

# JOURNAL OF THE SENATE

Wednesday, April 25, 1951

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The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, April 24, 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:

"Almighty God, by whose decree the stars are guided in their courses, and the illustrious of earth shine and fade as a flickering candle, grant that the torch of liberty may never be dimmed on America's shores, and may its glow bring hope to the furthestmost community of enslaved humanity. May the esteemed Members of this Senate be made keenly conscious of their need of Thy guidance, without which we are as a ship without rudder. Crown their efforts with a noteworthy, and praiseworthy session, in the Redeemer's name we pray. Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, April 24, 1951, was corrected as follows:

Page 11, column 2, between line 4 and line 5, insert the following:

"Senator Branch also offered the following amendment to House Bill No. 266:

In Title, line 6 (typewritten bill), strike out the figures "300,000" and insert in lieu thereof the following: "225,000".

Senator Branch moved the adoption of the amendment.

Which was agreed to and the amendment was adopted."

And as corrected was approved.

## REPORTS OF COMMITTEES

Senator Gautier (28th), Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bill:

S. B. No. 79—A bill to be entitled An Act allowing W. Guy Stovall the time he spent in promoting and constructing Connor's Highway as a part of his retirement under the State Officers and Employees Retirement System and providing certain duties for the comptroller hereunder.

—and recommends that the same do not pass.

And the Bill contained in the preceding report was laid on the table without being referred to the Committee on Appropriations under the original joint reference.

Senator Gautier (28th), Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bills:

S. B. No. 252—A bill to be entitled An Act with respect to the State officers and employees retirement system, and

providing that seasonal State employees who work for the State of Florida, or any of its departments for a period of more than six months of the fiscal year and work for, or available for work the rest of the year doing the same or similar work for another State or department thereof, may receive credit for the full year in computation of benefits accruing, or which may hereafter accrue, to said State employee under said retirement system and prescribing the conditions under which such credit may be given.

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

—and recommends that they do pass.

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

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

S. B. No. 325—A bill to be entitled An Act amending Section 872.01, Florida Statutes, 1949, relating to dealing in dead bodies.

S. B. No. 326—A bill to be entitled An Act empowering the Board of County Commissioners of each county to give dead human bodies, unclaimed by relatives within ten days after death, to various schools and other institutions for educational and research purposes.

—and recommends that they do pass.

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

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

S. B. No. 357—A bill to be entitled An Act relating to bastardy proceedings by conferring jurisdiction on the Circuit Court in Chancery to determine paternity and issue orders relating to the support of children born out of wedlock: to repeal Chapter 742 and making this Act effective immediately.

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

S. B. No. 225—A bill to be entitled An Act to amend Section 550.16, Florida Statutes, by repealing the provisions of Subsection (2) and (8) thereof permitting the payment of a fixed license tax by any horse race track having less than a certain total daily amount of bets through its pari-mutuel pool.

—and recommends that it do pass.

And the Bill contained in the preceding report was referred to the Committee on Finance and Taxation under the original joint reference.

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

S. B. No. 228—A bill to be entitled An Act making it unlawful to make, issue, utter, or endorse checks or other orders for money on banks without sufficient funds on deposit to pay same or to receive goods or other things of value in exchange for such checks and providing penalties for violations.

S. B. No. 178—A bill to be entitled An Act to regulate public

utilities in the furnishing to others of communication service and facilities; requiring public utilities to report to the Florida Railroad and Public Utilities Commission and the sheriffs of the counties information obtained relating to the illegal use of communication services or facilities; making it the duty of public utilities to provide appropriate means to ascertain if any of its facilities are being used illegally; making it the duty of public utilities to report messages that are in aid of gambling coming within its knowledge to the Florida Railroad and Public Utilities Commission; and providing penalties.

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

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

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

S. B. No. 390—A bill to be entitled An Act to amend Section 26.08, Florida Statutes, relating to the Seventh Judicial Circuit by providing for an additional circuit judge for every fifty thousand inhabitants, or major fraction thereof, according to the last preceding Federal census, and designating the residence of such judges.

—and the Committee reports same without recommendation.

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. 179—A bill to be entitled An Act to regulate public utilities in the furnishing to others communication service; requiring that all contracts for such service shall be subject to the express condition that the service shall not be used in violation of any State law relating to the prohibiting of bookmaking or other gambling; providing for the termination of such service; prohibiting new contracts for resumption of service without the approval of the Florida Railroad and Public Utilities Commission; and providing penalties.

—and recommends that it do not pass.

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

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

Senate Memorial No. 181—A Memorial to the Congress of the United States requesting the enactment of a Federal law forbidding the interstate transmission of racing information when the same is transmitted with such speed, detail and accuracy as to further gambling purposes.

—and recommends that it do pass.

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

Senator Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

H. B. No. 251—A bill to be entitled An Act to amend Sections 239.19 and 239.41, Florida Statutes, relating to the granting of scholarships in the institutions of higher learning

by requiring that senatorial, representative and general (Lewis) scholarships be limited to fields of education in which there is a shortage of teachers.

—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 Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bills:

S. B. No. 407—A bill to be entitled An Act relating to the renovation and repair of State owned textbooks, and amending Section 233.39, Florida Statutes.

S. B. No. 451—A bill to be entitled An Act relating to the County School Boards of the State of Florida; authorizing any county School Board of the State of Florida to elect one of its members as vice-chairman and prescribing the powers, duties and authorities of such vice-chairman.

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

—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 Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

S. B. No. 214—A bill to be entitled An Act amending Subsection (6) of Section 236.07, Florida Statutes, relating to education, minimum foundation program, determination and use of capital outlay funds.

—and recommends that it do not pass.

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

Senator Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

H. B. No. 250—A bill to be entitled An Act amending Subsection (6) of Section 236.07, Florida Statutes, relating to education, minimum foundation program, determination and use of capital outlay funds.

—and recommends that it do not pass.

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

Senator Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

S. B. No. 256—A bill to be entitled An Act relating to State Library Board as recipients of Federal aid.

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

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

Senator Collins, Chairman of the Committee on Education, reported that the Committee had carefully considered the following Bill:

H. B. No. 164—A bill to be entitled An Act authorizing the Board of Control to establish and maintain a branch of the University of Florida Agricultural Experiment Station in or near Fort Pierce, St. Lucie County, Florida; providing the purposes of such establishment, and providing that the experiments conducted thereat shall be focused primarily upon the needs and requirements of the Indian River section.

—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:

House Memorial No. 6—A Memorial to the Congress of the United States urging the enactment of appropriate legislation that will provide for the imposition of the death penalty upon persons convicted of gathering or delivering defense information to aid a foreign government, whether such offense be committed in time of war or otherwise.

—and recommends that it do pass.

And the Memorial 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 Bill:

S. B. No. 278—A bill to be entitled An Act to amend Section 905.27 of Florida Statutes 1949, prohibiting the disclosing of testimony, or other evidence, received before the grand jury, and repealing all laws in conflict therewith.

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

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

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

S. B. No. 99—A bill to be entitled An Act amending Sections 322.28 and 322.31, Florida Statutes, 1941, relating to the period of suspension on revocation and the right of appeal of any person whose driver's license has been denied, canceled, suspended or revoked.

