

JOURNAL OF THE SENATE

Tuesday, May 1, 1951

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The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 30, 1951.

The President in the Chair.

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

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

—38

A quorum present.

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

"Our Lord and God, Thou hast brought deliverance to our Nation in every hour of peril. Do Thou strengthen and sustain our gallant defenders of liberty on Korea's blood-drenched soil. May no political feud distract from the task that may well spell either life or death to freedom's cause upon the face of the earth. Above all, may our only fear be a holy fear of Thy displeasure, for man has no bombs than can frustrate Thy sealed plans for peace and for righteousness. Grant each member of this Senate the physical strength, the moral courage, and Thy unerring counsel, to conduct the legislative work of State, to the glory of God and betterment of our people. In the Savior's name we pray, Amen."

The reading of the Journal was dispensed with.

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

Page 6, column 2, line 21, counting from the bottom of the column, strike out the word "of" and insert in lieu thereof the word "or."

Also—

Page 7, column 2, line 20, counting from the bottom of the column, strike out the word "amending" and insert in lieu thereof the words "to amend".

Also—

Page 8, column 1, between lines 7 and 8, counting from the bottom of the column, insert the following:

Proof of publication of Notice was attached to Senate Bill No. 545 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.

Also—

Page 9, column 1, line 24, counting from the bottom of the column, after the word "making" and before the letter "a" insert the word "of".

Also—

Page 9, column 2, line 18, strike out the figures "615.52" and insert in lieu thereof the figures "612.52."

And as further corrected was approved.

The Senate daily Journal of Monday, April 30, 1951, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Pearce, Chairman of the Committee on Game and Fisheries, reported that the Committee had carefully considered the following Bill:

S. B. No. 523—A bill to be entitled An Act to promote the planting, propagation and cultivation of sponges; providing for the creation by the Board of Conservation of sponge cultivation districts and for notice of their creation; empowering the Board of Conservation to make rules and regulations including those governing the taking of and cultivation; creating a division of sponge culture and office of director thereof, defining his duties; reserving the ownership of sponges in the State of Florida; making appropriation therefor and providing penalty for its violation.

—and recommends that it do pass.

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

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

S. B. No. 544—A bill to be entitled An Act amending Sections 231.17, 231.20, 231.24 and 231.30, Florida Statutes, relating to schools and education, teachers and teaching certificates and repealing Sections 231.23, 231.26 and 239.16, Florida Statutes.

—and recommends that it do pass.

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

Senator Pearce, Chairman of the Committee on Game and Fisheries, reported that the Committee had carefully considered the following Bill:

S. B. No. 231—A bill to be entitled An Act to amend Section 374.15 Subsection 2, Florida Statutes relating to the closed season for the taking of shrimp or prawn in certain areas in the Atlantic Ocean; providing penalty; effect date; repealing laws inconsistent herewith.

—and recommends that it do pass.

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

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

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

—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.

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

H. B. No. 111—A bill to be entitled An Act requiring the closing of public schools and all public offices on Memorial Day, the Thirtieth Day of May of each year.

—and recommends that the same do not pass.

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

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

S. B. No. 447—A bill to be entitled An Act to be known as the Florida Plumbing Control Act of 1951; providing for the promotion and protection of the public health and safety by requiring plumbing contractors as defined in such Act as a prerequisite to obtaining an occupational license as such to comply with certain minimum requirements including the furnishing of a performance bond; requiring employment of plumbing inspectors by counties and certain cities and prescribing their powers and duties; adopting a State Plumbing Code; providing for collection of reasonable fee for cost of inspection; providing penalties for violations; repealing Section 469.06, Florida Statutes, 1949; repealing all laws and parts of laws in conflict herewith; providing nothing herein shall limit or repeal authority of State Board of Health; and fixing the effective date of this Act.

—and the Committee reports same without recommendation.

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

ENGROSSING REPORTS

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

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.

—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. 140, 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. 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.

—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. 93, 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. 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.

—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. 92, 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. 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.

—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. 62, 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. 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.

—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. 31, 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. 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.

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

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

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.

—begs leave to report that the House 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. 342, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

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

S. B. No. 49—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.

—begs leave to report that the House 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. 49, contained in the above report was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Morrow—

S. B. No. 581—A bill to be entitled An Act relating to and providing for the eradication and control of water hyacinths in this State; for State, Federal and local cooperation in connection therewith; and prohibiting the taking, transplanting, moving, planting, buying, selling, cultivating or propagation of water hyacinths in this State.

Which was read the first time by title only and referred to the Committee on Drainage and Water Conservation.

By Senators Morrow and Beall—

S. B. No. 582—A bill to be entitled An Act relating to education; providing the basis for compensation of County Superintendents in counties of Florida having a population of not less than one hundred twelve thousand (112,000) and not more than one hundred fourteen thousand eight hundred (114,800) according to the last preceding Federal census; providing that Section 242.01 Florida Statutes 1941, as amended by Section 43 of Chapter 23726, Laws of Florida, Acts of 1947, shall not apply to or be effective in any county in Florida having a population of not less than one hundred twelve thousand (112,000) and not more than one hundred fourteen thousand eight hundred (114,800) according to the last preceding Federal census; repealing all laws or parts of laws in conflict herewith; providing that this Act shall be retroactive to April 1, 1950 and from that date forward the County Superintendents shall be paid the salaries herein provided; and providing further that if any section of this Act shall be held void such section shall be considered as deleted without affecting the remainder of the Act.

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

By Senator Gautier (13th)—

S. B. No. 583—A bill to be entitled An Act to amend Section 4 of Chapter 25363, Laws of Florida, Acts of 1949, relating to finance and taxation of public schools and the State Minimum Foundation Fund.

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

By Senator Gautier (13th)—

S. B. No. 584—A bill to be entitled An Act amending Subsection (c) of Section 1, Subsection (k) of Section 2 and the second paragraph of Section 3 of Chapter 22960, Laws of Florida, 1945, pertaining to certain powers of counties having a population of over 275,000 according to the last or any future official Federal or State census, with special reference to certain public projects and the operation and financing thereof, by enlarging the definition of the word "project," granting the Board of County Commissioners power to lease certain projects under certain conditions, and providing for the issuance of bonds without limitation as to amount.

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

By Senator Gautier (13th)—

S. B. No. 585—A bill to be entitled An Act to confer additional powers upon the City of Miami, a municipal corporation in Dade County, Florida, in relation to parking facilities; to authorize and empower said city to acquire, construct, improve, extend, enlarge, reconstruct, maintain, equip, repair and operate parking facilities within the corporate limits of the city; to provide for paying the cost of such parking facilities by the issuance of revenue bonds, payable solely from revenues; to provide for the imposition and collection of rates, rentals, fees and charges for the use of such parking facilities; to authorize the pledging to the payment of such bonds of the revenues of such parking facilities and of on street parking meters; to authorize and empower the city to prohibit or restrict the parking of motor vehicles in streets and public ways in the vicinity of such parking facilities; to grant to the city power to acquire necessary real and personal property and to exercise the power of eminent domain; to exempt from taxes and assessments such parking facilities and such bonds; to authorize the issuance of revenue re-

funding bonds; to prescribe the powers and duties of the city in connection with the foregoing and the rights and remedies of the holders of any bonds issued under the provisions of this Act.

