

JOURNAL OF THE SENATE

244

Monday, April 30, 1951

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Friday, April 27, 1951.

The President in the Chair.

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

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

—37

A quorum present.

Senator Lindler was excused from attendance upon the Session.

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

"Our God, by whose grace we are favored as being citizens of a great Nation, and a grand State, we thank Thee for every temporal blessing. Keep Thou our Nation from confusion, deterioration and inertia, of foreign climes, and preserve us as a Divine oasis—the land of the free and home of the brave. Grant us our one and only need, Thy guidance and help. Guide Thou this honorable body in the legislation of its concern in full accordance with Thy perfect will. For the welfare of our State we pray in Christ's name, Amen."

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, April 27, 1951, was corrected as follows:

Page 11, column 1, line 17, counting from the bottom of the column, strike out the figures "360" and insert in lieu thereof the figures "306."

Also—

Page 21, column 1, line 22, strike out the figures "398" and insert in lieu thereof the figures "393".

And as corrected was approved.

REPORTS OF COMMITTEES

Senator Johnston, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following Bill:

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

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

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

Senator Johnston, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following Bill:

S. B. No. 444—A bill to be entitled An Act amending Subsection (1) of Section 440.15 and repealing Subsection (13) of Section 440.20, Florida Statutes, 1949, relating to compensation payments for permanent total disability; defining such disability and repealing existing limitation of benefit period.

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

S. B. No. 386—A bill to be entitled An Act amending Sections 476.01, 476.02, 476.04, 476.05, 476.06, 476.07, 476.08, 476.11, 476.13, 476.14, 476.16, 476.17, 476.18, 476.22, Florida Statutes, relating to barbers and providing barbers, apprentices and teachers in barbering schools be registered; defining barbering and barber shop; persons exempt from this chapter; qualifications of applicants for certificates as barbers and apprentices; prerequisites of approved barber schools; application for examination; qualifications of barbers and apprentices from other states; annual renewal of certificates and registration fees; grounds for revoking or refusing certificate; fees and duplicate certificates; Barbers Sanitary Commission; organization, quarters, seal, employees, compensation and report of commission; quorum; bond of secretary; rules and regulations and inspections.

—and recommends that it do not pass.

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

Senator Johnston, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following Bills:

S. B. No. 443—A bill to be entitled An Act amending Subsection (3) of Section 440.09, Florida Statutes, 1949, relating to coverage under the Florida Workmen's Compensation Act, and providing for a penalty against the employer where employer willfully refuses to furnish or supply safety appliances or devices, or observe a safety rule approved by the commission or required by statute.

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 the function and operation, and to repeal all laws in conflict herewith.

—and recommends that they do not pass.

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

Senator Johnston, Chairman of the Committee on Labor and Industry, reported that the Committee had carefully considered the following Bills:

S. B. No. 442—A bill to be entitled An Act amending Section 440.12, Florida Statutes, 1949, relating to the amount of compensation payable for disability under the terms of the Florida Workmen's Compensation Act.

S. B. No. 460—A bill to be entitled An Act to amend Section 443.08, Florida Statutes 1949, known as the "Unemployment Compensation Law," relating to contributions; by providing for a zero contribution rate, and making this Act effective July 1, 1951.

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.

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

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.

—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:

H. B. No. 249—A bill to be entitled An Act amending Sub-section (10) of Section 236.04, Florida Statutes, relating to education, teachers, minimum foundation program, instructional units and personnel minimum and maximum allowed or required.

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

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

—and recommends that it do not pass.

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

ENGROSSING REPORTS

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

S. B. No. 274—A bill to be entitled An Act relating to grand juries in counties having a population of 225,000 or more according to the last State or Federal census.

—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. 274, 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. 277—A bill to be entitled An Act to provide a Court Reporter for the grand jury in all counties in this State having a population of 225,000 or more according to the last State or Federal census, and relating to the recordings, transcribing and filing of the recorded proceedings of the grand jury in said counties and the purpose for which same can be used.

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

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

S. B. No. 449—A bill to be entitled An Act fixing the compensation of County Solicitors of the Criminal Courts of Record in and for counties in the State of Florida having a population of not less than one hundred fourteen thousand (114,000) and not more than one hundred fourteen thousand eight hundred (114,800), according to the last preceding Federal or State census.

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

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

S. B. No. 450—A bill to be entitled An Act fixing the compensation of Assistant County Solicitors of the Criminal Courts of Record in and for counties in the State of Florida having a population of not less than one hundred fourteen thousand (114,000) and not more than one hundred fourteen thousand eight hundred (114,800), according to the last preceding Federal or State census.

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

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

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| S. B. No. 27 | S. B. No. 98 |
| S. B. No. 52 | S. B. No. 107 |
| S. B. No. 64 | S. B. No. 109 |

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 30, 1951, for his approval.

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

Your Enrolling Clerk to whom was referred—

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|------------------|---------------|
| S. C. R. No. 206 | S. B. No. 280 |
| S. B. No. 163 | S. B. No. 286 |
| S. B. No. 164 | S. B. No. 287 |
| S. B. No. 165 | S. B. No. 288 |
| S. B. No. 166 | S. B. No. 289 |
| S. B. No. 243 | S. B. No. 306 |
| S. B. No. 245 | S. B. No. 315 |
| S. B. No. 246 | S. B. No. 316 |
| S. B. No. 250 | S. B. No. 318 |
| S. B. No. 251 | S. B. No. 319 |

S. B. No. 320
S. B. No. 328
S. B. No. 329
S. B. No. 334
S. B. No. 369

S. B. No. 417
S. B. No. 424
S. B. No. 426
S. B. No. 480

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 30, 1951, for his approval.

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

Senator Brackin moved that Senate Bills Nos. 80, 81, 82, 83, 84, 85 and 86 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

Senator Baker asked unanimous consent of the Senate to take up and consider House Bill No. 487, out of its order.

Which was agreed to.

H. B. No. 487—A bill to be entitled An Act relating to the salaries of each of the Circuit Judges of the Fifth Judicial Circuit of Florida embracing Citrus, Hernando, Lake, Marion and Sumter Counties and providing that a part of the salary of each judge be paid from the General Revenue Fund of such counties in the proportion that the population of each county bears to the total population of such Circuit as determined by the last preceding State or Federal census, which ever shall be the later; making the same a county purpose: making an annual appropriation therefor; providing the effective date hereof and repealing all laws in conflict herewith.

Was taken up.

Senator Baker moved that the rules be waived and House Bill No. 487 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 487 was read the second time by title only.

Senator Baker offered the following amendment to House Bill No. 487:

In Section 1, line 15, (typewritten bill) strike out the figure \$9000.00 and insert in lieu thereof the following: \$10000.00.

Senator Baker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Baker moved that the rules be further waived and House Bill No. 487, 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. 487, as amended, was read the third time in full.

Upon the passage of House Bill No. 487, as amended, the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So House Bill No. 487 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

Senator Wright asked unanimous consent of the Senate to take up and consider House Bill No. 127, out of its order.

Which was agreed to.

H. B. No. 127—A bill to be entitled An Act to fix and provide for the compensation and mileage for members of the Board of County Commissioners of Holmes County and repealing conflicting laws.

Was taken up.

Senator Wright moved that the rules be waived and House Bill No. 127 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 127 was read the second time by title only.

Senator Wright offered the following amendment to House Bill No. 127:

In Section 1, line 4, (typewritten bill) after the word "mileage" insert: "for not more than one regular and one special meeting each month".

Senator Wright moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Wright moved that the rules be further waived and House Bill No. 127, 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. 127, as amended, was read the third time in full.

Upon the passage of House Bill No. 127, as amended, the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So House Bill No. 127 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS.

By Senator Smith—

S. B. No. 557—A bill to be entitled An Act to fix the compensation of the Members of the County Board of Public Instruction of Clay County, Florida; providing that such compensation shall be in lieu of all compensation and prerequisites now allowed by law; and providing for the method of payment thereof.

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

Proof of publication of Notice was attached to Senate Bill No. 557 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By Senator Brackin—

S. B. No. 558—A bill to be entitled An Act to designate and establish a certain state road in Okaloosa County, Florida.

Which was read the first time by title only.

Senator Brackin moved that the rules be waived and Senate Bill No. 558 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 558 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 558 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. 558 was read the third time in full.

Upon the passage of Senate Bill No. 558 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 558 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

S. B. No. 559—A bill to be entitled An Act amending Section 1, Subsection (3) of Section 2, Sections 3, 4, 5, 13, and 14, Chapter 25236, Acts of 1949, relating to livestock running at large or straying upon public roads or running at large or straying upon the property of another without lawful permission; provides that property owner has right to impound livestock.

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

By Senator Brackin—

S. B. No. 560—A bill to be entitled An Act to designate and establish a certain State road in Okaloosa County, Florida.

Which was read the first time by title only.

Senator Brackin moved that the rules be waived and Senate bill No. 560 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 560 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 560 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. 560 was read the third time in full.

Upon the passage of Senate Bill No. 560 the roll was called and the vote was:

Yeas—37.