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

S. B. No. 267—A bill to be entitled An Act to amend Section 310.11 Florida Statutes 1949 relating to pilotage and to maximum rates of pilotage.

S. B. No. 370—A bill to be entitled An Act to amend Section 731.35, Florida Statutes, relating to a widow's election to take dower, by authorizing the guardian of a widow, who suffers under disabilities, to file such election in behalf of said widow; authorizing the filing of such election in event of widow's death before expiration of time when election could have been filed by the widow.

—and recommends that they do pass.

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

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

S. B. No. 68—A bill to be entitled An Act relating to appellate proceedings generally; providing for the sending of the original record to the appellate court in all appeals.

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

—and recommends that they do not pass.

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

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

S. B. No. 371—A bill to be entitled An Act amending Section 317.22, Florida Statutes, 1949, relating to speed restrictions of motor vehicles by adding thereto an additional subsection fixing a maximum speed and providing penalties.

—and recommends that it do not pass.

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

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

S. B. No. 343—A bill to be entitled An Act amending Subsection (2) of Section 317.27 of Florida Statutes, 1949, relating to overtaking and passing vehicles.

S. B. No. 457—A bill to be entitled An Act to amend Chapter 317, Florida Statutes, 1949, relating to the regulation of traffic on highways, by amending Section 317.66 of said chapter requiring certain vehicles to carry flares or similar devices; and by amending Section 317.67 of said chapter requiring the display of warning devices when certain motor vehicles are disabled on the highways or shoulders thereof.

S. B. No. 458—A bill to be entitled An Act relating to the equipment of motor vehicles with safety glass and prescribing the powers and duties of the Department of Public Safety and the Motor Vehicle Commissioner in administering said Act.

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

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

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

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

S. B. No. 201—A bill to be entitled An Act to amend Sections 855.01 and 855.02, Florida Statutes, 1949, relating to following trade and selling of goods on Sunday.

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

S. B. No. 355—A bill to be entitled An Act to amend Section 467.14, Florida Statutes, 1949 providing authority to suspend an architect's registration certificate and current renewal thereof; providing for suspension or revocation of architect's registration certificate and current renewal thereof for a dishonest practice or practices; providing for suspension or revocation of architect's registration certificate

and current renewal thereof for improper use of architectural seal or name as an architect; providing for the issuance or subpoenas to witnesses before the Board or any member thereof; providing for the reissuance or reinstatement of the architect's registration certificate and current renewal thereof; repealing all laws in conflict herewith; and providing when said Act shall take effect.

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

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

#### ENGROSSING REPORTS

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

S. B. No. 24—A bill to be entitled An Act to amend Section 7 of Chapter 8271, Laws of Florida, Acts of 1919 being "an Act to abolish the present municipal government of the Town of Hawthorne, Alachua County, Florida, and to create and establish a municipal corporation to be known as the City of Hawthorne; to define its territorial limits and prescribe the powers and authority thereof."

—begs leave to report that the House 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 Bill No. 24, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

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

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

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

—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 Bill No. 156, contained in the above report was ordered certified to the House of Representatives.

#### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

S. C. R. No. 174

—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 25, 1951, for his approval.

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

April 25, 1951.

Your Enrolling Clerk to whom was referred—

H. B. No. 174	H. B. No. 235
H. B. No. 176	H. B. No. 262
H. B. No. 177	H. B. No. 295
H. B. No. 198	H. B. No. 321
H. B. No. 234	

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

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

April 25, 1951.

Your Enrolling Clerk to whom was referred—

H. B. No. 109	H. B. No. 268
H. B. No. 191	H. B. No. 336

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

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

April 25, 1951.

Your Enrolling Clerk to whom was referred—

H. B. No. 199	H. B. No. 103
H. B. No. 220	H. B. No. 108
H. B. No. 74	H. B. No. 65
H. B. No. 75	H. C. R. No. 2
H. B. No. 87	H. C. R. No. 8
H. B. No. 100	H. M. No. 2

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

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

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

By Senator Davis—

S. B. No. 463—A bill to be entitled An Act to declare,

designate and establish a certain State road in Madison, Madison County, Florida.

Which was read the first time by title only.

Senator Davis moved that the rules be waived and Senate Bill No. 463 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 463 was read the second time by title only.

Senator Davis moved that the rules be further waived and Senate Bill No. 463 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. 463 was read the third time in full.

Upon the passage of Senate Bill No. 463 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. 463 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Moore—

S. B. No. 464—A bill to be entitled An Act relating to employees of convict camps under supervision of the State Road Department; prescribing salary schedules; creating employment adjustment board and providing powers and duties as to hiring, firing and transferring employees and providing for hearings before the board.

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

By Senator Moore—

S. B. No. 465—A bill to be entitled An Act to amend Section 440.25 (2), Florida Statutes, 1949, relating to procedure in respect of claims under the Florida workmen's compensation law.

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

By Senator Moore—

S. B. No. 466—A bill to be entitled An Act to amend Subsection (2) of Section 744.13, Florida Statutes, 1949, by providing that natural guardians, residents of Florida, may, without appointment, authority or bond, collect, receive, manage and dispose of any property inherited by or otherwise accruing to the benefit of the child during infancy when the amount involved in any instance does not exceed fifteen hundred dollars, and providing the method for petitioning the court for an increase of the amount to be collected, received, managed and disposed of by natural guardians if the property involved exceeds fifteen hundred dollars in value, providing for publication of notice to file such petition, hearing on such petition and fixing a formula for determining the amount of property to be managed and controlled by such natural guardians for the care, support and education of the infant and providing for a method for rescinding the order granting authority to natural guardians to manage and control an infant's property; and repealing all laws in conflict herewith.

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

By Senator Moore—

S. B. No. 467—A bill to be entitled An Act amending Chapter 440.56, Florida Statutes 1949, and thereby authorizing and directing the Florida Industrial Commission to appoint an industrial safety advisory board and describing its function and operation, and to repeal all laws in conflict herewith.

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

By Senator Moore—

S. B. No. 468—A bill to be entitled An Act authorizing Florida Industrial Commission to refund unemployment compensation contributions to employers with respect to payments made in the calendar years 1943, 1944, 1945 and 1946, in accordance with prescribed conditions; repealing all laws in conflict herewith and making this Act effective immediately.

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

By Senator Moore—

S. B. No. 469—A bill to be entitled An Act to amend Subsection (2) of Section 440.16, Florida Statutes 1949, relating to compensation and other benefits payable for death under the Florida Workmen's Compensation Act.

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

By the Committee on Legislative Management—

S. B. No. 470—A bill to be entitled An Act appropriating funds for the payment of costs and expenses of members of a committee appointed pursuant to Senate Resolution Number 33-X (49) extra-ordinary session of 1949 Legislature in making an investigation of the Game and Fresh Water Fish Commission; authorizing payment of expenses incurred.

Which was read the first time by title only.

Senator Pearce moved that the rules be waived and Senate Bill No. 470 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 470 was read the second time by title only.