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

Proof of publication of Notice was attached to Senate Bill No. 585 when it was introduced in the Senate and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

By Senator Gautier (13th)—

S. B. No. 586—A bill to be entitled An Act authorizing the Boards of Public Instruction in all counties of the State of Florida, having a population of not less than 450,000 inhabitants according to the latest census, State or Federal, whichever is the more recent, to establish an insurance fund for the purpose of meeting any loss to County School Board property, authorizing appropriations thereto, allowing the board by resolution to fix maximum and minimum amounts of the insurance fund, providing for disposition of amounts above the maximum amount, for the appointment of three (3) members of the Board of Public Instruction as Insurance Fund Commissioners, for the filling of vacancies occurring therein, for the election of a chairman and a secretary of the commission, granting to the commissioners authority to employ necessary clerical assistants and providing for their payment, for the investment of the fund by the commissioners in specified securities, and for the placing of insurance upon school board property with private companies, providing for the discontinuance of the fund by the unanimous vote of the Board of Public Instruction with approval of the State Board of Education.

Which was read the first time by title only.

Senator Gautier (13th) moved that the rules be waived and Senate Bill No. 586 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 586 was read the second time by title only.

Senator Gautier (13th) moved that the rules be further waived and Senate Bill No. 586 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. 586 was read the third time in full.

Upon the passage of Senate Bill No. 586 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 586 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Governmental Reorganization—

S. B. No. 587—A bill to be entitled An Act to appropriate \$10,000 for making an actuarial study of certain retirement systems in force in Florida; authorizing the Comptroller to receive bids and award contracts and pay for such studies.

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

By Senator Ripley—

S. B. No. 588—A bill to be entitled An Act to require certified copies of all local or special legislative bills which are advertised by the publication of notice of intention to apply for passage thereof as required by Article III, Section 20 of

the State Constitution and Section 11.02, Florida Statutes, to be filed with each member of the Legislature and the clerk of the Circuit Court of the county where advertised.

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

By Senator Ayers—

S. B. No. 589—A bill to be entitled An Act to authorize and direct the Railroad and Public Utilities Commission to promulgate and enforce orders and regulations to assure static-free radio reception along the public roads of the State, and providing penalty for non-compliance with such orders.

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

By Senator Brackin—

S. B. No. 590—A bill to be entitled An Act to amend Subsections (3), (7), (8), (9), (13), (14), and (15) of Section 372.57 of Florida Statutes relating to fishing, hunting and trapping license; and Subsection (2) of Section 372.573 of Florida Statutes relating to fee for permit to hunt on State controlled land.

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

MESSAGE FROM THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
April 30, 1951

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

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

S. B. No. 107, RELATING TO FLORIDA CITRUS BUILDING.

S. B. No. 109, RELATING TO FLORIDA CITRUS CODE.

Respectfully,
FULLER WARREN
Governor.

The following Communication 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 Mr. 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 bill (Extraordinary Session 1949), with the Governor's objections attached thereto, viz:

Senate Bill No. 121-X (49)

"An Act regulating the transportation of passengers in motor buses within municipalities having a population of over fifty thousand (50,000) in counties in the State of Florida having a population of not less than two hundred thousand (200,000) and not more than two hundred fifty thousand (250,000), according to the last State census, and the suburban territory adjacent thereto; prescribing the jurisdiction of the Florida Railroad and Public Utilities Commission with reference thereto; defining such transportation and suburban territory; providing how certificates of public convenience and necessity may be obtained authorizing such transportation, and repealing Chapter 23912, Laws of Florida, Acts of 1947, as it relates to municipalities having a population of over fifty thousand (50,000) in counties in the State of Florida having a population of not less than two hundred thousand (200,000) and not more than two hundred fifty

thousand (250,000), according to the last State census, as well as all other laws in conflict herewith."

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

And Senate Bill No. 121-X (49), together with the Governor's objections thereto, was referred to the Committee on Executive Communications.

Senator King moved that Senate Bill No. 263 (1949 Regular Session) be recalled from the Committee on Executive Communications.

Which was agreed to and it was so ordered.

Senator King moved that the rules be waived and the Senate take up and consider Senate Bill No. 263 (1949 Regular Session).

Which was agreed to by a two-thirds vote and Senate Bill 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 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 13, 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 263, enacted by the Legislature of 1949 and entitled:

"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."

This bill cuts in one-half the mileage tax now being paid by trucks which have been granted a certificate of public convenience and necessity or a permit authorizing them to engage in the transportation of freight over the public highways of this State and would result in a loss of revenue of over \$100,000 annually.

Even if there were any justification for a reduction in the

amount of mileage taxes, these large box cars of the highway are now paying, which there is not, now is not the time to do it.

It is a matter of public knowledge that these large overloaded box cars of the highway do more than any one single thing to wear out and destroy the highways of our State. It is well known to the members of this Legislature that the roads in this State are badly in need of considerable repair.

No class of people nor segment of industry get more benefit out of the State constructed and State maintained highways than the operators of large freight hauling trucks who are seeking to be benefited by this law. They do not have to purchase any right of way on which to carry on their business. They do not have to construct and maintain their own track or road way in order to be able to stay in business, but they thrive entirely on State constructed and State maintained highways to carry on their business.

It is a matter of common knowledge that the financial condition of this State at this time is one of the most critical in its history. The Comptroller advises me that based on the 1947 appropriations of the Legislature there will be a deficit of \$3,000,000 by September 1st. Based upon the appropriations made by the 1949 Legislature, the State must have in addition to all present sources of revenue, some 35 or 40 millions of dollars in new and additional tax revenue. The State in this critical hour cannot give up, surrender, or reduce any present tax revenue. To do so would invite disaster for the Government of Florida, and would result in a black eye for this State in the eyes of the nation that could not be overcome by all the advertising dollars we could spend.

For the foregoing reasons, I therefore withhold my approval from Senate Bill 263, 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. 263 (1949 Regular Session) the roll was called and the vote was:

Yeas—24.

Ayers	Franklin	Lewis	Sanchez
Baker	Johns	Moore	Shands
Boyle	Johnson	Morrow	Shivers
Brackin	Johnston	Pearce	Smith
Branch	King	Ripley	Tucker
Crary	Leaird	Rodgers	Wright

Nays—12.

Mr. President	Clarke	Dayton	McArthur
Baynard	Collins	Gautier (13th)	Pope
Carroll	Davis	Lindler	Rogells

So Senate Bill No. 263 (1949 Regular Session) passed by the required Constitutional two-thirds vote of all members present, the Governor's objections to the contrary notwithstanding, and the action of the Senate was ordered certified to the House of Representatives.

MESSAGES FROM 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 refused to recede from House Amendments to—

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

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

Which amendments read as follows:

Amendment No. 1—

Strike out Section 1 and insert the following in lieu thereof: Section 1. It is unlawful for a candidate for nomination or election to public office to accept any contribution in the furtherance of his or her campaign.

Amendment No. 2—

Strike out the title and insert the following in lieu thereof: A bill to be entitled An Act making it unlawful for any candidate for nomination or election to public office to accept political contributions, and providing penalties for violation of this Act.