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

Shands	Smith	Wright
Shivers	Tucker	

Nays—None.

So Senate Bill No. 560 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

S. B. No. 561—A bill to be entitled An Act to amend Section 2 of Chapter 24529, Special Acts of 1947, which Special Act created the present municipality named the town of Fort Walton, the amendment being to change the boundaries of the town of Fort Walton so as to include therein the contiguous territory contained in the Garnier Beach Subdivision in Lots 1 and 2, Section 12, Township 2 South, Range 24 West in Okaloosa County.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 561 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. 561 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 561 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 561 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. 561 was read the third time in full.

Upon the passage of Senate Bill No. 561 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 561 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

S. B. No. 562—A bill to be entitled An Act to amend the Charter of the Town of Fort Walton, Florida, being Chapter 24529, Special Acts of 1947, by changing the provisions of Sub-paragraph i of Section 4 of the said Special Act and to authorize the Town Council of the said town to provide for the payment of compensation to councilmen of the town for attendance on council meetings.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 562 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. 562 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 562 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 562 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. 562 was read the third time in full.

Upon the passage of Senate Bill No. 562 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 562 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—

S. B. No. 563—A bill to be entitled An Act to amend the charter of the Town of Fort Walton, Florida, being Chapter 24529, Special Acts of 1947, by adding Sub-paragraph z to Section 3 of the said Special Act in order to authorize the Town of Fort Walton to issue bonds for its proper municipal purposes without limitation with respect to the amount of assessed value of the real and personal property within its incorporated limits.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 563 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. 563 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 563 was read the second time by title only.

Senator Brackin moved that the rules be further waived and Senate Bill No. 563 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. 563 was read the third time in full.

Upon the passage of Senate Bill No. 563 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 563 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Beall—

S. B. No. 564—A bill to be entitled An Act amending Chapters 62.40, 62.43, 62.44, and 62.45 of Florida Statutes of 1949 relating to Free Dealers so as to provide for the removal of dis-

abilities of marriage of married women residing within the State of Florida and married women who reside without the State of Florida who own real estate located within the State of Florida or any interest or apparent interest therein, as the separate property of said married woman acquired by gift, devise, bequest, descent, purchase, reverter or operation of law: Providing for the procedure in such matters, the decree to be entered by the court, the record thereof, and the effect of a marriage of any Free Dealer subsequent to the entry of any such decree: Providing that any decree so entered with respect to a non-resident owning real estate within the State of Florida shall provide that the powers, privileges, obligations and authority of any such Free Dealer shall be limited to transactions or suits relating to or in connection with the real estate located within the State of Florida.

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

By Senator Sturgis—

S. B. No. 565—A bill to be entitled An Act abrogating the common law rule relating to liability of the husband for torts of his wife.

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

By Senator Gautier (13th)—

S. B. No. 566—A bill to be entitled An Act authorizing and empowering the City of Miami, in Dade County, Florida, to give, grant, convey, lease or sell certain real estate, commonly known and referred to as "The Graves Tract," or any other real property now owned, or hereafter acquired by the City of Miami, and not specifically reserved for other municipal purposes, to any authorized department, commission, authority or agency of the State of Florida now in existence or hereafter created, or authorized by Act of the Legislature of the State of Florida, for the purpose of establishing, maintaining and operating, or providing for the establishment, maintenance or operation of an inter-American cultural and trade center in or near the City of Miami, Florida, upon certain conditions, and providing for the reversion of said property to the City of Miami unless said conditions are complied with and maintained; providing for the effective date hereof.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 566 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 566 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 566 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 566 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. 566 was read the third time in full.

Upon the passage of Senate Bill No. 566 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 566 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier (13th)—

S. B. No. 567—A bill to be entitled An Act amending Chapter 21915 of the Laws of Florida, Acts of 1943, creating a small claims court in each county in the State of Florida having a population of 325,000 or more according to the last State or Federal Census, whichever may be later, describing the jurisdiction of said Court, providing for Justices of the Peace to be judges of said court, providing for the planning, practice and service of notice or proceedings therein, providing for a clerk and prescribing their duties.

Which was read the first time by title only.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 567 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 567 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 567 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. 567 was read the third time in full.

Upon the passage of Senate Bill No. 567 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 567 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier (13th)—

S. B. No. 568—A bill to be entitled An Act making it unlawful, from and after the effective date hereof, to build or move into Bayfront Park, located in the City of Miami, a municipal corporation of the State of Florida, any further buildings or structures; empowering the courts to enjoin any such attempt; repealing all laws and parts of laws in conflict.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 568 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 568 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 568 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 568 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. 568 was read the third time in full.

Upon the passage of Senate Bill No. 568 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 568 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Gautier (13th)—

S. B. No. 569—A bill to be entitled An Act providing that the reversionary interest in streets, alleys and other thoroughfares shall cease and determine in certain cases and that such thoroughfares are closed or vacated when such thoroughfares are not improved and used nor suit instituted for the enforcement of such reversionary interest within certain periods.

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

By Senator Gautier (13th)—

S. B. No. 570—A bill to be entitled An Act to amend Section 19 of Chapter 20722, Laws of Florida, Acts of 1941, as amended by Section 8, Chapter 22079, Laws of Florida, Acts of 1943, being Section 194.02, Florida Statutes of 1941, providing amendment to said section as to maximum amount of interest per annum for first year.

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

By Senator Johns—

S. B. No. 571—A bill to be entitled An Act amending Section 121.14, Florida Statutes 1949, relating to employment after retirement.

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

By Senator Johns—

S. B. No. 572—A bill to be entitled An Act amending Section 121.05, Florida Statutes 1941, relating to State officers and employees retirement system; providing for the election by a member thereof who is a husband, upon retiring to accept reduced monthly instalment of retirement compensation, the remainder to remain in the fund to create an annuity payable to his widow upon his death and making this Act effective.

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

By Senators Shivers and Baker—

S. B. No. 573—A bill to be entitled An Act to amend Section 341.20, Florida Statutes, relating to budget of work for State Road Department.

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

By Senator Morrow—

S. B. No. 574—A bill to be entitled An Act amending Paragraphs (d) and (e) of Sub-section (2) of Section 234.08, Florida Statutes, relating to specifications of school busses providing for exclusive coloring and safety devices.

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

By Senator Morrow—

S. B. No. 575—A bill to be entitled An Act relating to

beauty culture and to the State Board of Beauty Culture and to the procedure before said board for the revocation of certificates of registration and providing that the accused whose certificate of registration has been revoked may have an appeal from the order or judgment of said board revoking such certificate of registration, to the Circuit Court of the county in which the accused may reside, and also providing for procedure before the Circuit Court on appeal and amending Section 477.16 of the Florida Statutes relating to procedure for the revocation of certificates of registration, etc. Permitting said board to administer oaths and to subpoena witnesses.

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

By Senator Morrow—

S. B. No. 576—A bill to be entitled An Act fixing the salaries to be paid to each of the members of County School Boards of the State of Florida in counties having a population of not less than one hundred fourteen thousand (114,000) nor more than one hundred fourteen thousand eight hundred (114,800) according to the last Federal census; providing that said Act shall be retroactive to January 1, 1951; and providing that if any section, sentence or clause of said Act shall be void that then such void section, sentence or clause shall be considered as deleted and that the balance of the Act shall be and remain unaffected by such void portion.

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

By Senator Beall—

S. B. No. 577—A bill to be entitled An Act to amend Section 343.46, Florida Statutes of 1949, relating to the termination of easements and the fee in roads and other places used for travel, vacated and abandoned by the Board of County Commissioners.

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

MESSAGE FROM THE GOVERNOR

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

April 28, 1951

*Hon. Wallace E. Sturgis,
President of the Senate,
State Capitol*

Sir:

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

- S. B. NO. 46, RELATING TO DUVAL COUNTY
- S. B. NO. 50, RELATING TO TAXES
- S. B. NO. 51, RELATING TO COUNTY COMMISSIONERS
- S. B. NO. 53, RELATING TO TRAFFIC OFFICERS
- S. B. NO. 147, RELATING TO SMALL CLAIMS COURT
- S. B. NO. 153, RELATING TO COLUMBIA COUNTY
- S. B. NO. 154, RELATING TO COLUMBIA COUNTY

Respectfully,
FULLER WARREN,
Governor.

The following Message from the Honorable R. A. Gray, Secretary of State, was received and read:

Tallahassee, Florida
April 24, 1951

*Hon. Wallace E. Sturgis,
President of the Senate,
Capitol*

Dear Senator Sturgis:

In conformity with the requirements of the Constitution of the State of Florida, I herewith transmit to you, for consideration of the Senate, the following vetoed bills, with the Governor's objections attached thereto, viz:

Senate Bill No. 170

"An Act prescribing the duties of the Board of Commissioners of State Institutions of Florida relating to the providing of suitable space in some State building in the City of Tallahassee, Florida, for the functioning of the Florida Historical Society."