Senator Pearce moved that the rules be further waived and Senate Bill No. 470 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. 470 was read the third time in full.

Upon the passage of Senate Bill No. 470 the roll was called and the vote was:

Yeas—35.

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

Nays—None.

So Senate Bill No. 470 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Baynard, Franklin and Rodgers—

Senate Joint Resolution No. 471:

JOINT RESOLUTION AMENDING STATE CONSTITUTION

SENATE JOINT RESOLUTION PROPOSING TO STRIKE FROM THE PRESENT CONSTITUTION OF FLORIDA ARTICLE III, PERTAINING TO THE LEGISLATURE, AND

ALL AMENDMENTS THERETO, AND TO SUBSTITUTE IN LIEU THEREOF A NEW ARTICLE.

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

That the following amendment of Article III of the Constitution of Florida be submitted to the qualified electors of the State of Florida for adoption or rejection at the general election to be held in the year 1952, as follows:

That Article III of the present Constitution of Florida and all amendments to said article be, and they are hereby, stricken and that the following be substituted in lieu thereof as Article III of the Constitution.

### ARTICLE III

**Section 1. Senate and House of Representatives; place of meeting.** The legislative authority of this State shall be vested in a Senate and a House of Representatives, which shall be designated The Legislature of the State of Florida and the sessions thereof shall be held at the seat of government of the State, except that the Governor may convene said Legislature at any other place in the State, in the case of special emergency, when the seat of government is in danger from war or other disaster.

**Section 2. Regular and extra sessions.** The regular sessions of the Legislature shall be held annually, commencing on the first Tuesday after the first Monday in April, A. D. 1953, and on the corresponding day of every year thereafter.

Special sessions of the Legislature may be called by the Governor, on extraordinary occasions, whenever in his opinion the public interest shall require. The Legislature may also be convened into special session by the members thereof in the following manner. When three-fifths of the members elected to each house of the Legislature execute and file with the Secretary of State their certificate or certificates that, in their opinion, such an emergency exists as warrants the convening of the Legislature into extra session, it shall be the mandatory duty of the Secretary of State, within five (5) days from the filing of any such certificate or certificates, to fix the day and hour for the convening of such extra session, and to notify each member of the Legislature, by registered mail, of such fact. The date set by the Secretary of State shall be not less than ten (10) days and not more than twenty (20) days from the date of the mailing of said notices, and his order fixing such time shall be preserved among the records of his office.

Such special sessions shall be limited to the business for which the Legislature was especially convened, such other business as the Governor may call to its attention while in session, or such business as the Legislature shall decide upon by two-thirds vote of each house.

**Section 3. Legislators, how chosen.** The members of the House of Representatives shall be elected for terms of two years, and the members of the Senate shall be elected for terms of four years, said elections to be held on the first Tuesday after the first Monday in November in even-numbered years, A. D. The elections for members of the House of Representatives and Senate shall be at the same time and places. The terms of office of the Senators elected in November A. D. 1952, shall expire on the first Tuesday after the first Monday in November A. D. 1956 and the terms of office of those elected in November A. D. 1954 shall expire on the first Tuesday after the first Monday in November A. D. 1958, and thereafter all Senators shall be elected for four years.

**Section 4. Legislators, qualifications, salaries, etc.** The pay of members of the Legislature shall be six hundred (\$600.00) dollars annually, or a sum prescribed by law, but the amount thereof shall not be increased or diminished during the term for which any Senator shall have been elected. The Legislature shall also provide for subsistence and travel costs of members, but the amount thereof shall not be increased or diminished during the term for which any Senator shall have been elected. Until such time as new subsistence regulations become effective, according to the provisions of this section, the allowances existing at the time of the adoption of this article shall remain in effect.

**Section 5. Ineligibility of legislators to office, and other limitations.** No Senator or member of the House of Repre-

sentatives shall during the time for which he was elected, be appointed to any civil office under the Constitution of this State that has been created, or the emoluments whereof have been increased during such time.

The Legislature shall provide by law for the regulation of business dealings of members of the Legislature with the State or any of its agencies, to the end that no gain in excess of reasonable profit shall accrue therefrom to any person or persons.

**Section 6. Organization; officers; rules; expulsion of members, etc.** Each house shall judge the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session in the odd-numbered years, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The House of Representatives shall, at the convening of each regular session in the odd-numbered years, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each house may punish its own members for disorderly conduct; and each house with the concurrence of two-thirds of the members present, may expel a member.

**Section 7. Ineligibility of State and Federal officers.** No person employed by or holding a remunerative office or appointment in the government of the United States or this State, shall be eligible to membership in the Legislature of this State.

**Section 8. Residence of legislators.** Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The seat of a member of either house shall be vacated on his permanent change of residence from the district or county from which he was elected.

### Section 9. Powers of the Legislature.

1. Either house of the Legislature may:

- a. Punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or of a refusal to obey its lawful summons but such imprisonment shall not extend beyond the final adjournment of the session.

2. Each house of the Legislature shall:

- a. Have power to compel the attendance of witnesses upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by law.
- b. Keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any five members present, be entered on the Journal.
- c. Require any committee appointed by it to maintain a permanent record of all proceedings, including the yeas and nays of the members on all questions.
- d. Maintain a current index on progress of all bills introduced.

3. The Legislature may:

- a. Provide by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

4. The Legislature shall:

- a. Pass laws regulating elections and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practices.
- b. Provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

## 5. The Legislature shall not:

- a. Pass any law to legalize lotteries in this State.
- b. Repeal or amend the criminal statute in any manner that would affect the prosecution or punishment of any crime committed before such repeal or amendment.
- c. Pass any statute lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage.

**Section 10. Quorum; adjournments; compulsory attendance of members.** A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as it may prescribe.

**Section 11. Open doors; adjournment of one house.** The doors of each house shall be kept open during its session except the Senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days or to any other town than that in which they may be holding their session.

**Section 12. Enactment of legislation.**

1. Any bill may originate in either house of the Legislature, and after being passed in one house may be amended in the other.
2. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title, and no law shall be amended or revised by reference to its title only; but in such case the Act as revised or section, or subsection of a section, or paragraph of a subsection of a section, as amended, shall be reenacted and published at length.
3. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.
4. Every bill shall be read by its title, on its first reading, in either house, unless one-third of the members present desire it read by sections. Every bill shall be read on three several days, unless two-thirds of the members present when such bill may be pending shall deem it expedient to dispense with this rule. Every bill shall be read by its sections on the second reading, and on its final passage unless on its second reading two-thirds of the members present in the house where such bill may be pending, shall deem it expedient to dispense with this rule. The vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the Journal of each house; Provided:—That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote. A majority of the members present in each house shall be necessary to pass every bill or joint resolution. All bills or joint resolutions so passed shall be signed by the presiding officer of the respective houses and by the Secretary of the Senate and the Clerk of the House of Representatives.
5. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Florida:"

**Section 13. Effective date of acts.** No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law.

**Section 14. Accounts of public moneys; publication.** Accurate statements of the receipts and expenditures of public money shall be attached to and published with the laws passed at every regular session of the Legislature.