And respectfully requests the President of the Senate to appoint a Conference Committee composed of three members of the Senate to confer with a like Committee to be appointed by the Speaker of the House of Representatives to adjust the differences existing between the two bodies on House Amendments to Senate Bill No. 8.

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

Senator Shands moved that the President appoint a Committee on the part of the Senate to confer with the Committee to be appointed by the Speaker of the House of Representatives to adjust the differences between the Senate and the House of Representatives on House amendments Nos. 1 and 2 to Senate Bill No. 8.

Which was agreed to.

And the President appointed Senators Shands, Gautier (13th) and Baynard as the Committee on the part of the Senate.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 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 granted the request of the Senate and returns herewith, for the purpose of further consideration—

By Senators Brackin, Beall and Crary—

S. B. No. 83—A bill to be entitled An Act amending Section 458.12, Florida Statutes, and adding three new and additional Sections to Chapter 458, Florida Statutes, to be known and designated as Sections 458.121, 458.122 and 458.123, all relating to the revocation, suspension, annulment and denial of licenses issued or to be issued under said Chapter 458, Florida Statutes; providing the grounds therefor and the procedure in connection therewith and for appeals from decisions and orders of the board in connection therewith.

Also—

By Senators Brackin, Beall and Crary—

S. B. No. 84—A bill to be entitled An Act amending Section 458.13, Florida Statutes, and defining medical practice, fixing certain limitations upon the practice of medicine in this State, and exempting certain things from the operation of Chapter 458, Florida Statutes.

Also—

By Senators Brackin, Beall and Crary—

S. B. No. 85—A bill to be entitled An Act providing a method for proving that a person is or is not duly licensed and qualified to practice any of the healing arts, or to practice dentistry, pharmacy or nursing under the statutes and laws of the State of Florida.

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

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 83 passed the Senate on April 24th, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 83 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 83.

Pending roll call on the passage of Senate Bill No. 83, by unanimous consent, Senator Brackin withdrew Senate Bill No. 83.

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 84 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 84 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 84.

Pending roll call on the passage of Senate Bill No. 84, by unanimous consent, Senator Brackin withdrew Senate Bill No. 84.

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 85 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 85 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 85.

Pending roll call on the passage of Senate Bill No. 85, by unanimous consent, Senator Brackin withdrew Senate Bill No. 85.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 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 granted the request of the Senate and returns herewith, for the purpose of further consideration—

By Senators Brackin, Beall and Crary—

S. B. No. 86—A bill to be entitled an Act providing for the appointment or employment of an Assistant Secretary or Secretaries for the State Board of Medical Examiners and defining his powers, duties and authority.

Also—

By Senator Gautier (13th)—

S. B. No. 314—A bill to be entitled An Act authorizing and empowering the City of Miami, a municipal corporation of the State of Florida to do any and all things necessary and expedient in order to encourage and attract new industries and to encourage the development of those industries which have located in the said City of Miami and authorizing and empowering the said City of Miami to expend moneys for such purpose; restricting this Act so that the City of Miami may not subsidize any light industry or manufacturing or lend its credit to any person, firm or corporation for the purpose of furthering any business enterprise; providing for the separability of the provisions of this Act; repealing all laws and parts of laws in conflict or inconsistent herewith.

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

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 86 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 86 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 86.

Pending roll call on the passage of Senate Bill No. 86, by unanimous consent, Senator Brackin withdrew Senate Bill No. 86.

Senator Gautier (13th) moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 314 passed the Senate on April 18, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 314 passed the Senate on April 18, 1951.

The question recurred on the passage of Senate Bill No. 314.

Pending roll call on the passage of Senate Bill No. 314, by unanimous consent, Senator Gautier (13th) withdrew Senate Bill No. 314.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 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 granted the request of the Senate and returns herewith, for the purpose of further consideration—

By Senators Brackin, Beall and Crary—

S. B. No. 80—A bill to be entitled An Act amending Section 458.05, Florida Statutes, and relating to applications to take the medical examinations in this State; the qualifications necessary to admit applicants to such examinations; penalties for practicing medicine without a license; and matters in connection therewith.

Also—

By Senators Brackin, Beall and Crary—

S. B. No. 81—A bill to be entitled An Act amending Section 458.08, Florida Statutes, and relating to the approval and classification of Medical Schools and Colleges, and of Hospitals, by the Board of Medical Examiners.

Also—

By Senators Brackin, Beall and Crary—

S. B. No. 82—A bill to be entitled An Act amending Section 458.10, Florida Statutes, relating to the amount of fees to be paid in connection with applications to take the medical examinations in this State.

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

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 80 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 80 passed the Senate on April 18, 1951.

The question recurred on the passage of Senate Bill No. 80.

Pending roll call on the passage of Senate Bill No. 80, by unanimous consent, Senator Brackin withdrew Senate Bill No. 80.

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 81 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 81 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 81.

Pending roll call on the passage of Senate Bill No. 81, by unanimous consent, Senator Brackin withdrew Senate Bill No. 81.

Senator Brackin moved that the rules be waived and the Senate reconsider the vote by which Senate Bill No. 82 passed the Senate on April 24, 1951.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 82 passed the Senate on April 24, 1951.

The question recurred on the passage of Senate Bill No. 82.

Pending roll call on the passage of Senate Bill No. 82, by

unanimous consent, Senator Brackin withdrew Senate Bill No. 82.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 1951.

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

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

By Mr. Conner of Bradford—

H. B. No. 429—A bill to be entitled An Act relating to the compensation of the clerks of the Circuit Court for services performed in suits or proceedings before the Circuit Courts in all of the counties in the State of Florida, having a population of more than 11,330 and less than 11,840, according to the most recent official census.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 429, contained in the above Message, was read the first time by title only.

Senator Johns moved that the rules be waived and House Bill No. 429 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 429 was read the second time by title only.

Senator Johns moved that the rules be further waived and House Bill No. 429 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. 429 was read the third time in full.

Upon the passage of House Bill No. 429 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So House Bill No. 429 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 1951.

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

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

By Messrs. Fuqua of Manatee and Burnsed of Baker—

H. B. No. 221—A bill to be entitled An Act authorizing Boards of County Commissioners of the several counties of the State of Florida to enter into and carry into effect contracts and agreements with each other relating to their common duties and functions, and authorizing said Boards to contribute to a central agency provided for in said contract when a common agency of said counties could perform the common duties and functions of said boards more efficiently and economically than when such duties and functions are performed by each county independently.

Also—

By Messrs. Fuqua and Rood of Manatee and Tapper of Gulf—

H. B. No. 314—A bill to be entitled An Act authorizing the Boards of County Commissioners of the several counties of the State of Florida to cause appraisal of property in said counties to be made by some company or board of appraisers to be selected by the Board of County Commissioners of each of said counties; authorizing levy of taxes and expenditures of county funds for the purpose of securing such appraisal and providing for copies of said appraisal to be deposited in the office of the Tax Assessor and in the office of the Board of County Commissioners.

—and respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 221, contained in the above Message, was read the first time by title only and referred to the Committee on County Organizations.

And House Bill No. 314, contained in the above Message, was read the first time by title only and referred to the Committee on County Organizations.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 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 refused to concur in Senate Amendment to—

By Messrs. Bryant and Ayres of Marion, Boyd and Duncan of Lake, Phillips of Hernando, Getzen of Sumter, and Williams of Citrus—

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 county 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.