Senate Bill No. 263

"An Act to amend Sections 323.15 and 323.16, Florida Statutes, 1941, as amended by Chapter 22834, Laws of Florida, Acts of 1945, relating to the collection and distribution of mileage taxes; providing for the collection of said taxes by the Comptroller of the State from every auto transportation company whether the holder of a certificate or permit or not, whose transportation operations are not exempt from the provisions of Chapter 323, Florida Statutes, 1941; creating a lien for said taxes and providing for the enforcement thereof; appropriating certain portions of said tax to the General Revenue Fund; providing for the distribution of said mileage taxes among various cities and counties of the State on the basis of the 1944 distribution; and providing for payment of said tax into the General Revenue Fund in case distribution aforesaid is held unconstitutional."

Senate Bill No. 379

"An Act relating to certain coin operated machines; providing license taxes thereon; providing for affixing of decal stamps thereon; placing supervision of Act under Comptroller; providing for special inspectors and their compensation; making an appropriation; providing for disposition of license taxes collected; providing for confiscation of illegally operated machines."

Senate Bill No. 612

"An Act requiring certain poisons, whether liquid or solid, to be sold only in containers with a distinctive surface, to be prescribed by the Commissioner of Agriculture, and providing a penalty for the violation thereof."

Senate Bill No. 845

"An Act to amend Subsection (aa) of Section 7 of Chapter 12760, Laws of Florida, 1927, entitled: 'An Act to abolish the present municipal government of the City of Gainesville, in the County of Alachua, in the State of Florida, and to create, establish and organize a municipality to be known and designated as the City of Gainesville, and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges,' relating to the fixing, levy and collection of license taxes by said city."

Senate Bill No. 849

"An Act to provide for the creation, establishment and organization of a municipal corporation to be known and designated as the 'City of West Pensacola' in Escambia County, Florida; to fix and prescribe the boundaries and territorial limits of said city; to provide for its jurisdiction, powers, authority, privileges and government; to authorize said city to regulate the business of carriage or transporting passengers within the corporate limits and the adjoining suburban territory and to define said adjoining territory; to authorize the levy, assessment and collection of taxes, including excise taxes, license taxes and privilege taxes; and generally to establish the form of government of said city and to designate and appoint its municipal officers and provide for the election or appointment of their successors and to define their duties and powers; to provide for the extension of the corporate limits subject to a referendum election of qualified electors of the territory proposed to be annexed; and to provide for a referendum of qualified electors at a special election to approve this Act."

Senate Bill No. 938

"An Act granting the Game and Fresh Water Fish Com-

mission of the State of Florida the power to hold the meetings thereof at any point in the State of Florida."

Senate Bill No. 964

"An Act providing for additional powers which the City Commission of the City of Belle Glade, Florida, may exercise by ordinance; providing that such powers shall be cumulative to those already existing."

Senate Bill No. 1091

"An Act to prohibit public selling or the offering for sale of property on Sunday in counties having a population of over 315,000 according to the last State census; providing for the exceptions from the prohibitions of this Act of certain sales and certain offerings for sale; and prescribing penalties for the violation of this Act; and providing for the enjoining of violations of this Act."

Senate Bill No. 1115

"An Act to amend Section 8, Part 1, Article 1, of the charter of the City of Fort Lauderdale, Florida, being Chapter 24514, Laws of Florida, Special Acts of 1947, to change the boundaries of the City of Fort Lauderdale, Florida, so as to provide for the annexation by said city, and the inclusion within its corporate limits, of certain unincorporated territory contiguous to said city, to-wit: Government Lots Two (2), Three (3), and Four (4), and the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township Forty-nine (49) South, Range Forty-two (42) East, and also Section Twenty-five (25), Township Forty-nine (49) South, Range Forty-two (42) East, Broward County, Florida, and providing that this Act shall take effect only upon the passage of a duly enacted ordinance of the City of Fort Lauderdale, Florida, ratifying and adopting same."

Very truly yours,
R. A. GRAY,
Secretary of State

Senator Gautier (13th) moved that the rules be waived and the Senate take up and consider Senate Bill No. 170 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 170 (1949 Session):

"An Act prescribing the duties of the Board of Commissioners of State Institutions of Florida relating to the providing of suitable space in some State building in the City of Tallahassee, Florida, for the functioning of the Florida Historical Society."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

TALLAHASSEE
EXECUTIVE DEPARTMENT
STATE OF FLORIDA
June 10, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 170, enacted by the Legislature of 1949 and entitled:

"AN ACT PRESCRIBING THE DUTIES OF THE BOARD OF COMMISSIONERS OF STATE INSTITUTIONS OF FLORIDA RELATING TO THE PROVIDING OF SUITABLE SPACE IN SOME STATE BUILDING IN THE CITY OF TALLAHASSEE, FLORIDA, FOR THE FUNCTIONING OF THE FLORIDA HISTORICAL SOCIETY."

I cannot approve this bill although its purpose is a very laudable one.

The bill requires the State to furnish rent free adequate floor space and facilities in connection therewith forever in some State building in Tallahassee preferably the New Supreme Court Building, to house the library and collections of the Florida Historical Society.

While the Florida Historical Society is a very fine group of people, its aims and objectives are very laudable, nevertheless it is not a State agency, and I am afraid the State would start a dangerous precedent if it started furnishing office space and floor space to non State agencies. If space is made available to one such group, it would have to do the same for other non State groups that would make similar requests.

The State does not have sufficient State owned buildings in Tallahassee at this time to take care of the present State agencies. The State is now paying rent on considerable floor space in Tallahassee to house needed State agencies. The State is now \$60,000,000 behind its present sources of revenue, and can not obligate itself for any non essential expenditure.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 170, legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 170 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—36.

So Senate Bill No. 170 (1949 Session) failed to pass over the Governor's veto.

S. B. No. 263 (1949 Regular Session)—An Act to amend Sections 323.15 and 323.16, Florida Statutes, 1941, as amended by Chapter 22834, Laws of Florida, Acts of 1945, relating to the collection and distribution of mileage taxes; providing for the collection of said taxes by the Comptroller of the State from every auto transportation company whether the holder of a certificate or permit or not, whose transportation operations are not exempt from the provisions of Chapter 323, Florida Statutes, 1941, creating a lien for said taxes and providing for the enforcement thereof; appropriating certain portions of said tax to the General Revenue Fund; providing for the distribution of said mileage taxes among various cities and counties of the State on the basis of the 1944 distribution; and providing for payment of said tax into the General Revenue Fund in case distribution aforesaid is held unconstitutional.

Was read by title and referred to the Committee on Executive Communications, together with the Governor's objections thereto.

Senator Gautier (13th) moved that the rules be waived and the Senate take up and consider Senate Bill No. 379 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 379 (1949 Session):

"An Act relating to certain coin operated machines; providing license taxes thereon; providing for affixing of decal stamps thereon; placing supervision of act under Comptroller; providing for special inspectors and their compensation; making an appropriation; providing for disposition of license taxes collected; providing for confiscation of illegally operated machines."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
June 10, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 379, enacted by the Legislature of 1949 and entitled:

"AN ACT RELATING TO CERTAIN COIN OPERATED MACHINES; PROVIDING LICENSE TAXES THEREON; PROVIDING FOR AFFIXING OF DECAL STAMPS THEREON; PLACING SUPERVISION OF ACT UNDER COMPTROLLER; PROVIDING FOR SPECIAL INSPECTORS AND THEIR COMPENSATION; MAKING AN APPROPRIATION; PROVIDING FOR DISPOSITION OF LICENSE TAXES COLLECTED; PROVIDING FOR CONFISCATION OF ILLEGALLY OPERATED MACHINES."

This bill attempts to legalize and place a tax upon pin ball games using one or more balls. I fear, however, that this bill could be construed as having more far reaching implications than appears on the face of the bill.

Section 2 of the Act places a tax on "any coin operated game or amusement or recreational device continuance or facility operated by the movement of one or more balls." I fear that this language would have the effect of legalizing any game or device which used as a part of its operation one or more balls. This could easily include roulette, which I am informed uses only one ball in its operation.

Section 11 of the Act says "all laws or parts of laws in conflict herewith are hereby repealed." I fear that this section would revive and bring back into being the law which legalized slot machines or one armed bandits, especially if they were devised so as to use one or more balls in its operation.

Another objection to the bill is that there would be no restriction as to number and no regulation of these machines, and they could and would be placed in drug stores, lunch stands and other places in the vicinity of public schools. It is a matter of common knowledge that these machines are attractive nuisances for children, and would extract a large part of their lunch money.

Another objection to this bill is, it would authorize gambling. The Honorable Richard W. Ervin, Attorney General of Florida, in an opinion dated June 6th advised that this bill does authorize gambling as defined by the Supreme Court of Florida. I am opposed to the State going further into the gambling business, but if the Legislature of this State in its wisdom decided it should do so, I hope the decision will be made only after a full, free and frank discussion of the many problems involved in such a program. I believe the Legislature should adopt some basic tax plan which will solve our financial problems for many years to come. I do not believe our problems can be solved by basing our economy on piecemeal legislation further legalizing gambling.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 379, legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 379 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—35.