**Section 15. Special and local laws.**

1. The Legislature shall not pass special or local laws in any of the following enumerated cases; that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punish-

ment of crime or misdemeanor, regulating the practice of courts of justice, except municipal courts; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empanelling grand and petit juries, and providing for their compensation; for assessment and collection of taxes for State and county purposes; for opening and conducting elections for State and county officers, and for designating the places of voting; for the sale of real estate belonging to minors, estates of decedents and of persons laboring under legal disabilities, regulating the fees of officers of the State and county; giving effect to informal or invalid deeds or wills; legitimizing children; providing for the adoption of children; relieving minors from legal disabilities; and for the establishment of ferries.

2. No local act shall take effect until approved by a majority of the qualified voters voting thereon in the district to be affected except acts repealing local or special acts in effect before the adoption of this provision.
3. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining, transportation, mercantile and other useful companies or associations as may be deemed necessary; but it shall not pass any special law on any such subject, and any such special law shall be of no effect.

**Section 16. Executive approval of acts; veto; overriding veto.** Every bill that may have passed the Legislature shall, before becoming a law, be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the house in which it originated, which house shall cause such objections to be entered upon its Journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both houses by a two-thirds vote of members present, which vote shall be entered on the Journal of each house, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sunday excepted), the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment prevent such actions, such bill shall be a law, unless the Governor within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become law.

The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items of appropriations, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

**Section 17. Impeachment of officers.** The House of Representatives shall have the sole power of impeachment; but a vote of two-thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no persons shall be convicted without the concurrence of two-thirds of the Senate present. The Senate may adjourn to a fixed place for the trial of any impeachment, and may sit for the purpose of such trial whether the House of Representatives be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the House of Representatives. The Chief Justice shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside. The Governor, administrative officers of the executive department, Justices of the Supreme Court, and Judges of the Circuit Court shall be liable to impeachment for treason, bribery or other high crimes and misdemeanors, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

**Section 18. Impeached officers: effect of impeachment.**

Immediately upon the impeachment of any officer by the House of Representatives, he shall be disqualified from performing any of the duties of his office until acquitted by the Senate, and the Governor in such case shall at once appoint an incumbent to fill such office pending the impeachment proceedings. In case of the impeachment of the Governor, the President of the Senate, or in case of the death, resignation or inability of the President of the Senate, the Speaker of the House of Representatives shall act as Governor pending the impeachment proceedings against the Governor.

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

By Senator Franklin—

S. B. No. 472—A bill to be entitled An Act making it unlawful for anyone, with intent to defraud, to secure farm or grove products from the producer thereof for or on account of a check, draft or written order for the payment of money, and stop payment thereon pursuant to such intent; providing penalties for the violation of this Act; prescribing certain rules of evidence in prosecutions under this Act; providing that this Act shall be cumulative; and prescribing the effective date hereof.

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

By Senator Lindler—

S. B. No. 473—A bill to be entitled An Act to provide for opening and closing dates of certain tobacco markets in Florida.

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

By Senator Ripley—

Senate Memorial No. 474:

A MEMORIAL TO THE CONGRESS OF THE UNITED STATES URGING THE ENACTMENT OF CERTAIN LEGISLATION NOW BEFORE THE CONGRESS OF THE UNITED STATES WHICH WILL PROVIDE AN INCREASE IN SALARY FOR THE EMPLOYEES OF THE POSTAL SERVICE OF THE UNITED STATES.

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

That the members of the Senate and House of Representatives of the State of Florida, do respectfully memorialize and petition the Congress of the United States to enact certain legislation now before the Congress of the United States, which will provide an increase in salary for the employees of the postal service of the United States.

AND BE IT FURTHER RESOLVED:

That copies of this memorial be immediately transmitted by the Secretary of the State to the Senate and House of Representatives of the United States, and to each Senator and Representative in Congress from the State of Florida.

Which was read the first time in full and referred to the Committee on Labor and Industry.

By Senator Ripley—

S. B. No. 475—A bill to be entitled An Act to amend Section 838.02, Florida Statutes of 1949, relating to officer accepting bribe.

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

By Senator Beall—(By Request)—

S. B. No. 476—A bill to be entitled An Act to authorize Iverson Dillard-Martin to engage in the practice of law before the courts of the State of Florida.

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

By Senator Gautier (28th)—

S. B. No. 477—A bill to be entitled An Act to amend Section

828.17, Florida Statutes, relating to cruelty to children and animals and instances when an officer may arrest without a warrant.

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

By Senator King—

S. B. No. 478—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 478 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 478 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 478 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. 478 was read the third time in full.

Upon the passage of Senate Bill No. 478 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. 478 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator King—

S. B. No. 479—A bill to be entitled An Act to declare, designate and establish a certain State road.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 479 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 479 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 479 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. 479 was read the third time in full.

Upon the passage of Senate Bill No. 479 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. 479 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Boyle—

S. B. No. 480—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.

Which was read the first time by title only.

Senator Boyle moved that the rules be waived and Senate Bill No. 480 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 480 was read the second time by title only.

Senator Boyle moved that the rules be further waived and Senate Bill No. 480 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. 480 was read the third time in full.

Upon the passage of Senate Bill No. 480 the roll was called and the vote was:

Yeas—33.

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

Nays—None.

So Senate Bill No. 480 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By the Committee on Education—

S. B. No. 481—A bill to be entitled An Act fixing the annual salary of the County Superintendents of Public Instruction of the State of Florida; providing the basis upon which such salaries shall be computed; declaring the date upon which such salaries shall become effective, and repealing all laws or parts of laws in conflict with this Act.

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

By Senators Sanchez, Smith, Gautier (28th), Leaird, Crary, Pope, King and Johnston—

S. B. No. 482—A bill to be entitled An Act to reorganize the State Hotel Commission into the Florida Hotel and Restaurant Commission; providing for employment of commissioner by cabinet; for advisory council; compensation of commissioner and expenses for council; powers, duties, enforcement; application of other statutes; effective date and repealing Chapter 509, Florida Statutes.

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

By Senators Shivers and Baynard—

S. B. No. 483—A bill to be entitled An Act to amend Section 341.15, Florida Statutes, relating to contracts with the State Road Department.

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

By Senator Gautier (13th)—

S. B. No. 484—A bill to be entitled An Act to amend Chapter 17097, Laws of Florida; 1935, being Chapter 84,

Florida Statutes of 1949, providing that the owner, as defined in Section 1 of said Act, shall make no payments under the direct contract as therein defined until he shall have received receipted bills for the labor or material performed or supplied on said contract, or a waiver of liens, and giving to subcontractors or materialmen, as defined in said Chapter, a lien against the owner's right, title, or interest in the property on which labor is performed, or to which materials are supplied, to the value thereof, and regardless of the indebtedness of the owner on the direct contract; dispensing with the necessity of cautionary notice; and repealing all laws in conflict herewith.