Which amendment reads as follows:

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

—and respectfully requests the Senate to recede therefrom.

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

Senator Baker moved that the Senate refuse to recede from the Senate Amendment to House Bill No. 487.

Which was agreed to and the Senate refused to recede from the Senate Amendment to House Bill No. 487.

Senator Baker 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 the Senate Amendment to House Bill No. 487.

Which was agreed to.

The President appointed Senators Baker, Johnston and Dayton as the Conference Committee on the part of the Senate.

Senator Collins moved that the Senate reconsider the vote by which House Bill No. 101, as amended, failed to pass the Senate on April 30, 1951.

And the motion went over under the rule.

Senator Collins moved that the rules be waived and Senate Bills Nos. 407 and 215 which appear on the Calendar of Senate Bills on Second Reading and House Bill No. 164

which appears on the Calendar of House Bills on Second Reading be added to the Special and Continuing Order of Business for Tuesday, May 1, 1951.

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

SPECIAL AND CONTINUING ORDER OF BUSINESS

Pursuant to the motion made by Senator Collins on Thursday, April 26, 1951, the Senate took up the consideration of Senate Bill No. 404 as a Special and Continuing Order of Business.

S. B. No. 404—A bill to be entitled An Act to provide for compensation of members of the County Boards of Public Instruction in all the counties of the State and repealing all laws in conflict herewith.

Was taken up.

Senator Collins moved that the rules be waived and Senate Bill No. 404 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 404 was read the second time by title only.

Senator Collins moved that the rules be further waived and Senate Bill No. 404 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. 404 was read the third time in full.

Upon the passage of Senate Bill No. 404 the roll was called and the vote was:

Yeas—15.

Baynard	Franklin	Lewis	Ripley
Brackin	Gautier (28th)	Lindler	Shands
Carroll	Johnston	McArthur	Shivers
Collins	Leaird	Pearce	

Nays—22.

Mr. President	Crary	King	Sanchez
Ayers	Davis	Moore	Smith
Baker	Dayton	Morrow	Tucker
Beall	Gautier (13th)	Pope	Wright
Boyle	Johns	Rodgers	
Clarke	Johnson	Rogells	

So Senate Bill No. 404 failed to pass.

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

Was taken up.

Senator Collins moved that the rules be waived and Senate Bill No. 481 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 481 was read the second time by title only.

The Committee on Education offered the following amendment to Senate Bill No. 481:

In Section 1, line 25 (typewritten bill) strike out Sub-section (4).

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. 481, 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. 481, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 481, as amended, the roll was called and the vote was:

Yeas—31.

Mr. President	Baynard	Boyle	Carroll
Ayers	Beall	Brackin	Clarke

Collins	Johnson	Moore	Shands
Crary	Johnston	Morrow	Shivers
Dayton	King	Pearce	Smith
Franklin	Leaird	Pope	Tucker
Gautier (28th)	Lewis	Rodgers	Wright
Gautier (13th)	Lindler	Sanchez	

Nays—5.

Baker	Johns	Rogells
Davis	Ripley	

So Senate Bill No. 481 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Gautier (13th) moved that the Senate adjourn.

Which was agreed to.

And the Senate took a recess at 12:58 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	Rodgers
Ayers	Crary	Leaird	Rogells
Baker	Davis	Lewis	Sanchez
Baynard	Dayton	Lindler	Shands
Beall	Franklin	McArthur	Shivers
Boyle	Gautier (28th)	Moore	Smith
Brackin	Gautier (13th)	Morrow	Tucker
Branch	Johns	Pearce	Wright
Carroll	Johnson	Pope	
Clarke	Johnston	Ripley	

—38.

A quorum present.

By permission the following Reports of Committees were received:

REPORTS OF COMMITTEES

Senator Tucker, Chairman of the Committee on Corporations, reported that the Committee had carefully considered the following Bill:

S. B. No. 455—A bill to be entitled An Act adding Section 617.22 to Chapter 617, Florida Statutes, relating to corporations not for profit and restricting the use of certain words in the name thereof.

—and recommends that it do pass.

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

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

S. B. No. 233—A bill to be entitled An Act to provide that the provisions of Chapter 23795, Laws of Florida, 1947, entitled, "An Act amending Section 167.62 and 167.63 Florida Statutes, 1941, by providing that firemen of cities or towns with a population of fifteen thousand (15,000) or more shall not be required to remain on duty more than one hundred and forty-four (144) hours in any two calendar weeks, nor more than twenty-four (24) hours per day on alternate days, except during a fire emergency, and providing that the shifts shall be alternated to avoid discrimination against the members of either shift; and providing for certain exceptions," and being Section 167.631 Florida Statutes, 1949, shall in all respects apply in municipalities accepting the provisions thereof, and requiring each municipality to which said Chapter 23795 does not now apply to conduct a referendum of the electors for acceptance or rejection of said Chapter 23795 at the next general municipal election, after filing of certain petition.

And recommends that it do pass.

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

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

House Memorial No. 4—A Memorial to the Congress of the United States requesting the enactment of a Federal law forbidding the interstate transmission of racing information when the same is transmitted with such speed, detail and accuracy as to further gambling purposes.
—and recommends that it do pass.

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

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

S. B. No. 118—A bill to be entitled An Act relating to changing the names of persons; amending Section 69.02, Florida Statutes, providing certain public notice and requiring sworn petition setting forth certain facts.

S. B. No. 34—A bill to be entitled An Act to define larceny; to define and describe personal property which may be the subject of larceny; to define, prescribe, establish and describe the method, manner and means whereby and by which a person shall be deemed guilty of larceny; to prescribe the sufficiency and essentials of a warrant, indictment, and information charging larceny; to provide for a bill of particulars; etc.

S. B. No. 222—A bill to be entitled An Act to amend Section 811.92, Florida Statutes, relating to petit larceny, by adding thereto provisions prescribing an increased punishment for persons who commit petit larceny after having previously been convicted two times of petit larceny and by prescribing the procedure for imposing such increased punishment; and prescribing the effective date hereof.

S. B. No. 223—A bill to be entitled An Act providing for the recognition and enforcement through the courts of this State of the liability for taxes imposed by the laws of another State. Providing method of proof of authority of official of another State attempting to enforce collection of taxes due to such other State; and defining the term "taxes" as used in this Act.

S. B. No. 221—A bill to be entitled An Act relating to habitual criminals; specifying what shall be deemed to constitute a conviction within the contemplation of Sections 775.09, 775.10 and 775.11, Florida Statutes, and declaring the legislative intent on this point when it enacted said Statutes; and prescribing the effective date hereof.

S. B. No. 244—A bill to be entitled An Act requiring the Clerks of the Circuit Court to keep records of the process in all cases; providing for annual reports of cases pending; and providing that the Circuit Judge shall dismiss those pending cases in which no action has been taken for twelve months.

—and recommends that they do pass.

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

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

S. B. No. 263—A bill to be entitled An Act to amend Section 860.01, Florida Statutes, relating to and providing penalties for the operation of motor vehicles while intoxicated or under the influence of intoxicating liquors, so that said statute shall apply to and provide penalties for the operation of motor vehicles while under the influence of narcotic drugs; and providing the effective date hereof.