So Senate Bill No. 379 (1949 Session) failed to pass over the Governor's veto.

Senator Moore moved that the rules be waived and the Senate take up and consider Senate Bill No. 612 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 612 (1949 Session):

"An Act requiring certain poisons, whether liquid or solid, to be sold only in containers with a distinctive surface, to be prescribed by the Commissioner of Agriculture, and providing a penalty for the violation thereof."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
June 11, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III, of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 612, enacted by the Legislature of 1949, and entitled:

"AN ACT REQUIRING CERTAIN POISONS, WHETHER LIQUID OR SOLID, TO BE SOLD ONLY IN CONTAINERS WITH A DISTINCTIVE SURFACE, TO BE PRESCRIBED BY THE COMMISSIONER OF AGRICULTURE, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF."

This Act would require that poisons sold in the State of Florida be dispensed only in containers instantly distinguishable to the human touch and provides that the Commissioner of Agriculture prescribe the type of container for such poisons. Under existing laws of our State the Commissioner of Agriculture would be charged with the duty of enforcing this Act.

While I recognize the splendid motives which prompted favorable action on this measure by its sponsor and the other members of the Legislature, the application of the terms of this Act would in my opinion prove to be impractical and unenforceable.

The Act does not define poisons and its application might well be applied to any medical drug sufficiently potent to be effective, which could result in a restricted use of many important and necessary medicinal drugs in our State.

After the Commissioner of Agriculture had selected and prescribed the special type of container or containers to be used for such products, it would then be necessary for the manufacturers of such products in all parts of the United States to purchase a supply of such containers for use only in the State of Florida. It is also doubtful that any container prescribed by the Commissioner of Agriculture would be available on the open market, which would necessitate the manufacture of these special containers at additional cost.

It may be readily observed that this would result in adding materially to the cost of these products to the citizens of Florida.

It is also conceivable that the additional cost and inconvenience of preparing such products for sale in compliance with the provisions of this Act could cause a large number of manufacturers of these products to withdraw their products from the Florida market, thereby causing a condition which would inevitably lead to the bootlegging of poisons and poisonous drugs to the citizens of our State and thereby increase rather than diminish the danger from the use of such products.

In view of the fact that poisons are not defined in the Act the cost of enforcing its provisions would be prohibitive.

Aside from the foregoing, I have grave doubts as to the constitutionality of the Act for the reason that poisons and poisonous drugs are commodities handled freely in interstate commerce. Practically all of such products are manufactured by concerns outside the State of Florida and move into our State through interstate shipments. The Federal Government through the "Pure Foods and Drugs Act" has for many years regulated the manufacture, sale and use of such products by the citizens of our country. This attempt at regulation on the part of our State Legislature would in my opinion amount to a restraint on trade in interstate commerce within the meaning of the Federal Constitution.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 612, Legislative Session 1949, and do hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 612 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 612 (1949 Session) failed to pass over the Governor's veto.

Senator Shands moved that the rules be waived and the Senate take up and consider Senate Bill No. 845 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 845 (1949 Session):

"An Act to amend Subsection (aa) of Section 7 of Chapter 12760, Laws of Florida, 1927, entitled: 'An Act to abolish the present municipal government of the City of Gainesville, in the County of Alachua, in the State of Florida, and to create, establish and organize a municipality to be known and designated as the City of Gainesville, and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges,' relating to the fixing, levy and collection of license taxes by said city."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
June 9, 1940

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution, of this State, I hereby transmit to you, with my objections, Senate Bill 845, enacted by the Legislature of 1949 and entitled:

"AN ACT TO AMEND SUBSECTION (aa) OF SECTION 7 OF CHAPTER 12760, LAWS OF FLORIDA, 1927, ENTITLED: "AN ACT TO ABOLISH THE PRESENT MUNICIPAL GOVERNMENT OF THE CITY OF GAINESVILLE, IN THE COUNTY OF ALACHUA, IN THE STATE OF FLORIDA, AND TO CREATE, ESTABLISH AND ORGANIZE A MUNICIPALITY TO BE KNOWN AND DESIGNATED AS THE CITY OF GAINESVILLE, AND TO DEFINE ITS TERRITORIAL BOUNDARIES AND TO PROVIDE FOR ITS GOVERNMENT, JURISDICTION, POWERS, FRANCHISES AND PRIVILEGES," RELATING TO THE FIXING, LEVY AND COLLECTION OF LICENSE TAXES BY SAID CITY."

This Act empowers the City of Gainesville by a local Act to levy unlimited taxes, both license and excise, on sources of revenue which now comprise the major portion of state revenue, and this in disregard of general state laws. Under this Act, gasoline, beer, whiskey, cigarettes and other sources of major state revenue are subjected to unlimited taxation. The adoption of a policy allowing cities and towns by special or local Acts of the Legislature to disregard state laws and have unlimited power to impose any taxes they desire is a grave and serious threat to state sources of revenue. Any commodity can stand taxation only to a certain point, and if the saturation point of taxation is reached by the cities and towns there will be no source of state taxation left. If one city or town is permitted to do this, all others will immediately follow suit, then the state sources of revenue will be exhausted, the coffers of the State will be empty and the carrying on of present state functions will be impossible.

For the foregoing reason, I therefore withhold my approval from Senate Bill 845, Legislative Session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 845 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 845 (1949 Session) failed to pass over the Governor's veto.

Senator Beall moved that the rules be waived and the Senate take up and consider Senate Bill No. 849 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 849 (1949 Session):

"An Act to provide for the creation, establishment and organization of a municipal corporation to be known and designated as the 'City of West Pensacola' in Escambia County, Florida; to fix and prescribe the boundaries and territorial limits of said city; to provide for its jurisdiction,

powers, authority, privileges and government; to authorize said city to regulate the business of carriage or transporting passengers within the corporate limits and the adjoining suburban territory and to define said adjoining territory; to authorize the levy, assessment and collection of taxes, including excise taxes, license taxes and privilege taxes; and generally to establish the form of government of said city and to designate and appoint its municipal officers and provide for the election or appointment of their successors and to define their duties and powers; to provide for the extension of the corporate limits subject to a referendum election of qualified electors of the territory proposed to be annexed; and to provide for a referendum of qualified electors at a special election to approve this Act."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE
June 9, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 849, enacted by the Legislature of 1949 and entitled:

"AN ACT TO PROVIDE FOR THE CREATION, ESTABLISHMENT AND ORGANIZATION OF A MUNICIPAL CORPORATION TO BE KNOWN AND DESIGNATED AS THE "CITY OF WEST PENSACOLA" IN ESCAMBIA COUNTY, FLORIDA; TO FIX AND PRESCRIBE THE BOUNDARIES AND TERRITORIAL LIMITS OF SAID CITY; TO PROVIDE FOR ITS JURISDICTION, POWERS, AUTHORITY, PRIVILEGES AND GOVERNMENT; TO AUTHORIZE SAID CITY TO REGULATE THE BUSINESS OF CARRIAGE OR TRANSPORTING PASSENGERS WITHIN THE CORPORATE LIMITS AND THE ADJOINING SUBURBAN TERRITORY AND TO DEFINE SAID ADJOINING TERRITORY; TO AUTHORIZE THE LEVY, ASSESSMENT AND COLLECTION OF TAXES, INCLUDING EXCISE TAXES, LICENSE TAXES AND PRIVILEGE TAXES; AND GENERALLY TO ESTABLISH THE FORM OF GOVERNMENT OF SAID CITY AND TO DESIGNATE AND APPOINT ITS MUNICIPAL OFFICERS AND PROVIDE FOR THE ELECTION OR APPOINTMENT OF THEIR SUCCESSORS AND TO DEFINE THEIR DUTIES AND POWERS; TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS SUBJECT TO A REFERENDUM ELECTION OF QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED; AND TO PROVIDE FOR A REFERENDUM OF QUALIFIED ELECTORS AT A SPECIAL ELECTION TO APPROVE THIS ACT."

This Act empowers the City of Pensacola by a local Act to levy unlimited taxes both license and excise on sources of revenue which now comprise the major portion of State revenue, and this in disregard of general State laws. Under this Act, gasoline, beer, whiskey, cigarettes and other sources of major State revenue are subjected to unlimited taxation. The adoption of a policy allowing cities and towns by special or local Acts of the Legislature to disregard State laws and have unlimited power to impose any taxes they desire is a grave and serious threat to State sources of revenue. Any commodity can stand taxation only to a certain point, and if the saturation point of taxation is reached by the cities and towns there will be no source of State taxation left. If one city or town is permitted to do this, all others will immediately follow suit, then the State sources of revenue will be exhausted, the coffers of the State will be empty and the carrying on of present State functions will be impossible.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 849, legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 849 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 849 (1949 Session) failed to pass over the Governor's veto.