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

By Senator Brackin—

S. B. No. 485—A bill to be entitled An Act to authorize the County Commissioners of Okaloosa County, Florida, for and on behalf of the county, to use or lease, in whole or in parts, such portions of Santa Rosa Island as may be owned by Okaloosa County, from time to time, for such purposes as the County Commissioners shall deem to be in the public interest; authorizing Okaloosa County to purchase, construct, extend, own, maintain, insure and operate, either itself or by contract or lease with others, toll or free bridges, boats, car ferries, ports, sea walls, breakwater, bulkheads, causeways, wharves, docks, yacht basins, sewerage systems, water systems, gas systems and other utilities of all kinds, streets, roads, sidewalks and other public ways, parks, playgrounds, recreation and amusement buildings and centers, bathing beaches, bath houses, swimming pools, pavilion and other buildings and places of all kinds for entertainment, health, welfare and recreation, hotels, restaurants, cottages, homes, dwellings and other places of lodging, cafes, restaurants and eating places of all kinds, office and store buildings, warehouses, depots, and all other kinds of business or commercial properties; authorizing the county to acquire, own, lease and dispose of real and personal property, to borrow money and issue negotiable revenue bonds or certificates, to charge tolls, rentals and other charges, to adopt and enforce building codes, rules and regulations, to promote the health and safety, and for the regulation of the use of the said island and all improvements, projects and things thereon; to contract with the Federal government, or the State of Florida or their agents or political subdivisions, to execute contracts and leases of and with respect to the said island in whole or in part; authorizing the County Commissioners to delegate and vest such portion of the power and authority herein granted to the County Commissioners of Okaloosa County as they may deem in the public interest in a board to be known as Island Authority of Okaloosa County; providing for the creation, organization, powers, authority and term of the said Island Authority of Okaloosa County, and the appointment and terms of its members and the manner of their removal; authorizing the County Commissioners to appropriate and to cause to be raised, by taxation or otherwise, moneys sufficient to carry out the purposes of the Act and authorizing the County Commissioners to acquire property on the said island by condemnation for use in connection with the purposes of the Act; and authorizing the County Commissioners to acquire from the present owner or owners such improvements as may have been placed or which are located on said Santa Rosa Island, including improved roads and utility production or distribution systems; prescribing the manner and limits for filing notice of claims and suits against the Island Authority of Okaloosa County; and providing for the regulation by the County Commissioners of Okaloosa County of said Island Authority and of its receipts and disbursements of funds and of its conduct of such matters as are delegated to it by the County Commissioners.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 485 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 Brackin moved that the rules be waived and Senate Bill No. 485 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 485 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 485 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. 485 was read the third time in full.

Upon the passage of Senate Bill No. 485 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. 485 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

S. B. No. 486—A bill to be entitled An Act amending Section 1 of Chapter 25397, Laws of Florida, Acts of 1949, (Section 255.041, Florida Statutes) to require separate specifications for public building contracts involving installing of (1) heating and ventilating and accessories (2) plumbing and gas fitting and accessories (3) electrical installation and (4) air condition.

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

By Senators Ripley, Collins and Gautier (13th)—

Senate Concurrent Resolution No. 487:

#### SENATE CONCURRENT RESOLUTION

PROPOSING TO THE GOVERNOR AND LEGISLATURE OF THE STATE OF SOUTH CAROLINA THAT THEY PERMIT THE REMOVAL OF THE REMAINS OF INDIAN CHIEF OSCEOLA TOGETHER WITH THE HISTORICAL TABLETS AND MONUMENTS RELATING TO HIM NOW SITUATE ON THE SITE OF FORT MOULTRIE IN THE STATE OF SOUTH CAROLINA, FOR SUITABLE PLACEMENT WITHIN THE STATE OF FLORIDA.

WHEREAS, The great and illustrious Chief Osceola for many years was the head chief of the tribe of Seminole Indians who made their home in the State of Florida for over one hundred (100) years; and

WHEREAS, Chief Osceola was captured by the United States Army during the Florida Indian War and later was transported to Fort Moultrie in the State of South Carolina where he lingered and died in prison and his remains were interred in the immediate vicinity of said Fort where they remain today, together with a monument and historical marker; and

WHEREAS, The Florida Historical Society and several other Historical Societies in the State of Florida have sponsored the removal of Chief Osceola's remains to Florida; NOW THEREFORE,

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

Section 1. That the Honorable James F. Byrnes, Governor of the State of South Carolina, and the Legislature of said State, be and they are hereby respectfully memorialized to use their best efforts to approve such legislation that may be needed to permit the removal of the remains of Chief Osceola from where they are now interred in the vicinity of Fort Moultrie, to the State of Florida for permanent interment therein, together with such historical monuments

as are now located or erected at the grave of said Indian Chieftain.

Section 2. That upon the concurrence of this Resolution by both the House and Senate that it be certified by the Secretary of the State of Florida to the Governor of the State of South Carolina with the request that it be presented to the Legislature of the State of South Carolina at its next session.

Section 3. That upon the concurrence by the House and Senate of this Resolution that the Governor of the State of Florida be and he is hereby authorized to appoint a committee of five outstanding residents of the State of Florida, to be known as "The Osceola Committee," which shall have the right and authority to select a site in Florida and make all necessary arrangements with the officials of the State of South Carolina pertaining to the removal of the remains of Chief Osceola, together with the monument and marker, from South Carolina, for suitable replacement of same in the State of Florida.

Which was read the first time in full.

Senator Ripley moved that the rules be waived and Senate Concurrent Resolution No. 487 be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote and Senate Concurrent Resolution No. 487 was read the second time in full.

The question was put on the adoption of Senate Concurrent Resolution No. 487.

Which was agreed to.

So Senate Concurrent Resolution No. 487 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Brackin, Pope, Lewis, Shands, Johnson and Baynard—

S. B. No. 488—A bill to be entitled An Act to amend Sections 205.43 and 205.44, Florida Statutes, 1949, and repealing Section 205.431, Florida Statutes, 1949, relating to license taxes and taxes on insurance and annuity premiums, assessments, deposits or considerations required to be paid by insurers, and exemptions accorded described domestic insurers from the payment of certain of said taxes, to provide: an increase of the two percent tax, under Subsection 205.43(2), to three percent on insurance premiums, assessments, membership fees, policy fees, or deposits on reciprocal or interinsurance agreements, received on insurance policies, agreements, membership certificates or surety, indemnity or reciprocal or interinsurance agreements issued on and after the effective date of this Act, the provisions of said Subsection 205.43(2) otherwise to remain unchanged; making the penalty provisions of Section 205.44 also applicable to the increased tax required by Subsection 205.43(3) as amended by this Act; repealing such exemptions heretofore accorded domestic insurers by Section 205.431 from the payment of certain of said taxes; fixing distribution of taxes collected under this section to the general fund and a special State building fund, appropriating and prescribing purposes of said special State building fund; providing that Sections 175.05 and 440.51, Florida Statutes, 1949, shall not be affected by this Act; and fixing the effective date of this Act.

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

Senator Morrow moved that the rules be waived and Senate Bill No. 233 be withdrawn from the Committee on Population and re-referred to an appropriate committee.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 233 was withdrawn from the Committee on Population and re-referred to the Committee on Cities and Towns.