S. B. No. 379—A bill to be entitled An Act relating to punishment and providing that whenever punishment by imprisonment is prescribed the court may in its discretion, where the sentence is for a term of two years or less, direct that the imprisonment be in the county jail.

—and recommends that they do pass.

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

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

S. B. No. 158—A bill to be entitled An Act to amend Section 40.10 of Florida Statutes relating to jury lists and duties of jury commissioners in certain counties.

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

And the Bill contained in the preceding report, together with the Committee amendment attached thereto, was 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. 292—A bill to be entitled An Act amending Section 849.14, Florida Statutes 1949, relating to gambling and aiding and abetting gambling.

—and recommends that it do not pass.

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

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

S. B. No. 138—A bill to be entitled An Act amending Section 734.04, Florida Statutes, relating to the probate law; providing for the deposit of funds with the State Treasurer whenever the interest of a missing heir or beneficiary is involved and making the provisions of Section 731.33, Florida Statutes, prescribing rights and procedures in escheated estates, applicable thereto.

S. B. No. 500—A bill to be entitled An Act amending Section 26.23, Florida Statutes, relating to terms for the second judicial circuit; providing for a change in the terms.
—and recommends that they do pass.

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

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

H. B. No. 248—A bill to be entitled An Act amending Paragraph (b) of Subsection (1) of Section 733.20, Florida Statutes, relating to payment of funeral expenses of decedent in probate proceedings.

—and recommends that it do not pass.

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

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

S. B. No. 323—A bill to be entitled An Act to amend Sections 726.02, 726.03, 726.04, 726.05 and 726.06, Laws of Florida, 1941, by providing for the giving of public notice to all creditors prior to completion of the sale in bulk of goods, wares or merchandise and by adding the sale of business fixtures and/or equipment to those sales for which notice to creditors must be given.

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.

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

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

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

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

—and recommends that it do not pass.

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

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

S. B. No. 505—A bill to be entitled An Act amending Sec-

tion 372.61, Florida Statutes, 1949, relating to reports and remittances of County Judges.

S. B. No. 509—A bill to be entitled An Act to authorize savings and loan associations to reproduce by photographic or microphotographic process certain records and other documents, and making such photographs or microphotographs and reproductions therefrom admissible in evidence.

—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 Bills:

S. B. No. 346—A bill to be entitled An Act prescribing the amount and authorizing the compensation to be paid to the members of the County Boards of Public Instruction in counties of the State of Florida having a population not less than 36,300 nor more than 37,000 according to the last preceding Federal census; providing for the payment of expenses of such board members and specifying the effective date of said Act.

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.

—and the Committee reports same without recommendation.

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 Bills:

H. B. No. 153—A bill to be entitled An Act fixing the compensation of members of the Board of Public Instruction of Flagler County, Florida.

H. B. No. 447—A bill to be entitled An Act providing that the salary of the members of the Board of Public Instruction of Hernando County, Florida, shall be fifty (\$50.00) dollars per month; providing for the payment of mileage to said members; repealing all laws in conflict herewith; and providing for the effective date of this Act.

H. B. No. 508—A bill to be entitled An Act fixing the salary of the members of the Board of Public Instruction of Suwannee County, Florida.

—and the Committee reports same without recommendation.

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

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

S. B. No. 49
S. B. No. 342

—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 May 1, 1951, for his approval.

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

May 1, 1951.

Your Enrolling Clerk, to whom was referred—

H. B. No. 31	H. B. No. 499
H. B. No. 44	H. B. No. 500
H. B. No. 201	H. B. No. 506
H. B. No. 228	H. B. No. 507
H. B. No. 266	H. B. No. 510
H. B. No. 357	H. B. No. 516
H. B. No. 359	H. B. No. 549
H. B. No. 385	H. B. No. 564
H. B. No. 436	H. B. No. 565
H. B. No. 458	H. B. No. 572
H. B. No. 468	H. B. No. 611
H. B. No. 469	H. B. No. 622

—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.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,
May 1, 1949.

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

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed Messrs. Dowda, David and Sweeny as a conference committee on the part of the House to confer with a like committee on the part of the Senate to adjust the differences existing between the Senate and the House of Representatives on 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 amendment reads as follows—

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.”

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

Senator Morrow moved that Senate Bill No. 58 be recalled from the Committee on Judiciary “A”.

Which was agreed to and it was so ordered.

By unanimous consent Senator Morrow withdrew Senate Bill No. 58.

Senator Shivers moved that the rules be waived and House Bill No. 454 be recalled from the Committee on Public Roads and Highways and placed on the Calendar of Bills on Second Reading.

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

Senator Beall moved that Senate Bill No. 300 be withdrawn from the Committee on Population, having been in said Committee more than ten days, under the rule.

And it was so ordered.

Senator Beall moved that Senate Bill No. 300 be re-referred to the Committee on Judiciary “A”.

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

Senator Brackin moved that Senate Bill No. 281 be with-

drawn from the Committee on Governmental Reorganization, 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 Beall asked unanimous consent of the Senate to take up and consider Senate Bill No. 387, out of its order.

Which was agreed to.

S. B. No. 387—A bill to be entitled An Act providing that the Board of County Commissioners in and for all counties in Florida having a population of not less than 100,000 and not more than 114,000 inhabitants, according to the last official census, shall feed the prisoners that are in the county jail or may contract out such duty to other persons; sheriff to be relieved of such duty; fees are to be determined by the Board of County Commissioners.

Was taken up.

Senator Beall moved that the rules be waived and Senate Bill No. 387 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 387 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 387 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. 387 was read the third time in full.

Upon the passage of Senate Bill No. 387 the roll was called and the vote was:

Yeas—38.

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

Nays—None.

So Senate Bill No. 387 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

SPECIAL AND CONTINUING ORDER OF BUSINESS

Senate Joint Resolution No. 106:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII OF THE STATE CONSTITUTION, BY ADDING THERETO SECTION 18, PROVIDING THAT PART OF THE REVENUE DERIVED FROM THE LICENSING OF MOTOR VEHICLES SHALL BE USED FOR CAPITAL OUTLAY AND DEBT SERVICE SCHOOL PURPOSES AND PRESCRIBING THE METHOD OF DISTRIBUTION AND USE THEREOF.

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

That the following amendment to Article XII of the State Constitution, by adding thereto Section 18, providing that part of the revenue derived from the licensing of motor vehicles shall be used for capital outlay and debt service school purposes and prescribing the method of distribution and use thereof, is hereby agreed to and shall be submitted to the electors of the State for ratification or rejection at the next general election to be held in 1952, as follows:

SECTION 18 (a) That beginning January 1, 1953, and for thirty (30) years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the County Capital Outlay and Debt Service School Fund in the State Treasury, and used only as provided in this Amendment. Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The

amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred (\$400.00) dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this Amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore or hereafter provided by general law, or (2) the number of instruction units in such county for the preceding school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the State Board of Education (hereinafter called the State Board).

Such funds so distributed shall be administered by the State Board as now created and constituted by Section 3 of Article XII of the Constitution of Florida. For the purposes of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred upon said Board.