Senator Pearce moved that the rules be waived and the Senate take up and consider Senate Bill No. 938 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 938 (1949 Session):

"An Act granting the Game and Fresh Water Fish Commission of the State of Florida the power to hold the meetings thereof at any point in the State of Florida."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

June 13, 1949
TALLAHASSEE

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill 938, enacted by the Legislature of 1949 and entitled:

"AN ACT GRANTING THE GAME AND FRESH WATER FISH COMMISSION OF THE STATE OF FLORIDA THE POWER TO HOLD THE MEETINGS THEREOF AT ANY POINT IN THE STATE OF FLORIDA."

This bill would authorize the Game and Fresh Water Fish Commission a constitutional agency and administrative Board to hold official meetings at any point in the State they desired, and to promulgate rules, regulations and resolutions at these meetings which would have the same force and effect of laws. This I do not approve of.

Section I of Article 16 of the Constitution of this State fixes the seat of Government at Tallahassee, in Leon County, and I believe the affairs of Government insofar as possible should be carried on at the seat of Government. To do otherwise would lead to confusion among citizens having business before various State Boards, would result in citizens not knowing when or where to be in order to transact business with these Boards, and no doubt would increase traveling expenses of personnel and employees in attending meetings in various parts of the State.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 938, legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN
Governor

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 938 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 938 (1949 Session) failed to pass over the Governor's veto.

Senator Morrow moved that the rules be waived and the Senate take up and consider Senate Bill No. 964 (1949 Session).

Which was agreed to by a two-thirds vote and Senate Bill No. 964 (1949 Session):

"An Act providing for additional powers which the City Commission of the City of Belle Glade, Florida, may exercise by ordinance; providing that such powers shall be cumulative to those already existing."

Was taken up and read by title, together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

June 9, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 964, enacted by the Legislature of 1949 and entitled:

"AN ACT PROVIDING FOR ADDITIONAL POWERS WHICH THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA, MAY EXERCISE BY ORDINANCE; PROVIDING THAT SUCH POWERS SHALL BE CUMULATIVE TO THOSE ALREADY EXISTING."

This Act empowers the City of Belle Glade by a local Act to levy unlimited taxes on both license and excise on sources of revenue which now comprise the major portion of State revenue, and this in disregard of general State laws. Under this Act, gasoline, beer, whiskey, cigarettes and other sources of major State revenue are subjected to unlimited taxation. The adoption of a policy allowing cities and towns by special or local Acts of the Legislature to disregard State laws and have unlimited power to impose any taxes they desire is a grave and serious threat to State sources of revenue. Any commodity can stand taxation only to a certain point, and if the saturation point of taxation is reached by the cities and towns there will be no source of State taxation left. If one city or town is permitted to do this, all others will immediately follow suit, then the State sources of revenue will be

exhausted, the coffers of the State will be empty and the carrying on of present State functions will be impossible.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 964, Legislative Session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN
Governor.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 964 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 964 (1949 Session) failed to pass over the Governor's veto.

S. B. No. 1091 (1949 Regular Session)—"An Act to prohibit public selling or the offering for sale of property on Sunday in counties having a population of over 315,000 according to the last State census; providing for the exception from the prohibitions of this Act of certain sales and certain offerings for sale; and prescribing penalties for the violation of this Act; and providing for the enjoining of violations of this Act."

Was read by title and placed on the Calendar of Veto Bills, together with the Governor's objections thereto.

S. B. No. 1115 (1949 Regular Session)—"An Act to amend Section 8, Part 1, Article I, of the charter of the City of Fort Lauderdale, Florida, being Chapter 24514, Laws of Florida, Special Acts of 1947, to change the boundaries of the City of Fort Lauderdale, Florida, so as to provide for the annexation by said city, and the inclusion within its corporate limits, of certain unincorporated territory contiguous to said city, to-wit: Government Lots Two (2), Three (3), and Four (4), and the West Half (W½) of the Southwest Quarter (SW¼) of Section Thirty (30), Township Forty-nine (49) South, Range Forty-two (42) East, and also Section Twenty-five (25), Township Forty-nine (49) South, Range Forty-two (42) East, Broward County, Florida, and providing that this Act shall take effect only upon the passage of a duly enacted ordinance of the City of Fort Lauderdale, Florida, ratifying and adopting same."

Was read by title and placed on the Calendar of Veto Bills, together with the Governor's objections thereto.

Senator Wright moved that House Bill No. 1219 (1949 Session) be recalled from the Committee on Executive Communications and placed on the Calendar of Veto Bills.

Which was agreed to and it was so ordered.

Senator Wright asked unanimous consent of the Senate to take up and consider House Bill No. 1219 (1949 Regular Session) out of its order.

Which was agreed to.

H. B. No. 1219 (1949 Regular Session):—An Act authorizing and empowering the Town of DeFuniak Springs, Florida, a municipal corporation, to assess, levy and collect license taxes upon businesses, occupations and professions engaged in and carried on therein without regard to the nature, limitations or amounts levied for state and county licenses, and repealing Chapter 16393 Special Acts of Legislature of Florida 1933 and all other conflicting laws.

Was taken up and read by title, together with the following

objections thereto of the Honorable Fuller Warren, Governor of Florida.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

June 9, 1949

Honorable R. A. Gray
Secretary of State
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, House Bill 1219, enacted by the Legislature of 1949 and entitled:

"An Act authorizing and empowering the town of Defuniak Springs, Florida, a municipal corporation, to assess, levy and collect license taxes upon businesses, occupations and professions engaged in and carried on therein without regard to the nature, limitations or amounts levied for State and county licenses, and repealing Chapter 16393 Special Acts of Legislature of Florida 1933 and all other conflicting laws."

This act empowers the City of Defuniak Springs by a local Act to levy unlimited taxes both license and excise on sources of revenue which now comprise the major portion of State revenue, and this in disregard of general State laws. Under this Act, unlimited license taxes are imposed. The adoption of a policy allowing cities and towns by special or local Acts of the Legislature to disregard State laws and have unlimited power to impose any taxes they desire is a grave and serious threat to State sources of revenue. Any commodity can stand taxation only to a certain point, and if the saturation point of taxation is reached by the cities and towns there will be no source of State taxation left. If one city or town is permitted to do this, all others will immediately follow suit, then the State sources of revenue will be exhausted, the coffers of the State will be empty and the carrying on of present State functions will be impossible.

For the foregoing reasons, I therefore withhold my approval from House Bill 1219, legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of House Bill No. 1219 (1949 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So House Bill No. 1219 (1949 Regular Session) failed to pass over the Governor's veto, and the action of the Senate was ordered certified to the House of Representatives.

The following Messages from the Governor were received and read:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

April 25, 1951

Hon. Wallace E. Sturgis,
President of the Senate,
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida under the provisions of Section 28, Article III, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill No. 20, enacted by the Legislature of 1951 and 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."

The language of the bill is indefinite and incomplete and there is grave doubt as to the constitutionality of the act as written. The introducer of the bill has requested its veto. For the foregoing reasons I, therefore, withhold my approval from Senate Bill No. 20, Legislative Session of 1951, and do hereby veto the same.

Respectfully,
FULLER WARREN,
Governor.

Senate Bill No. 20 (1951 Session), contained in the above Message, together with the Governor's objections thereto, was taken up.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 20 (1951 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 20 (1951 Session) failed to pass over the Governor's veto.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE

April 25, 1951

Hon. Wallace E. Sturgis,
President of the Senate,
Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida under the provisions of Section 28, Article III, of the Constitution of the State of Florida, I hereby transmit to you with my objections Senate Bill No. 119, enacted by the Legislature of 1951 and entitled:

"AN ACT RELATING TO THE USE OF COUNTY MONEYS FOR THE PAYMENT OF COUNTY OBLIGATIONS, TRANSFERS OF MONEY FROM ONE COUNTY FUND TO ANOTHER, AND USE OF MONEYS APPROPRIATED FOR ONE PURPOSE WHEN NOT NEEDED FOR THAT PURPOSE FOR

WHICH APPROPRIATED IN THE PAYMENT OF OTHER COUNTY EXPENSES IN COUNTIES HAVING A POPULATION OF NOT LESS THAN 36,300 AND NOT MORE THAN 37,000, ACCORDING TO THE LAST PRECEDING FEDERAL CENSUS."

This bill was passed in error. It is a population bill and does not apply to the county which the introducer of the bill intended. For the foregoing reason I, therefore, withhold my approval from Senate Bill 119, Legislative Session of 1951, and do hereby veto the same.

Respectfully,
FULLER WARREN,
 Governor.

Senate Bill No. 119 (1951 Session), contained in the above Message, together with the Governor's objections thereto, was taken up.

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 119 (1951 Session) the roll was called and the vote was:

Yeas—None.

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

Nays—37.

So Senate Bill No. 119 (1951 Session) failed to pass over the Governor's veto.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,
 April 27, 1949.