Senator Baynard asked unanimous consent of the Senate to take up and consider Senate Bill No. 77, out of its order.

Which was agreed to.

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.

Was taken up.

Senator Baynard moved that the rules be waived and Senate Bill No. 77 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 77 was read the second time by title only.

Senator Baynard moved that the rules be further waived and Senate Bill No. 77 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. 77 was read the third time in full.

Upon the passage of Senate Bill No. 77 the roll was called and the vote was:

Yeas—35.

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

Nays—None.

So Senate Bill No. 77 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Dayton asked unanimous consent of the Senate to take up and consider Senate Bill No. 253, out of its order.

Which was agreed to.

S. B. No. 253—A bill to be entitled An Act creating a small claims court in Justice of the Peace District Numbers One, Two and Three in all counties of the State of Florida having a population of not less than 20,000 nor more than 22,000 according to the last official census; providing for the Justice of Peace to be the judge of said court; prescribing for the pleading, practice and service of notice of proceedings therein; providing for a clerk and prescribing his duties.

Was taken up.

Senator Dayton moved that the rules be waived and Senate Bill No. 253 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 253 was read the second time by title only.

The Committee on Population offered the following amendment to Senate Bill No. 253:

In Section 1, line 3, (typewritten bill) strike out the figures: "20,000" and insert in lieu thereof the following: "20,200."

Senator Wright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Population also offered the following amendment to Senate Bill No. 253:

In Title, line 4 (typewritten bill) strike out the figures: "20,200."

Senator Wright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dayton moved that the rules be further waived and Senate Bill No. 253, 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. 253, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 253, as amended, 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. 253 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Johns moved that the following editorial from the Florida Times Union of Sunday, April 22, 1951, be spread upon the pages of the Journal.

Which was agreed to and it was so ordered.

**"REAL MEANING GIVEN TO ECONOMY BY ROAD BOARD"**

"Economy is preached in government at every level. Regrettably it is seldom practiced. The American people cheer promises of economy by their elected officials, but they have come, for the most part to regard it as a hollow pledge.

"Since, then, economy is the exception and not the rule today, it is refreshing to see an example of that long-sought-after but elusive element in government practically applied.

"We refer to the State Road Board's rejection of a combined bid for construction of the substructure and superstructure of the Gilmore Street bridge in this city. The Board not only rejected the combined bid of \$5,469,176 because it exceeded estimated costs by more than \$600,000, it also served notice that there would be no retreat from its previously announced intention of holding costs on the Gilmore Street bridge and the Jacksonville Expressway within funds available.

"This is not the first time the State Road Board rejected a combined bid on the Gilmore Street bridge because the bid was excessive. The first bid was 19 per cent over the engineer's estimates. Even the revised bid was up 12 per cent. When it is realized that the Arlington Street bridge—a unit in the same overall project, but a much larger span—was only three per cent above estimates, then the pattern of mounting costs and the danger therein is clearly and unmistakably established.

"Only a fixed amount of money is on hand to complete the Expressway Highway that Jacksonville needs to relieve the traffic congestion problem that is so pressing. If one unit in the overall project is permitted to run wild in the cost field, then the entire work is imperiled by the threat that money will become exhausted before the project is completed.

"Thus the richest agency in the State is a penny-pincher where the people's money is involved. Rejection of the Gilmore Street estimate was a sound and businesslike approach. A decision to award a contract for construction of the substructure alone so the project could begin is another example of the State Road Board's efficiency.

"Little wonder the State Road Department and its administrative board have won Statewide recognition. They represent good government in action."

Senator Johnson asked unanimous consent of the Senate to take up and consider Senate Bill No. 349, out of its order.

Which was agreed to.

S. B. No. 349—A bill to be entitled An Act prescribing the compensation of county judges as judges of the county courts of their respective counties in counties in the State of Florida having a population of not less than 36,100 and not more than 37,100, according to the last preceding Federal census.

Was taken up.

Senator Johnson moved that the rules be waived and Senate Bill No. 349 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 349 was read the second time by title only.

The Committee on Population offered the following amendment to Senate Bill No. 349:

In Section 1, line 3, (typewritten bill) strike out the figure "36,100" and insert in lieu thereof the following: "36,400."

Senator Wright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Population also offered the following amendment to Senate Bill No. 349:

In Title, (typewritten bill) strike out the figure: "36,100" and insert in lieu thereof the following: "36,400."

Senator Wright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnson moved that the rules be further waived and Senate Bill No. 349, 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. 349, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 349, as amended, 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. 349 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Shands moved that a committee of three be appointed to escort the Honorable J. Maxie Dell, Sr., of Gainesville, Florida, former member of the Senate from the 32nd Senatorial District, to a seat on the rostrum.

Which was agreed to.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 24, 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. Murray, Smith and Surles of Polk, Summers of Liberty, Andrews of Orange, Bryant of Marion, David of Broward, Cobb of Volusia, Ayres of Marion, Rood of Manatee, Moody of Hillsborough, Johnson of Hillsborough, Simpson of Jefferson, Fascell and Floyd of Dade, Kirkland of Orange, Haley of Sarasota, Williams and Smith of Seminole, Saunders of St. Lucie and Saunders of Clay—

H. B. No. 51—A bill to be entitled An Act relating to gambling, gambling contracts and gambling losses; declaring void gambling contracts not expressly authorized by law; providing for the recovery of money and things of value, or the value thereof, lost in such transactions and paid or delivered and also, for the use and benefit of the State of Florida, of an amount equal to the amount of money lost and paid and the value of the thing of value lost and delivered; providing for the recovery of reasonable attorneys' fees; prescribing the persons who may maintain such suits and the persons against whom such suits may be brought; prescribing that attachment, garnishment and replevin shall be available to the plaintiffs in such suits; providing immunity from prosecution for the losers of money or property involved in such suits who testify or produce evidence therein; prescribing the duties of the State Attorney with respect to such suits; prescribing procedure in such suits; and prescribing the effective date hereof.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 51, contained in the above Message, was read the first time by title only.

Senator Baynard moved that the rules be waived and House Bill No. 51 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.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 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, and David of Broward—

H. B. No. 149—A bill to be entitled An Act to amend Section 47.16 of Florida Statutes 1949, and relating to the service of process on persons, association and co-partnerships, who are non-residents of the State of Florida and the United States of America, and foreign corporations, and residents who subsequently remove from the State or conceal their whereabouts, who operate, conduct, engage in, or carry on a business or business venture in this State.

Also—

By Mr. Kirkland of Orange—

H. B. No. 219—A bill to be entitled An Act to amend Section 849.14, Florida Statutes, relating to betting, wagering and gambling on trials and contests of skill, speed, power or endurance of man, machine, or other living creature capable of self-movement in this State, including football, baseball, basketball and other games, sports and athletic contests; to giving or accepting bribes and offering to give or accept bribes in connection therewith or on the outcome thereof; and excepting from the operation hereof any wagering expressly permitted under the laws of this State, including pari-

mutuel wagering under Chapters 550 and 551, Florida Statutes, 1949.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 149, contained in the above Message, was read the first time by title only.

