

JOURNAL OF THE SENATE

Thursday, April 4, 1957

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The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, April 3, 1957.

The President in the Chair.

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

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend Harry B. Douglas:

Almighty God, who didst ordain that man is subject to Divine Law and hast caused man to enact such other laws as are necessary for his well being; so direct the minds and wills of these thy servants now given the awful task of law making for thy people. Give them courage to fearlessly contend against evil in all legislation, yet may they be so possessed by thy love that they will never willingly afflict or grieve any creature.

Strengthen O God, all who by their labours support these men in their tasks. Help us not only to be workers for law and justice but servants of peace and mercy, that in so doing we will witness both the establishment of law and order within our society and in some measure the coming of thy Kingdom. This we pray in the name of God the Father, who creates us, God the Son, who redeems us and God the Holy Ghost, who sustains us, this day and forever more. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 3, 1957, was corrected as follows:

Page 13, column 1, line 31, counting from the bottom of the column, strike out "three exact (4 altogether)" and insert in lieu thereof the following:

"five exact (6 altogether)".

And as corrected was approved.

The Senate daily Journal of Tuesday, April 2, 1957, was further corrected as follows:

Page 6, column 1, strike out lines 4 and 5, counting from the bottom of the column.

And as further corrected was approved.

REPORTS OF COMMITTEES

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

S. B. No. 28—A bill to be entitled An Act relating to the Florida Farm Colony; making an appropriation to supplement an existing appropriation for construction of an addition to the Farm Colony Hospital; and providing an effective date.

—and recommends that same pass.

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

ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

H. C. R. No. 4

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 3, 1957.

Very respectfully,

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

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS

AND JOINT RESOLUTIONS

By Senators Gautier, Stenstrom and Rodgers—

S. B. No. 35—A bill to be entitled An Act designating and naming state road No. 415 from the locality of Samsula, in Volusia County, to the city of Sanford, in Seminole County, the Campbell Thornal Highway.

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

By Senator Stratton—

S. B. No. 36—A bill to be entitled An Act appropriating to the Board of Commissioners of State Institutions for capital outlay—buildings and improvements for the Florida Livestock Board the sum of \$130,000 for constructing and equipping the domestic animal diagnostic disease laboratory and the poultry diagnostic disease laboratories; and providing for the effective date thereof.

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

Senator Stratton moved that the rules be waived and Senate Bill No. 36 be withdrawn from the Committee on Appropriations and placed on the Calendar of Bills on Second Reading, without reference.

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

By Senator Pope—(By Request)—

S. B. No. 37—A bill to be entitled An Act for the relief of Thomas Felton Beck of St. Johns County for injuries incurred while employed by the Florida Forestry Service; providing payments be made out of forestry funds; providing an effective date.

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

By Senator Pope—

S. B. No. 38—A bill to be entitled An Act amending Section 1, Chapter 24056, Laws of Florida, Acts of 1947, relating to compensation of supervisors of registration in counties having a population of not less than twenty-four thousand (24,000) and not more than twenty-six thousand (26,000) according to the last official census, by providing that such compensation shall be retroactive to January 1, 1950.

Which was read the first time by title only.

Senator Pope moved that the rules be waived and Senate Bill No. 38 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 38 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 38 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. 38 was read the third time in full.

Upon the passage of Senate Bill No. 38 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 38 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Pope—

S. B. No. 39—A bill to be entitled An Act relating to the municipal government of the city of St. Augustine, Florida, by providing for the creation of a citizens advisory council consisting of six (6) citizens to be appointed by the city commission; providing for the term of office for said members of the citizens advisory council; providing that said council shall adopt its own rules and by-laws for the orderly procedure of business; providing that said council shall act in an advisory capacity to the city commission in regard to establishing a sound tax structure, adoption of a comprehensive budget, the adequate financing of municipal projects and improvements, and the improvement of the general operations of the city.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 39 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Pope moved that the rules be waived and Senate Bill No. 39 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 39 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 39 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. 39 was read the third time in full.

Upon the passage of Senate Bill No. 39 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 39 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Appropriations—

S. B. No. 40—A bill to be entitled An Act making a deficiency appropriation to the Board of Commissioners of State Institutions for use of the Florida School for the Deaf and the Blind.

Which was read the first time by title only.

Senator Pope moved that the rules be waived and Senate Bill No. 40 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 40 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 40 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. 40 was read the third time in full.

Upon the passage of Senate Bill No. 40 the roll was called and the vote was:

Yeas—37.

Mr. President	Cabot	Hair	Pearce
Adams	Carlton	Hodges	Pope
Barber	Carraway	Houghton	Rawls
Beall	Clarke	Johns	Rodgers
Belser	Connor	Johnson	Rood
Bishop	Davis	Kelly	Stenstrom
Boyd	Dickinson	Kicklitter	Stratton
Brackin	Eaton	Knight	
Branch	Edwards	Morgan	
Bronson	Getzen	Neblett	

Nays—None.