(b) The State Board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a) hereof. The State Board shall also have power, for the purpose of obtaining funds for the use of any County Board of Public Instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said State Board. All such bonds shall bear interest at not exceeding six (6) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than three (3) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding six (6) per centum per annum and shall mature prior to January 1, 1983. The State Board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the State Board shall provide.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this Amendment and to enter into any covenants and other agreement with the holders of such bond or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the State Board until after the adoption of a resolution requesting the issuance thereof by the County Board of Public Instruction of the county on behalf of which such obligations are to be issued. The State Board is hereby authorized in its discretion to limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five (75) per cent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this Amendment. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the State Board of Education but shall be issued for and on behalf of the County Board of Public Instruction requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this Amendment to the credit of each county only in the following manner and order of priority:

(1)—To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject, however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserves therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any Board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this Amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request of the Board of Public Instruction of the county and with the approval of the State Board; and provided further, that this Subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1, 1953. The Legislature shall not reduce the levies of said motor vehicle license taxes during the life of this Amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this Amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this Amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this Amendment or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

Was taken up and read the second time in full.

Senator Ripley offered the following amendment to Senate Joint Resolution No. 106:

In Paragraph 4, line 14, (typewritten bill) strike out the sentence: "All such bonds shall bear interest at not exceeding six (6) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than three (3) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding six (6) per centum per annum and shall mature prior to January 1, 1983." and insert in lieu thereof the following: "All such bonds shall bear interest at not exceeding two (2) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1963, and each annual installment shall not be less than nine (9) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding two (2) per centum per annum and shall mature prior to January 1, 1983."

Senator Ripley moved the adoption of the amendment.

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

Senator Ripley also offered the following amendment to Senate Joint Resolution No. 106:

In Paragraph 2, line 2 (typewritten bill) strike out the word and figure: "thirty (30)" and insert in lieu thereof the following: "ten (10)".

Senator Ripley moved the adoption of the amendment.

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

Senator Moore offered the following amendment to Senate Joint Resolution No. 106:

On page 7, (typewritten bill) strike out Subsection (5) and insert in lieu thereof the following: "When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to

regulations of the State Board, all such funds remaining shall be held subject to future major capital needs of such county, and if no such needs develop during the thirty (30) year period provided by this law, any credits having then accrued to the credit of such county shall, at the end of such thirty (30) year period go into the General Revenue Fund of the State of Florida."

Senator Moore moved the adoption of the amendment.

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

Senator Ripley offered the following amendment to Senate Joint Resolution No. 106:

In Paragraph 6, line 15, (typewritten bill) strike out the word: "no" and insert in lieu thereof the following: "an".

Senator Ripley moved the adoption of the amendment:

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

Senator Baynard offered the following amendment to Senate Joint Resolution No. 106:

In Page 4, line 13, (typewritten bill) strike out the words: "The State Board is hereby authorized in its discretion to" and insert in lieu thereof the following: "The State Board of Education shall".

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnston offered the following amendment to Senate Joint Resolution No. 106:

In Section 18(b), line 15, (typewritten bill) strike out the word and figure: "Six (6)" and insert in lieu thereof the following: "Four (4)".

Senator Johnston moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Johnston also offered the following amendment to Senate Joint Resolution No. 106:

In Section 18(b), line 22, (typewritten bill) strike out the word and figure: "Six (6)" and insert in lieu the following: "Four (4)".

Senator Johnston moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Leaird moved that the rules be waived and Senate Joint Resolution No. 106, 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 Joint Resolution No. 106, as amended, which reads as follows was read the third time in full:

Senate Joint Resolution No. 106:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XII OF THE STATE CONSTITUTION, BY ADDING THERETO SECTION 18, PROVIDING THAT PART OF THE REVENUE DERIVED FROM THE LICENSING OF MOTOR VEHICLES SHALL BE USED FOR CAPITAL OUTLAY AND DEBT SERVICE SCHOOL PURPOSES AND PRESCRIBING THE METHOD OF DISTRIBUTION AND USE THEREOF.

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

That the following amendment to Article XII of the State Constitution, by adding thereto Section 18, providing that part of the revenue derived from the licensing of motor vehicles shall be used for capital outlay and debt service school purposes and prescribing the method of distribution and use thereof, is hereby agreed to and shall be submitted to the electors of the State for ratification or rejection at the next general election to be held in 1952, as follows:

SECTION 18 (a) That beginning January 1, 1953, and for thirty (30) years thereafter, the first proceeds of the revenues derived from the licensing of motor vehicles to the extent necessary to comply with the provisions of this amendment, shall, as collected, be placed monthly in the County Capital Outlay and Debt Service School Fund in the State Treasury, and used only as provided in this Amendment.

Such revenue shall be distributed annually among the several counties in the ratio of the number of instruction units in each county in each year computed as provided herein. The amount of the first revenues derived from the licensing of motor vehicles to be so set aside in each year and distributed as provided herein shall be an amount equal in the aggregate to the product of four hundred (\$400.00) dollars multiplied by the total number of instruction units in all the counties of Florida. The number of instruction units in each county in each year for the purposes of this Amendment shall be the greater of (1) the number of instruction units in each county for the school fiscal year 1951-52 computed in the manner heretofore or hereafter provided by general law, or (2) the number of instruction units in such county for the preceding school fiscal year computed in the manner heretofore or hereafter provided by general law and approved by the State Board of Education (hereinafter called the State Board).

Such funds so distributed shall be administered by the State Board as now created and constituted by Section 3 of Article XII of the Constitution of Florida. For the purposes of this Amendment, said State Board, as now constituted, shall continue as a body corporate during the life of this Amendment and shall have all the powers provided in this Amendment in addition to all other constitutional and statutory powers related to the purposes of this Amendment heretofore or hereafter conferred upon said Board.

(b) The State Board shall, in addition to its other constitutional and statutory powers, have the management, control and supervision of the proceeds of the first part of the revenues derived from the licensing of motor vehicles provided for in subsection (a) hereof. The State Board shall also have power, for the purpose of obtaining funds for the use of any County Board of Public Instruction in acquiring, building, constructing, altering, improving, enlarging, furnishing, or equipping capital outlay projects for school purposes, to issue bonds or motor vehicle tax anticipation certificates, and also to issue such bonds or motor vehicle tax anticipation certificates to pay, fund or refund any bonds or motor vehicle tax anticipation certificates theretofore issued by said State Board. All such bonds shall bear interest at not exceeding four (4) per centum per annum and shall mature serially in annual installments commencing not more than three (3) years from the date of issuance thereof and ending not later than January 1, 1983, and each annual installment shall not be less than three (3) per centum of the total amount of the issue. All such motor vehicle tax anticipation certificates shall bear interest at not exceeding four (4) per centum per annum and shall mature prior to January 1, 1983. The State Board shall have power to determine all other details of said bonds or motor vehicle tax anticipation certificates and to sell at public sale after public advertisement, or exchange said bonds or motor vehicle tax anticipation certificates, upon such terms and conditions as the State Board shall provide.

The State Board shall also have power to pledge for the payment of the principal of and interest on such bonds or motor vehicle tax anticipation certificates, including refunding bonds or refunding motor vehicle tax anticipation certificates, all or any part from the anticipated revenues to be derived from the licensing of motor vehicles provided for in this amendment and to enter into any covenants and other agreement with the holders of such bond or motor vehicle tax anticipation certificates at the time of the issuance thereof concerning the security thereof and the rights of the holders thereof, all of which covenants and agreements shall constitute legally binding and irrevocable contracts with such holders and shall be fully enforceable by such holders in any court of competent jurisdiction.