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 the required Constitutional two-thirds vote of all members of the House of Representatives present, the Governor's objections to the contrary notwithstanding—

By Messrs. Elliott and Bollinger of Palm Beach, Botts of Escambia, Smith of Polk and Merritt of Escambia—

H. B. No. 879 (1949 Regular Session)—An Act authorizing the homesteading of public lands, State and County, in counties of not more than 115,000 nor less than 100,000 population according to the Florida State census of 1945, by veterans of any war in which the United States was a participant, who have been released from active service under honorable conditions; and providing for the administration of this law, and providing 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. 879 (1949 Regular Session), contained in the above Message, was read by title together with the following objections thereto of the Honorable Fuller Warren, Governor of Florida.

STATE OF FLORIDA
 EXECUTIVE DEPARTMENT
 TALLAHASSEE
 June 10, 1949

Honorable R. A. Gray
 Secretary of State
 Capitol

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, House Bill No. 879, enacted by the Legislature of 1949 and entitled:

"An Act authorizing the homesteading of public lands, State and county, in counties of not more than 115,000 nor less than 100,000 population according to the Florida State census of 1945, by veterans of any war in which the United States was a participant, who have been released from active service under honorable conditions; and providing for the administration of this law, and providing the effective date hereof."

This Act, if it becomes law, would make available for homestead purposes in favor of "any veteran of any war in which the United States was a participant" lands in three counties selected according to specified population limits applicable to Palm Beach, Escambia and Polk Counties only. I am of the opinion that the Act is unconstitutional in that although the subject is of State-wide concern and deals with land on much of which is imposed certain inalienable public trusts for the use of the general public, the bill was treated by the Legislature as a local bill on local calendar.

The Act by its terms would undertake to make all State owned land public land, including sovereignty land which the Supreme Court of this State has held to be not in the category of public land. The bill would also include all school land, the source of the greater part of the principal of the State school fund, which the Constitution declares "shall remain sacred and inviolate." The Act includes all lands, without reference to whether any are under contract of sale or lease. Much of the land defined in the Act is under long time sales and lease contracts.

The Act does not purport to set up a system of homesteading for veterans, and does not provide safe-guards, in my judgment, for the establishment of a feasible or practicable homestead system within Palm Beach County, which is principally affected. The Act by its limitations would favor a few veterans and discriminate against many.

For the foregoing reasons, I therefore withhold my approval from House Bill 879, Legislative session of 1949, and I hereby veto the same.

Respectfully,
FULLER WARREN,
 Governor.

Senator Morrow moved that the rules be waived and the Senate take up and consider House Bill No. 879 (1949 Regular Session).

Which was agreed to by a two-thirds vote.

The President put the question: "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of House Bill No. 879 (1949 Regular Session) the roll was called and the vote was:

Yeas—9.

Mr. President	Davis	Morrow
Baker	King	Ripley
Carroll	Moore	Smith

Nays—26.

Ayers	Crary	Johnston	Sanchez
Baynard	Dayton	Leaird	Shands
Boyle	Franklin	Lewis	Shivers
Brackin	Gautier (28th)	Pearce	Tucker
Branch	Gautier (13th)	Pope	Wright
Clarke	Johns	Rodgers	
Collins	Johnson	Rogells	

So House Bill No. 879 (1949 Regular Session) failed to pass over the Governor's veto, 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 27, 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 with amendments—

By Senator Baynard—

S. B. No. 49—A bill to be entitled An Act amending Section 1 of Chapter 21071, Laws of Florida, Acts of 1941, relating to Timber Wardens in certain counties and making same applicable only to counties of this State having a population of not less than two hundred thousand (200,000) and not more than two hundred seventy-five thousand (275,000) inhabitants according to the latest official census.

Which Amendments read as follows:

Amendment No. 1—

Strike everything after the enacting clause and insert "Section 1, Chapter 21071, Laws of Florida, Acts of 1951, is hereby repealed.

Section 2. This Act shall take effect immediately upon its becoming a law.

Amendment No. 2—

Strike out the title and insert the following in lieu thereof: A bill to be entitled An Act repealing Chapter 21071, Laws of Florida, Acts of 1941 relating to Timber Wardens in counties of the State having a population of not less than one hundred thousand nor more than two hundred thousand according to the last preceding Federal census.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 49, contained in the above Message, was read by title together with the House amendments thereto.

Senator Baynard moved that the Senate concur in House amendment No. 1 to Senate Bill No. 49.

Which was agreed to and the Senate concurred in House amendment No. 1 to Senate Bill No. 49.

Senator Baynard moved that the Senate concur in House amendment No. 2 to Senate Bill No. 49.

Which was agreed to and the Senate concurred in House amendment No. 2 to Senate Bill No. 49.

And Senate Bill No. 49, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, 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 30, 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 concurred in Senate amendments to:

By Messrs Bollinger of Palm Beach, Watson of Lee, Cobb of Volusia and Fascell of Dade—

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.

Which amendments read as follows:

Amendment No. 1—

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".

Amendment No. 2—

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."

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 30, 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 concurred in Senate amendments to:

By Mr. Morgan of Duval—

H. B. No. 266—A bill to be entitled An Act to provide for temporary hospitalization and confinement of persons subject to proceedings of determination of mental capacity as provided by Sections 394.20 and 394.21, Florida Statutes in counties having a population in excess of 300,000 according to the last official census; and providing for procedure and payment of costs in such proceedings.

Which amendments read as follows:

Amendment No. 1—

In Section 1, line 2, (typewritten bill) strike out the figure "300,000" and insert in lieu thereof the following: "225,000."

Amendment No. 2—

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

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 30, 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 concurred in Senate Amendments Nos. 1, 3, 4, 5, 6, 8, 9, 10 and 11, and refuses to concur in Senate Amendment No. 2 to—

By Messrs. Dowda of Putnam, Griner of Dixie, Sweeny of Volusia, Tapper of Gulf, and David of Broward.

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.

Which amendments read as follows:

Amendment No. 1—

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

Amendment No. 2—

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."

Amendment No. 3—

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."

Amendment No. 4—

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.

Amendment No. 5—

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.

Amendment No. 6—

In Section 6, (typewritten bill) strike out the period at the end of the section and insert in lieu thereof the following: ; provided however, that a rate order of a duly constituted local regulatory board or authority entered before April 3, 1951 shall be deemed to be the lawful rates charged and collected by the public utility subject to such regulatory body, and should such rate order be challenged and/or such challenge is pending before the courts of this State or the United States, such rate order shall continue in full force and effect until final determination of such litigation, or until changed by an order of the Commission, and the jurisdiction of said Board to continue said litigation, and said rates, shall continue until such final determination by the courts, and the Commission shall not interfere with the conduct of such litigation nor the jurisdiction of the Board.

Amendment No. 7—

In Section 9, lines 4 and 5 (typewritten bill) strike out the words: "but such testimony shall not be used against him in any criminal proceeding" and insert in lieu thereof the following: But no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced documentary evidence provided that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Amendment No. 8—

In Section 11, line 2 (typewritten bill) after the word "municipalities" insert the following: "Whether within or without any municipality."

Amendment No. 9—

Strike out Section 10 (typewritten bill) and insert in lieu thereof the following: Section 10. Any public utility or any person in interest dissatisfied with any order of the commission may have it reviewed by the Supreme Court by certiorari.

Amendment No. 10—

Add Section 13-A to read as follows: "13-A. No provision of this Act shall in any way affect any municipal tax or franchise tax in any manner whatsoever.

Amendment No. 11—

At the beginning of the 3rd line in the title, strike out the words: "and Electric and" and insert in lieu thereof the following: "or".

—and respectfully requests the Senate to recede from Senate Amendment No. 2.

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

Senator McArthur moved that the Senate refuse to recede from Senate Amendment No. 2 to House Bill No. 26.

Which was agreed to and the Senate refused to recede from Senate Amendment No. 2 to House Bill No. 26.

Senator McArthur moved that the President appoint a Conference Committee on the part of the Senate, and that the Speaker of the House of Representatives be requested to appoint a Conference Committee on the part of the House, to adjust the differences between the House and the Senate on Senate amendment No. 2 to House Bill No. 26.

Which was agreed to.

The President appointed Senators McArthur, Pearce and Johnson as the Conference Committee on the part of the Senate.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 30, 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—with amendments—

By Senator Branch—

S. B. No. 342—A bill to be entitled An Act relating to the re-employment rights of officers and employees of the City of Tampa entering the military service and granting to all officers and employees of the City of Tampa entering the military service since the beginning of the Korean war in June, A. D. 1950, the same re-employment rights as provided for by the statutes of the United States for employees of private employers.

Proof of publication attached.

Which amendments read as follows:

Amendment No. 1—

In Section 1, line 1, of the bill, after the word "officers," insert the following: , except elected officials,

Amendment No. 2—

In Section 1, line 7, of the bill, after the word "for" insert the words "officers and"

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 342, contained in the above Message, was read by title, together with the House amendments thereto.

Senator Branch moved that the Senate concur in House amendment No. 1 to Senate Bill No. 342.

Which was agreed to and the Senate concurred in House amendment No. 1 to Senate Bill No. 342.

Senator Branch moved that the Senate concur in House amendment No. 2 to Senate Bill No. 342.