Senator Crary moved that the rules be waived and House Bill No. 149 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.

And House Bill No. 219, contained in the above Message, was read the first time by title only and referred to the Committee on Miscellaneous Legislation.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 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 Mr. Okell of Dade—

H. B. No. 148—A bill to be entitled An Act regulating absolute and conditional sales or offers to sell at auction, diamonds, precious or semi-precious stones or imitations thereof, watches, clocks, jewelry, gold, silver or plated ware; prescribing qualifications for applicants and the manner of applying for a license to engage in the auction business and for permits for auctioneers and providing for license and permit fees therefor; prescribing rules and regulations for auction sales of said classes of goods, and forbidding auctions thereof between the hours of 8:00 o'clock P. M. and 7:00 o'clock A. M.; to provide for cancellation of licenses and permits for violations of the Act and procedure therefor including appeals and certiorari and denying supersedeas in certain cases; and prescribing criminal penalties for violations of the Act.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 148, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 1951.

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

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

By Mr. Tapper of Gulf—

H. B. No. 224—A bill to be entitled An Act amending Section 321.05, Subsection 5 Florida Statutes relating to the assignment of one patrolman to the office of the Governor and Chairman of the State Road Department; providing for the rank, pay and other benefits for said patrolman.

Also—

By Messrs. Patton of Franklin, Burnsed of Baker, Smith of Polk, Bollinger of Palm Beach, Ayres of Marion, Haley of Sarasota, Williams of Citrus, and Melvin of Santa Rosa—

H. B. No. 159—A bill to be entitled An Act requiring the teaching of courses in Americanism in the public schools in

this State; defining Americanism as used in this Act; providing for the duties of the State Board of Education with reference to such courses; and repealing all laws and parts of laws in conflict herewith.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 224, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "B".

And House Bill No. 159, contained in the above Message, was read the first time by title only and referred to the Committee on Education.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 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 Mr. Williams of Seminole—

H. B. No. 77—A bill to be entitled An Act to amend Section 317.20 and repealing Section 860.01, Florida Statutes, relating to driving while intoxicated or under the influence of intoxicating liquor or narcotic drugs.

Also—

By Messrs. Williams of Seminole, Watson of Lee, Fascell of Dade, Simpson of Jefferson, Beasley of Walton, Murray of Polk, Andrews and Kirkland of Orange, Moody, Pittman and Johnson of Hillsborough, Turlington and Whitlock of Alachua, Ayres of Marion, Jacobs of Suwannee, Dowda of Putnam, Hathaway of Charlotte, Cramer, McLaren and Shaffer of Pinellas and Tate of Sarasota—

H. B. No. 169—A bill to be entitled An Act making it unlawful to print or otherwise produce wall charts, tip sheets, scratch sheets, bookmaking tickets or other items in furtherance of illegal gambling or to transport, sell or possess the same; and providing penalties.

Also—

By Mr. Fascell of Dade—

H. B. No. 203—A bill to be entitled An Act amending Sections 216.02, 216.10, 216.11, 216.16 and 216.17, Florida Statutes, relating to State Budget Commission: providing for separate sections of budget for operational expenditures and for building and equipment expenditures; prohibiting transfer or use of allotted funds between operational expenditures and building and equipment expenditures.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 77, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

And House Bill No. 169, contained in the above Message, was read the first time by title only.

Senator Baynard moved that the rules be waived and House Bill No. 169 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.

And House Bill No. 203, contained in the above Message, was read the first time by title only and referred to the Committee on Appropriations.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 1951.

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

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

By Messrs. Darby of Escambia and Watson of Lee—

H. B. No. 142—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.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 142, contained in the above Message, was read the first time by title only.

Senator Branch moved that the rules be waived and House Bill No. 142 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 142 was read the second time by title only.

Senator Branch moved that the rules be further waived and House Bill No. 142 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 142 was read the third time in full.

Upon the passage of House Bill No. 142 the roll was called and the vote was:

Yeas—24.

Mr. President	Carroll	Johnson	Rodgers
Ayers	Collins	Johnston	Rogells
Beall	Crary	King	Sanchez
Boyle	Davis	Lewis	Shands
Brackin	Dayton	Moore	Smith
Branch	Gautier (28th)	Morrow	Tucker

Nays—11.

Baker	Franklin	McArthur	Ripley
Baynard	Gautier (13th)	Pearce	Shivers
Clarke	Leaird	Pope	

So House Bill No. 142 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,  
April 25, 1951.

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

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

By Messrs. Floyd, Okell and Fascell of Dade—

House Concurrent Resolution No. 11—

A RESOLUTION INVITING THE DEMOCRATIC NATIONAL COMMITTEE TO HOLD THE NATIONAL DEMOCRATIC CONVENTION OF 1952 IN FLORIDA IN THE GREATER MIAMI AREA.

WHEREAS, the State of Florida in the greater Miami area has facilities second to none in the country for the accommodation and entertainment of large gatherings, including fifteen thousand hotel rooms which can be made available to members of any such gathering upon reasonable notice, and

WHEREAS, the Dinner Key Convention Hall located in

the greater Miami area has seating capacity for twelve thousand persons, and

WHEREAS, the television facilities of the greater Miami area are on a par as to quality and quantity with that of any other place in the Nation, NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE FLORIDA LEGISLATURE, THE SENATE CONCURRING:

That the Democratic National Committee is hereby invited to hold its National Convention of 1952 in the greater Miami area, and

BE IT FURTHER RESOLVED, that the Governor and Administrative Officers of the Executive Department of the State of Florida as well as the members of the Florida Delegation in the Congress of the United States are hereby urged to also extend by appropriate means a similar invitation to the said Democratic National Committee, and

BE IT FURTHER RESOLVED, that the original of this Resolution signed by the Speaker of the House and the President of the Senate of the State Legislature be delivered to the Democratic National Committee in Washington, D. C., and that copies so signed be furnished to the Governor, the Administrative Officers of the Executive Department of the State and to members of the Florida Delegation in the United States Congress.

—and respectfully requests the concurrence of the Senate therein.

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

And House Concurrent Resolution No. 11, contained in the above Message, was read the first time in full.

Senator Gautier (13th) moved that the rules be waived and House Concurrent Resolution No. 11 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 11 was read the second time in full.

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

Which was agreed to.

And House Concurrent Resolution No. 11 was adopted and the action of the Senate was ordered certified to the House of Representatives, immediately, by waiver of the rule.

Senator Crary moved that the rules be waived and House Bill No. 164 be recalled from the Committee on Appropriations and placed on the Calendar of Bills on Second Reading.

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

Senator McArthur moved that the rules be waived and the Senate take up the consideration of House Bills on Second Reading.

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

#### HOUSE BILLS ON SECOND READING

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.

Was taken up in its order.

Senator Franklin moved that the rules be waived and House Bill No. 116 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 116 was read the second time by title only.

Senator Franklin moved that the rules be further waived and House Bill No. 116 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 116 was read the third time in full.