No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the State Board until after the adoption of a resolution requesting the issuance thereof by the County Board of Public Instruction of the county on behalf of which such obligations are to be issued. The State Board of Education shall limit the amount of such bonds or motor vehicle tax anticipation certificates which can be issued on behalf of any county to seventy-five (75) per cent of the amount which it determines can be serviced by the revenue accruing to the county under the provisions of this Amendment. All such bonds or motor vehicle tax anticipation certificates shall be issued in the name of the State Board of Education but shall be issued for and on behalf of the County Board of Public Instruction

requesting the issuance thereof, and no election or approval of qualified electors or freeholders shall be required for the issuance thereof.

(c) The State Board shall in each year use the funds distributable pursuant to this Amendment to the credit of each county only in the following manner and order of priority:

(1)—To pay all amounts of principal and interest maturing in such year on any bonds or motor vehicle tax anticipation certificates issued under the authority hereof, including refunding bonds or motor vehicle tax anticipation certificates, issued on behalf of the Board of Public Instruction of such county; subject, however, to any covenants or agreements made by the State Board concerning the rights between holders of different issues of such bonds or motor vehicle tax anticipation certificates, as herein authorized.

(2) To establish and maintain a sinking fund or funds to meet future requirements for debt service, or reserve therefor, on bonds or motor vehicle tax anticipation certificates issued on behalf of the Board of Public Instruction of such county, under the authority hereof, whenever the State Board shall deem it necessary or advisable, and in such amounts and under such terms and conditions as the State Board shall in its discretion determine.

(3) To distribute annually to the several Boards of Public Instruction of the counties for use in payment of debt service on bonds heretofore or hereafter issued by any such Board where the proceeds of the bonds were used, or are to be used, in the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects in such county, and which capital outlay projects have been approved by the Board of Public Instruction of the county, pursuant to a survey or surveys conducted subsequent to July 1, 1947 in the county, under regulations prescribed by the State Board to determine the capital outlay needs of the county.

The State Board shall have power at the time of issuance of any bonds by any Board of Public Instruction to covenant and agree with such Board as to the rank and priority of payments to be made for different issues of bonds under this Subsection (3), and may further agree that any amounts to be distributed under this Subsection (3) may be pledged for the debt service on bonds issued by any board of Public Instruction and for the rank and priority of such pledge. Any such covenants or agreements of the State Board may be enforced by any holders of such bonds in any court of competent jurisdiction.

(4) To distribute annually to the several Boards of Public Instruction of the counties for the payment of the cost of the construction, acquisition, improvement, enlargement, furnishing, or equipping of capital outlay projects for school purposes in such county as shall be requested by resolution of the County Board of Public Instruction of such county.

(5) When all major capital outlay needs of a county have been met as determined by the State Board, on the basis of a survey made pursuant to regulations of the State Board and approved by the State Board, all such funds remaining shall be distributed annually and used for such school purposes in such county as the Board of Public Instruction of the county shall determine, or as may be provided by general law.

(d) Capital outlay projects of a county shall be eligible to participate in the funds accruing under this Amendment and derived from the proceeds of bonds and motor vehicle tax anticipation certificates and from the motor vehicle license taxes, only in the order of priority of needs, as shown by a survey or surveys conducted in the county under regulations prescribed by the State Board, to determine the capital outlay needs of the county and approved by the State Board; provided, that the priority of such projects may be changed from time to time upon the request

of the Board of Public Instruction of the county and with the approval of the State Board; and provided further, that this Subsection (d) shall not in any manner affect any covenant, agreement, or pledge made by the State Board in the issuance by said State Board of any bonds or motor vehicle tax anticipation certificates, or in connection with the issuance of any bonds of any Board of Public Instruction of any county.

(e) The State Board may invest any sinking fund or funds created pursuant to this Amendment in direct obligations of the United States of America or in the bonds or motor vehicle tax anticipation certificates, matured or to mature, issued by the State Board on behalf of the Board of Public Instruction of any county.

(f) The State Board shall have power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1, 1953. The Legislature shall not reduce the levies of said motor vehicle license taxes during the life of this Amendment to any degree which will fail to provide the full amount necessary to comply with the provisions of this Amendment and pay the necessary expenses of administering the laws relating to the licensing of motor vehicles, and shall not enact any law having the effect of withdrawing the proceeds of such motor vehicle license taxes from the operation of this Amendment and shall not enact any law impairing or materially altering the rights of the holders of any bonds or motor vehicle tax anticipation certificates issued pursuant to this Amendment or impairing or altering any covenant or agreement of the State Board, as provided in such bonds or motor vehicle tax anticipation certificates.

The State Board shall have power to appoint such persons and fix their compensation for the administration of the provisions of this Amendment as it shall deem necessary, and the expenses of the State Board in administering the provisions of this Amendment shall be prorated among the various counties and paid out of the proceeds of the bonds or motor vehicle tax anticipation certificates or from the funds distributable to each county on the same basis as such motor vehicle license taxes are distributable to the various counties under the provisions of this Amendment. Interest or profit on sinking fund investments shall accrue to the counties in proportion to their respective equities in the sinking fund or funds.

Upon the passage of Senate Joint Resolution No. 106, as amended, the roll was called and the vote was:

Yeas—36.

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

Nays—2.

Moore Ripley

So Senate Joint Resolution No. 106, as amended, passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1951 Session of the Florida Legislature, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

EXPLANATION OF VOTE

The following Explanation of Vote was filed with the Secretary:

I feel that the school system in the State of Florida has expanded terrifically since 1947, and that the building program is sound and satisfactory. I also feel that this resolution will have the effect of allowing a tremendous building program to be undertaken in the immediate future and to thereby tie up capital outlay funds to such extent that the State of Florida's whole building program for schools will be chaos

within the next fifteen years, with no means then available for capital outlay needs.

JAMES W. MOORE
Senator, 27th District

Senator Branch moved that the rules be waived and the Committee on Judiciary "A" be permitted to withhold reporting out of House Bill No. 148 for an additional ten days.

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

Senate Joint Resolution No. 220:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10 OF ARTICLE XII OF THE STATE CONSTITUTION RELATING TO SPECIAL TAX SCHOOL DISTRICTS; BY ABOLISHING THE OFFICE OF SCHOOL DISTRICT TRUSTEE AND PROVIDING THAT THE MEMBERS OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION SHALL BE VESTED WITH ALL THE POWERS AND DUTIES OF TRUSTEES.

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

Section 1. That the following amendment to Section 10 of Article XII of the State Constitution shall be submitted to the qualified electors of the State for adoption or rejection at the general election to be held in November, 1952:

Section 10. County school districts; board members; tax.—The Legislature may provide for the division of any county or counties into convenient school districts; and for the levy and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property shall vote in favor of such levy; provided, that any tax authorized by this Section shall not exceed ten (10) mills on the dollar in any one (1) year on the taxable property of the district. The office of special tax school district trustee is abolished and the members of the county boards of public instruction shall have supervision of all the schools within the districts and shall exercise and perform all powers and duties formerly vested in school district trustees.