Which was agreed to and the Senate concurred in House amendment No. 2 to Senate Bill No. 342.

And Senate Bill No. 342, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

Senator King moved that the rules be waived and the Committee on Drainage and Water Conservation be permitted to withhold reporting out of Senate Bill No. 350 for an additional ten days.

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

Senator Rodgers moved that the rules be waived and Senate Bill No. 545 be recalled from the Committee on Education and placed on the Calendar of Local Bills on Second Reading.

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

Senator Rodgers asked unanimous consent of the Senate to take up and consider Senate Bill No. 545, out of its order.

Which was agreed to.

S. B. No. 545—A bill to be entitled An Act relating to school plant construction in Orange County, Florida; prescribing ninety per cent of the amount due on the contract on the basis of work completed as the percentage which may be paid on school plant construction while work in process of construction; prohibiting payments in excess of such percentage and prohibiting final payment until building accepted by the Board of Public Instruction of Orange County, Florida; and repealing Chapter 25602, Laws of Florida, Acts of 1949.

Was taken up.

Senator Rodgers moved that the rules be waived and Senate Bill No. 545 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 545 was read the second time by title only.

Senator Rodgers moved that the rules be further waived and Senate Bill No. 545 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. 545 was read the third time in full.

Upon the passage of Senate Bill No. 545 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 545 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Moore moved that Senate Bills Nos. 239, 240 and 260 be recalled from the Committee on Judiciary "C", having been in said Committee more than ten (10) days, and placed on the Calendar of Bills on Second Reading under the rule.

And it was so ordered.

Senator Moore moved that Senate Bills Nos. 259 and 261 be recalled from the Committee on Judiciary "C", having been in said Committee more than ten (10) days, and referred to the Committee on Constitutional Amendments in accordance with the original joint reference under the rule.

And it was so ordered.

SENATE BILLS ON SECOND READING

S. B. No. 92—A bill to be entitled An Act to amend Section 731.34, Florida Statutes of 1949, relating to the Florida Probate Law, by amending the provisions thereof with respect to liability of widow's dower for proportionate share of estate and inheritance taxes.

Was taken up in its order.

Senator Collins moved that the rules be waived and Senate Bill No. 92 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 92 was read the second time by title only.

The Committee on Judiciary "B" offered the following amendment to Senate Bill No. 92:

In Section 1, line 19, (typewritten bill) after the word "any" insert the following words: "duly recorded mortgage or the lien of any"

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 Senate Bill No. 92, 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. 92, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 92, as amended, the roll was called and the vote was:

Yeas—29.

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

Nays—None.

So Senate Bill No. 92 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

S. B. No. 93—A bill to be entitled An Act to amend Section 733.37, Florida Statutes of 1949, relating to the Florida Probate Law, by amending the provisions thereof with respect to partnerships.

Was taken up in its order.

Senator Collins moved that the rules be waived and Senate Bill No. 93 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 93 was read the second time by title only.

The Committee on Judiciary "B" offered the following amendment to Senate Bill No. 93:

In Section 1, line 17 (typewritten bill), after the word "period," add the following sentence: "The interest of the decedent in the partnership shall be included in the inventory of the estate."

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Judiciary "B" also offered the following amendment to Senate Bill No. 93:

In Section 1, last line (typewritten bill) strike out the word "state," and insert in lieu thereof the following: "estate."

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 Senate Bill No. 93, 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. 93, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 93, as amended, the roll was called and the vote was:

Yeas—32.

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

Nays—None.

So Senate Bill No. 93 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Collins moved that the Senate adjourn.

Which was agreed to.

And the Senate took a recess at 12:53 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:00 o'clock P. M., pursuant to recess order.

The President in the Chair.

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

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

—37.

A quorum present.

Senator Lindler was excused from attendance upon the Session.

REPORTS OF COMMITTEES

By permission the following Reports of Committees were received:

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

S. B. No. 44—A bill to be entitled An Act relating to juvenile courts; prescribing the jurisdiction, powers, practice, pleadings, procedure, process and manner of service thereof, officers and employees, and financing of juvenile courts and other courts the name of which includes the word "juvenile"; prescribing exclusive methods of taking and detaining children in custody and prohibiting certain practices with reference to children; providing the qualifications, manner of election or employment, duties, powers, compensation, expenses, and tenure of judges and employees of such courts; requiring levying of taxes and appropriations of county funds for the expense of operation, quarters, furniture, and equipment of such courts; and repealing inconsistent general laws and special Acts.

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

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

April 30, 1951

Your Enrolling Clerk, to whom was referred—

H. C. R. No. 1	H. B. No. 335
H. B. No. 11	H. B. No. 354
H. B. No. 116	H. B. No. 367
H. B. No. 142	H. B. No. 368
H. B. No. 183	H. B. No. 370
H. B. No. 275	H. B. No. 371
H. B. No. 329	H. B. No. 372
H. B. No. 332	H. B. No. 374
H. B. No. 333	H. B. No. 384
H. B. No. 334	

—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.

By permission the following Bills were introduced:

By Senator Wright—

S. B. No. 578—A bill to be entitled An Act for the relief of Ira C. Bush and to provide for the reimbursement of Ira C. Bush, as a Superintendent of Public Instruction of Holmes County, Florida, for loss of salary in consequence of his suspension from office by the Governor of the State of Florida, under Section 15 of Article IV of the Constitution of the State of Florida, and providing for an appropriation therefor.

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

By Senator King—

S. B. No. 579—A bill to be entitled An Act authorizing the transportation of passengers in motor buses between certain airports and municipalities in all counties of the State having a population of not less than 120,000 and not more than 145,000 according to the last federal census, by all auto transportation companies operating under franchise or permit from such municipalities; exempting such operations from the payment of mileage taxes and from the jurisdiction of all State Boards, Agencies or Commissions; repealing all laws in conflict herewith and fixing the effective date of this Act.

Which was read the first time by title only.

Senator King moved that the rules be waived and Senate Bill No. 579 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 579 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 579 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. 579 was read the third time in full.

Upon the passage of Senate Bill No. 579 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 579 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives

By Senator King—

S. B. No. 580—A bill to be entitled An Act to amend Chapter 323, Florida Statutes, 1949, relating to the supervision and regulation of auto transportation companies by amending Section 323.01 of said chapter relating to definitions of the terms, language and phrases used therein; by amending Section 323.02 so as to require an interstate motor carrier to obtain a certificate of registration of its interstate authority; by amending Sections 323.03 and 323.04 so as to require payment of a fee of one hundred dollars with each application and to repeal Subsections 5 of each of said Sections; by amending Section 323.10 relating to failure of a common carrier to operate over a route or schedule or to any point or terminal or the abandonment of operation or any part of same and providing

penalty therefor; by adding a new section providing for the issuance of certificates of registration to interstate carriers holding authority from the Interstate Commerce Commission and providing the requirements and procedure for obtaining such certificates of registration and the extent of supervision and regulation of such interstate carriers under such certificates of registration; by adding a new section providing for the transfer of certificates of public convenience and necessity and the procedure therefor, and repealing all laws and parts of laws in conflict herewith.

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

SENATE BILLS ON SECOND READING

Senate Bill No. 127 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 Senate Bills on Second Reading.

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

Was taken up in its order.

Senator Davis moved that the rules be waived and Senate Bill No. 135 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 135 was read the second time by title only.

Senator Davis moved that the rules be further waived and Senate Bill No. 135 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. 135 was read the third time in full.

Upon the passage of Senate Bill No. 135 the roll was called and the vote was:

Yeas—32.

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

Nays—None.

So Senate Bill No. 135 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

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

Was taken up in its order.

Senator Baynard moved that the rules be waived and Senate Bill No. 140 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 140 was read the second time by title only.

The Committee on Judiciary "B" offered the following amendment to Senate Bill No. 140:

In Section 1, line 11, (typewritten bill) after the words "directly or indirectly interested," insert the following: "(excepting advertising in newspapers,)"

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Baynard moved that the rules be further waived

and Senate Bill No. 140, 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. 140, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 140, as amended, the roll was called and the vote was:

Yeas—34.

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

Nays—2.

Johns Johnston

So Senate Bill No. 140 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

S. B. No. 63—A bill to be entitled An Act amending Section 90.07, Florida Statutes relating to witnesses and providing that a full pardon shall restore the right of convicted perjurers to testify in the Courts of this State.

Was taken up in its order.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 63 be read the second time by title only.

Which was agreed to by a two-thirds vote.

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

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 63 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

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

Upon the passage of Senate Bill No. 63 the roll was called and the vote was:

Yeas—26.

Mr. President	Branch	Johns	Rodgers
Ayers	Collins	King	Rogells
Baker	Crary	Leaird	Sanchez
Baynard	Davis	Moore	Shivers
Beall	Dayton	Morrow	Wright
Boyle	Gautier (28th)	Pearce	
Brackin	Gautier (13th)	Pope	

Nays—8.

Carroll	Franklin	Lewis	Ripley
Clarke	Johnston	McArthur	Shands

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

Senator King presiding.