Upon the passage of House Bill No. 116 the roll was called and the vote was:

Yeas—34.

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

Nays—None.

So House Bill No. 116 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

H. B. No. 117—A bill to be entitled An Act to amend Section 440.39, Florida Statutes 1949, relating to the payment of workmen's compensation benefits where the employee is injured or killed by the negligence or wrongful act of a third party tort-feasor and actions at law and other remedies against such third parties.

Was taken up in its order.

Senator Collins moved that the rules be waived and House Bill No. 117 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 117 was read the second time by title only.

Senator Collins offered the following amendment to House Bill No. 117:

In Section 1, line 20 on Page 2, (typewritten bill) strike out the words between the words "compensation" and "benefits" and insert in lieu thereof the following "and medical".

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Collins also offered the following amendment to House Bill No. 117:

In Section 1, line 16 on Page 3, (typewritten bill) strike out the words between the words "compensation" and "benefits" and insert in lieu thereof the following "and medical".

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Collins moved that the rules be further waived and House Bill No. 117, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 117, as amended, was read the third time in full.

Upon the passage of House Bill No. 117, as amended, the roll was called and the vote was:

Yeas—31.

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

Nays—None.

So House Bill No. 117 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Collins withdrew Senate Bill No. 128.

House Bill No. 201 was taken up in its order and the consideration thereof was informally passed and placed at the foot of the Calendar pursuant to Rule No. 43.

Senator Tucker moved that House Bill No. 172 be indefinitely postponed.

Which was agreed to and House Bill No. 172 was indefinitely postponed.

House Bill No. 139 was taken up in its order and the consideration thereof was informally passed and placed at the foot of the Calendar pursuant to Rule 43.

Senator Tucker moved that House Bill No. 200 be indefinitely postponed.

Which was agreed to and House Bill No. 200 was indefinitely postponed.

House Bill No. 173 was taken up in its order and the consideration thereof was informally passed and placed at the foot of the Calendar pursuant to Rule No. 43.

Senator Tucker moved that House Bill No. 175 be indefinitely postponed.

Which was agreed to and House Bill No. 175 was indefinitely postponed.

House Bill No. 179 was taken up in its order and, by unanimous consent, the consideration thereof was informally passed, the Bill retaining its place on the Calendar of House Bills on Second Reading.

H. B. No. 228—A bill to be entitled An Act relative to the merger, consolidation and conversion of national and state banks and trust companies.

Was taken up in its order.

Senator Carroll moved that the rules be waived and House Bill No. 228 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 228 was read the second time by title only.

Senator Carroll moved that the rules be further waived and House Bill No. 228 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 228 was read the third time in full.

Upon the passage of House Bill No. 228 the roll was called and the vote was:

Yeas—36.

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

Nays—None.

So House Bill No. 228 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Carroll withdrew Senate Bill No. 396.

H. J. R. No. 71—A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 1, OF THE CONSTITUTION OF FLORIDA BY REDUCING THE AGE ELIGIBILITY OF QUALIFIED ELECTORS TO EIGHTEEN YEARS AND UPWARD.

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

That the following amendment to Article VI, Section 1 of the Constitution of Florida is hereby agreed to and shall be submitted to the electors of the State of Florida at the general election of 1952, for ratification or rejection.

Section 1. Every person of the age of eighteen years and upwards that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year and in the county for six months, shall in such county be deemed a qualified elector at all elections under this constitution. Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer his certificate of naturalization or a duly certified copy thereof.

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

Senator Brackin moved that the rules be waived and House Joint Resolution No. 71 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 71 was read the third time in full.

Upon the passage of House Joint Resolution No. 71 the roll was called and the vote was:

Yeas—9.

Ayers	Gautier (13th)	Leaird
Brackin	Johns	Rogells
Collins	Johnson	Wright

Nays—29.

Mr. President	Crary	Lindler	Sanchez
Baker	Davis	McArthur	Shands
Baynard	Dayton	Moore	Shivers
Beall	Franklin	Morrow	Smith
Boyle	Gautier (28th)	Pearce	Tucker
Branch	Johnston	Pope	
Carroll	King	Ripley	
Clarke	Lewis	Rodgers	

So House Joint Resolution No. 71 failed to pass.

By unanimous consent Senator Brackin withdrew Senate Joint Resolution No. 40.

By unanimous consent Senator Ayres withdrew Senate Joint Resolution No. 41.

House Bills Nos. 81 and 16 were taken up in their order and, by unanimous consent, the consideration thereof was informally passed, the Bills retaining their places on the Calendar of House Bills on Second Reading.

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.

Was taken up in its order.

Senator Pearce moved that the rules be waived and House Bill No. 26 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 26 was read the second time by title only.

The Committee on Public Utilities offered the following amendment to House Bill No. 26:

In Section 2, lines 5 and 6 (typewritten bill) strike out the words: "both electricity and".

Senator McArthur moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Public Utilities also offered the following amendment to House Bill No. 26:

At the end of Section 2 (typewritten bill) strike out the period and insert in lieu thereof the following: ", nor a person supplying liquefied petroleum gas."

Senator McArthur moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Public Utilities also offered the following amendment to House Bill No. 26:

In Section 4, line 11 (typewritten bill), after ; strike out provided, however, nothing in this Act shall affect the right of a local regulatory board to continue and complete rate litigation and refund proceedings thereunder pending in the courts on April 3, 1951, and insert in lieu thereof the following: ; provided, however, that the Florida Railroad and Public Utilities Commission is not granted by this Act jurisdiction over the rates fixed by the Pinellas Utility Board, which have been attacked by the public utility in the courts, nor over the pending litigation before the courts of this State or the United States, in which such rate order is challenged until after such litigation has been finally adjudicated and the jurisdiction of Pinellas Utility Board over said rates and the pending litigation is hereby continued in full force and effect until the final determination thereof.

Senator McArthur moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Public Utilities also offered the following amendment to House Bill No. 26:

In Section 5 (typewritten bill), at the end of the section, add the following paragraph:

Every public utility as defined in Section 2 of this Act, who in addition to the production, transmission, delivery or furnishing of heat, light or power also sells appliances or other merchandise, shall keep separate and individual accounts for the sale and profit deriving from such sales. No profit or loss shall be taken into consideration by the Commission from the sale of such items in arriving at any rate to be charged for service by any public utility.

Senator McArthur moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Public Utilities also offered the following amendment to House Bill No. 26:

In Section 5 (typewritten bill), at the end of the section, add the following paragraphs:

The Commission shall provide for the examination and testing of all appliances used for measuring any product or service of a public utility.

Any consumer or user may have any such appliance tested upon payment of the fees fixed by the Commission.

The Commission shall establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user, in excess of the degree or amount of tolerance customarily allowed for such appliances, or as may be provided for in rules and regulations of the Commission.

The Commission may purchase materials, apparatus, and standard measuring instruments for such examination and tests.

Senator McArthur moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Pending further amendment of House Bill No. 26, the hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:00 o'clock P. M., until 11:00 o'clock A. M., Thursday, April 26, 1951.