Was taken up and read the second time in full.

Senator Collins offered the following amendment to Senate Joint Resolution No. 220:

Beginning with the second paragraph, strike out the following: Section 10. **County school districts; board members; tax.**—The legislature may provide for the division of any county or counties into convenient school districts; and insert in lieu thereof the following: Section 10. **School Districts; Board Members; Tax.**—The Legislature may provide for only one school district in any county, which district shall be county-wide;

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Collins also offered the following amendment to Senate Joint Resolution No. 220:

Strike out the title and insert in lieu thereof the following:

JOINT RESOLUTION

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10 OF ARTICLE XII OF THE STATE CONSTITUTION RELATING TO SCHOOL DISTRICTS; BY PERMITTING THE LEGISLATURE TO PROVIDE FOR ONLY ONE SCHOOL DISTRICT IN ANY COUNTY, WHICH DISTRICT SHALL BE COUNTY-WIDE; AND BY ABOLISHING THE OFFICE OF SCHOOL DISTRICT TRUSTEE AND PROVIDING THAT THE MEMBERS OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION SHALL BE VESTED WITH ALL THE POWERS AND DUTIES OF TRUSTEES.

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Collins moved that the rules be waived and Senate

Joint Resolution No. 220, 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 Joint Resolution No. 220, as amended, which reads as follows, was read the third time in full:

Senate Joint Resolution No. 220:

JOINT RESOLUTION

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10 OF ARTICLE XII OF THE STATE CONSTITUTION RELATING TO SCHOOL DISTRICTS; BY PERMITTING THE LEGISLATURE TO PROVIDE FOR ONLY ONE SCHOOL DISTRICT IN ANY COUNTY, WHICH DISTRICT SHALL BE COUNTY-WIDE; AND BY ABOLISHING THE OFFICE OF SCHOOL DISTRICT TRUSTEE AND PROVIDING THAT THE MEMBERS OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION SHALL BE VESTED WITH ALL THE POWERS AND DUTIES OF TRUSTEES.

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

Section 1. That the following amendment to Section 10 of Article XII of the State Constitution shall be submitted to the qualified electors of the State for adoption or rejection at the general election to be held in November, 1952:

Section 10. **School districts; board members; tax.**—The legislature may provide for only one school district in any county, which district shall be county-wide; and for the levy and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real, or personal property shall vote in favor of such levy; provided, that any tax authorized by this section shall not exceed ten (10) mills on the dollar in any one (1) year on the taxable property of the district. The office of special tax school district trustee is abolished and the members of the county boards of Public Instruction shall have supervision of all the schools within the districts and shall exercise and perform all powers and duties formerly vested in school district trustees.

Pending further consideration of Senate Joint Resolution No. 220, as amended, Senator Gautier (13th) moved that the rules be waived and the hour of adjournment be extended until final roll call on Senate Joint Resolution No. 220.

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

Upon the passage of Senate Joint Resolution No. 220, as amended, the roll was called and the vote was:

Yeas—22.

Mr. President	Crary	Johnston	Rogells
Beall	Davis	Leaird	Shands
Boyle	Dayton	Lindler	Shivers
Carroll	Franklin	Morrow	Smith
Clarke	Gautier (28th)	Pearce	
Collins	Gautier (13th)	Rodgers	

Nays—14.

Ayers	Johns	Moore	Tucker
Baker	Johnson	Pope	Wright
Baynard	King	Ripley	
Brackin	McArthur	Sanchez	

So Senate Joint Resolution No. 220, as amended, failed to pass by the required Constitutional three-fifths vote of all members elected to the Senate for the 1951 Session of the Florida Legislature.

Report of Conference Committee on
House Bill No. 26

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 or 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 Ref-

erence to the Rates, Service, Securities and Financing of said Utilities; Prescribing Penalties for Violations of this Act or any Order, Rate, Rule or Regulation of said Commission; Providing that the Provisions of this Act shall neither apply to Utilities owned or operated by Cooperatives Organized and Existing Under the Rural Electrification Cooperative Law of the State of Florida nor to Utilities owned or Operated by Municipalities, nor to certain natural gas pipe line transmission companies; providing that this Act Shall Not Affect Certain Rate Litigation and Refund Proceedings; Repealing all Laws or Parts of Laws in Conflict Herewith; and Providing the Effective Date of this Act.

Was taken up.

The following Conference Committee Report was received and read:

Tallahassee, Florida,

May 1, 1951

Honorable Wallace E. Sturgis
President of the Senate

Honorable B. Elliott
Speaker of the House

Gentlemen:

Your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives with reference to House Bill No. 26 begs leave to submit the following report and recommendations:

1. That the Senate recede from Senate Amendment No. 2 to the bill.

2. That the House and Senate adopt and concur in the attached amendment No. 1 to House Bill No. 26.

3. That the House and Senate adopt and concur in the attached amendment No. 2 to House Bill No. 26.

Respectfully submitted,

A. G. McArthur
Dewey M. Johnson
B. C. Pearce

Conferees on the part of the Senate.

Thos. E. David
James H. Sweeny, Jr.
Thos. B. Dowda

Conferees on the part of the House of Representatives.

Senator McArthur moved the adoption of the foregoing Conference Committee Report.

Which was agreed to.

And the Conference Committee Report was adopted.

Senator McArthur moved that the Senate recede from Senate Amendment No. 2 to House Bill No. 26, which amendment reads as follows:

Senate 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.”

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

Senator McArthur moved the adoption of Conference Committee Amendment No. 1 to House Bill No. 26 as recommended by the Conference Committee and attached to the foregoing Conference Committee Report, which amendment reads as follows:

Conference Committee Amendment No. 1—

At the end of Section 2, change the period to a comma and add the following: “nor a person supplying liquified petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, unless such person also supplies electricity, manufactured or natural gas.”

Which was agreed to and Conference Committee Amendment No. 1 was adopted.

Senator McArthur also moved the adoption of Conference Committee Amendment No. 2 to House Bill No. 26 as recommended by the Conference Committee and attached to the foregoing Conference Committee Report, which amendment reads as follows:

Conference Committee Amendment No. 2—

In the title between the words “transmission companies” and “providing that” insert: “nor a person supplying liquified petroleum gas unless such person also supplies electricity, manufactured or natural gas,”

Which was agreed to and Conference Committee Amendment No. 2 was adopted.

The question recurred upon the passage of House Bill No. 26, as further amended by the Conference Committee Amendments.

Upon the passage of House Bill No. 26, as further amended by the Conference Committee Amendments, the roll was called and the vote was:

Yeas—31.

Ayers	Collins	Lewis	Rodgers
Baker	Crary	Lindler	Rogells
Beall	Dayton	McArthur	Sanchez
Boyle	Franklin	Moore	Shands
Brackin	Gautier (28th)	Morrow	Shivers
Branch	Johnston	Pearce	Smith
Carroll	King	Pope	Wright
Clarke	Leaird	Ripley	

Nays—6.

Mr. President	Gautier (13th)	Johnson
Davis	Johns	Tucker

So House Bill No. 26 passed, as further amended by the Conference Committee amendments, and the action of the Senate was ordered certified to the House of Representatives.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 5:06 o'clock P. M., until 11:00 o'clock A. M., Wednesday, May 2, 1951.