Senator Collins asked unanimous consent of the Senate to take up and consider House Bill No. 101, out of its order.

Which was agreed to.

H. B. No. 101—A bill to be entitled An Act relating to liability insurance coverage of and suits against the State of Florida, counties of the State and other political subdivisions and entities of the State, for personal injury and property damage resulting from the negligence or wrongful act of its officers, agents and employees.

Was taken up.

Senator Collins moved that the rules be waived and House Bill No. 101 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 101 was read the second time by title only.

Senator Sturgis offered the following amendment to House Bill No. 101:

In (typewritten bill) Strike out everything after the enacting clause and insert in lieu thereof the following: Section 1. In any instance where the State or a political subdivision of the State lawfully may carry and does carry liability insurance against personal injury and property damage arising by the negligent or wrongful act of the assured, the injured party may, with the consent first obtained from the assured, maintain an action against the assured on account of such injury in the amount up to but not exceeding the limits of any insurance coverage which the assured may have in the premises, and it shall be unlawful for any contract of insurance with such assured to be made void or voidable by reason of any provision prohibiting the assured from authorizing or consenting to such suit; provided, that before such suits shall be maintained the aggrieved party shall give bond or submit to such other conditions or requirements of the assured as it may deem expedient to protect itself against any expense, loss or liability in the premises.

Section 2. This Act shall be strictly construed so as to preserve the immunity of the State and its political subdivisions, boards and bureaus, free from liability for tort except in those instances where by statutory enactment the liability is specifically removed; and this Act shall not be construed as requiring any of these to carry liability insurance.

Senator Sturgis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Sturgis also offered the following amendment to House Bill No. 101:

In typewritten bill strike the title and all language following the same down to but not including the enacting clause, and insert in lieu thereof the following:

A bill to be entitled "An Act relating to the right to maintain under certain limitations suits in tort against the State of Florida, political subdivisions and agencies of the State of Florida."

Senator Sturgis 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. 101, 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. 101, as amended, was read the third time in full.

Upon the passage of House Bill No. 101, as amended, the roll was called and the vote was:

Yeas—7.

Mr. President	King	Morrow	Rogells
Brackin	Leaird	Rodgers	

Nays—29.

Ayers	Collins	Johnson	Sanchez
Baker	Crary	Johnston	Shands
Baynard	Davis	Lewis	Shivers
Beall	Dayton	McArthur	Smith
Boyle	Franklin	Moore	Wright
Branch	Gautier (28th)	Pearce	
Carroll	Gautier (13th)	Pope	
Clarke	Johns	Ripley	

So House Bill No. 101, as amended, failed to pass.

By unanimous consent Senator Collins withdrew Senate Bill No. 127.

The President presiding.

S. B. No. 66—A bill to be entitled An Act amending Subsection (2) of Section 40.01 and Subsection (1) of Section 40.07, Florida Statutes relating to disqualifications of jurors resulting from certain criminal convictions.

Was taken up in its order.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 66 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 66 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 66 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. 66 was read the third time in full.

Upon the passage of Senate Bill No. 66 the roll was called and the vote was:

Yeas—35.

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

Nays—None.

So Senate Bill No. 66 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 11—A bill to be entitled An Act to amend Section 849.09, Florida Statutes, 1949, relating to lotteries; and to provide the effective date hereof.

Was taken up in its order.

Senator Shands moved that the rules be waived and Senate Bill No. 11 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 11 was read the second time by title only.

The Committee on Judiciary "C" offered the following amendment to Senate Bill No. 11:

In (typewritten bill) after Section 2 add following section to be numbered Section 3.

"Section 3. That if any subsection, sentence, clause, phrase, provision, or part thereof, of this Act should be held to be unconstitutional by a court of competent jurisdiction, the remainder of this Act shall not be affected, but shall continue in full force and effect."

Senator Shands moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shands moved that the rules be further waived and Senate Bill No. 11, 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. 11, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 11, as amended, the roll was called and the vote was:

Yeas—33.

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

Nays—1.

Franklin

So Senate Bill No. 11 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Baynard asked unanimous consent of the Senate to take up and consider House Bill No. 51, out of its order.

Which was agreed to.

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.

Was taken up.

Senator Baynard moved that the rules be waived and House Bill No. 51 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 51 was read the second time by title only.

Senator Baynard moved that the rules be further waived and House Bill No. 51 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. 51 was read the third time in full.

Upon the passage of House Bill No. 51 the roll was called and the vote was:

Yeas—35.

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

Nays—None.

So House Bill No. 51 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Baynard withdrew Senate Bill No. 12.

S. B. No. 62—A bill to be entitled An Act to amend Section 270.11, Florida Statutes, relating to contracts for the sale of public lands and requiring the reservation of certain mineral rights in the State.

Was taken up in its order.

Senator Morrow moved that the rules be waived and Senate Bill No. 62 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 62 was read the second time by title only.

Senator Morrow offered the following amendment to Senate Bill No. 62:

In Section 1, line 7 (typewritten bill), counting from the end or bottom thereof and immediately following the word "Trustees", insert the following: "and State Board of Education."

Senator Morrow moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Morrow moved that the rules be further waived and Senate Bill No. 62, 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. 62, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 62, as amended, 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	McArthur	Shands
Brackin	Gautier (28th)	Moore	Shivers
Branch	Gautier (13th)	Morrow	Tucker
Carroll	Johns	Pearce	Wright

Nays—None.

So Senate Bill No. 62 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

By unanimous consent Senator Dayton withdrew Senate Bill No. 152.

Senator Baynard asked unanimous consent of the Senate to take up and consider House Bill No. 130, out of its order.

Which was agreed to.

H. B. No. 130—A bill to be entitled An Act to regulate or prohibit the wearing of a mask, hood or any device whereby any portion of the face is so hidden, concealed or covered as to conceal the identity of the wearer while upon the public ways in this State or while upon property of any municipality or county in this State or while upon the property of the State; prohibiting the demanding of entrance or the entrance upon the premises of another while wearing the same; prohibiting the holding of a meeting or demonstration on the property of another while wearing the same unless by written permit of the owner or occupier of the property; providing for certain exemptions from the Act; prohibiting the placing of or causing to be placed of burning or flaming crosses or exhibits of which the same are a real or simulated part in a public place; to prohibit the doing of the same on private property without first obtaining written permission of the property owner or occupier to so do; prohibiting the placing of or causing to be placed anywhere in this State an exhibit with the intent of intimidating any person; prohibiting the placing of or the causing to be placed any exhibit anywhere in this State by a person wearing a mask or any device whereby the face is so covered as to conceal the identity of the wearer; providing for the punishment for violations of this Act as crimes; defining the term "public place"; providing for the separability of the provisions of this Act; and for other purposes, including the repeal of all inconsistent law or laws.

Was taken up.

Senator Baynard moved that the rules be waived and House Bill No. 130 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 130 was read the second time by title only.

Senator Baynard moved that the rules be further waived and House Bill No. 130 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. 130 was read the third time in full.

Upon the passage of House Bill No. 130 the roll was called and the vote was:

Yeas—31.

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

Nays—6.

Davis	Moore	Tucker
Johns	Sanchez	Wright

So House Bill No. 130 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Baynard withdrew Senate Bill No. 76.

S. B. No. 116—A bill to be entitled An Act to amend Section 548.03, Florida Statutes, 1941, relating to and defining the meaning of pugilistic exhibits.

Was taken up in its order.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 116 be read the second time by title only.

Which was agreed to by a two-thirds vote.

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

Senator Gautier (13th) moved that the rules be further waived and Senate 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 Senate Bill No. 116 was read the third time in full.

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

Yeas—33.

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

Nays—2.

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

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

Was taken up in its order.

Senator Clarke moved that the rules be waived and Senate Bill No. 31 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 31 was read the second time by title only.

The Committee on Appropriations offered the following amendment to Senate Bill No. 31:

In Section 1, line 10 (typewritten bill), strike out the words and figures: "nine cents (9c)", and insert in lieu thereof the following: "seven and one-half cents (7½c)".

Senator Clarke moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Clarke moved that the rules be further waived and Senate Bill No. 31, 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. 31, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 31, as amended, the roll was called and the vote was:

Yeas—24.

Mr. President	Carroll	Johns	Morrow
Ayers	Clarke	Johnson	Rodgers
Baker	Crary	Leaird	Rogells
Baynard	Dayton	Lewis	Shands
Boyle	Gautier (28th)	McArthur	Shivers
Branch	Gautier (13th)	Moore	Smith

Nays—11.

Brackin	Johnston	Pope	Tucker
Davis	King	Ripley	Wright
Franklin	Pearce	Sanchez	

So Senate Bill No. 31 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Gautier (13th) moved that when the Senate adjourns at the morning session on Tuesday, May 1, 1951, it recess to reconvene at 3:00 o'clock P. M. on Tuesday, May 1, 1951, for a two-hour session.

Which was agreed to and it was so ordered.

Senator Crary moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:57 o'clock P. M., until 11:00 o'clock A. M. Tuesday, May 1, 1951.