill No. 160 be recalled from the Committee on Public Roads and Highways and referred to the Committee on Motor Vehicles.

Which was agreed to and it was so ordered.

Senator Johns now presiding.

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.

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 121 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 121 was read the second time by title only.

Pending further consideration of Senate Bill No. 121, as amended, Senator Gautier (13th) moved that the rules be waived and the hour of adjournment be extended until final disposition of Senate Bill No. 121.

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

Senator Beall offered the following amendment to Senate Bill No. 121:

In Section 1, beginning in line 3 on page 2 (typewritten bill) strike out the words: "Every settlement made and every release obtained in violation of the provisions of this Act shall be voidable at the option of the injured person or his legal representative at any time within the period of the Statute of Limitations applicable to actions arising out of such injuries" and insert in lieu thereof the following: "Every settlement made and every release obtained in violation of the provisions of this Act and every attorney and client contract of employment illegally solicited and entered into shall be void".

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall also offered the following amendment to Senate Bill No. 121:

In line 9 of the title of the Bill following the word "Of" insert the following: "Attorney and clients contracts illegally entered into and the effect of".

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall moved that the rules be further waived and Senate Bill No. 121, as amended, 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. 121, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 121, as amended, the roll was called and the vote was:

Yeas—10.

Beall	Johns	Lewis	Rogells
Crary	Johnson	Morrow	
Davis	Johnston	Rodgers	

Nays—24.

Mr. President	Carroll	Gautier (13th)	Pope
Ayers	Clarke	Leaird	Ripley
Baker	Collins	Lindler	Sanchez
Baynard	Dayton	McArthur	Shands
Boyle	Franklin	Moore	Shivers
Brackin	Gautier (28th)	Pearce	Smith

So Senate Bill No. 121, as amended, failed to pass.

The President now presiding.

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:13 o'clock P. M., until 11:00 o'clock A. M., Tuesday, April 24, 1951.