So Senate Bill No. 40 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Appropriations—

S. B. No. 41—A bill to be entitled An Act authorizing the State Treasurer to employ, during periods the Legislature of Florida is in actual session and for a period of seven days thereafter, and at salaries as limited in this Act, not more than two persons to assist in legislative expense duties of the State Treasurer; appropriating money for the payment of the salaries of such employees; fixing the effective date.

Which was read the first time by title only.

Senator Carraway moved that the rules be waived and Senate Bill No. 41 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 41 was read the second time by title only.

Senator Carraway moved that the rules be further waived and Senate Bill No. 41 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. 41 was read the third time in full.

Upon the passage of Senate Bill No. 41 the roll was called and the vote was:

Yeas—37.

Mr. President	Brackin	Davis	Hodges
Adams	Branch	Dickinson	Houghton
Barber	Bronson	Eaton	Johns
Beall	Cabot	Edwards	Johnson
Belser	Carlton	Gautier	Kelly
Bishop	Carraway	Getzen	Kicklitter
Boyd	Clarke	Hair	Knight

Morgan	Pope	Road
Neblett	Rawls	Stenstrom
Pearce	Rodgers	Stratton

Nays—None.

So Senate Bill No. 41 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Morgan—

S. B. No. 42—A bill to be entitled An Act amending Section 335.03, Florida Statutes, relating to interstate highways providing the adoption by the Board of Rules and Regulations governing the budget and expending of funds for the purpose of planning and constructing of the Interstate Highway System and governing the use of rights-of-ways thereof and providing for an effective date.

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

By Senator Morgan—

S. B. No. 43—A bill to be entitled An Act relating to the State Road Department amending Sections 334.03, 334.13, 334.14, 334.15, 334.16, 334.18, 334.21, 335.05, 335.08, 335.11, 335.14, 337.14, 337.15, 337.17, 337.26, 337.27 and 339.08, Florida Statutes, providing for the employment of an Assistant State Highway Engineer of Structures; providing for the method for amending budgets; definition of roads and municipal connecting links and providing other administrative changes in the laws of the State relating to roads and providing for an effective date.

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

By Senators Barber, Carraway, Clarke and Connor—

S. B. No. 44—A bill to be entitled An Act to amend Section 659.17 (1) (b) Florida Statutes, relating to loans by state banks.

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

By Senators Connor, Barber, Carraway and Clarke—

S. B. No. 45—A bill to be entitled An Act to amend Section 659.20, Florida Statutes 1953, relating to investments by banks and trust companies.

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

By Senators Clarke, Barber, Carraway and Connor—

S. B. No. 46—A bill to be entitled An Act to amend Section 659.15, Florida Statutes relating to banks.

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

By Senators Carraway, Barber, Clarke and Connor—

S. B. No. 47—A bill to be entitled An Act to amend Section 524.01 (1) Florida Statutes relating to assignments of accounts receivable.

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

By Senators Clarke, Davis, Connor, Knight, Hodges, Stratton and Brackin—

S. B. No. 48—A bill to be entitled An Act amending Sections 516.01, 516.02, 516.03, 516.05, 516.09, 516.11, 516.12, 516.13, 516.14, 516.18, 516.20, 516.21, 516.22, and 516.26, Florida Statutes, and adding a new and additional section as to pre-existing contracts, all relating to and regulating the fees of making loans of less than six hundred dollars in this State, secured or unsecured, at a greater rate of interest than 10% per annum; prescribing the rate of interest and charges therefor; providing for state, county and municipal licensing; and prescribing penalties for the violation of this Act; providing an effective date; providing for separability if any part of this Act is found to be invalid; and repealing Sections 516.04, 516.06, 516.10, 516.25, Florida Statutes, and all laws and parts of laws in conflict with this Act.

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

By Senators Clarke, Davis, Connor, Knight, Hodges, Stratton and Brackin—

S. B. No. 49—A bill to be entitled An Act amending Sections 519.01, 519.03, 519.04, 519.07, 519.08, 519.10, 519.12, and 519.17, Florida Statutes, and regulating the business of discount consumer financing in this State and raising the amount of such loans and discounts from three to six hundred dollars.

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

By Senators Neblett, Gautier and Kelly—

S. B. No. 50—A bill to be entitled An Act relating to the annual apportionment to each county for instructional salaries; amending Paragraph (a) of Subsection (3) of Section 236.07, Florida Statutes, by providing for an increase in the amount to be included for instructional salaries, and providing an effective date.

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

By Senator Carraway—

S. B. No. 51—A bill to be entitled An Act relating to the District Court of Appeals; establishing the headquarters for the First Appellate District thereof; providing an effective date.

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

By Senator Carraway—

S. B. No. 52—A bill to be entitled An Act relating to the Crippled Children's Commission; amending Section 391.07, Florida Statutes, by repealing provision requiring Juvenile Court to determine financial ability of parents to pay for medical care and treatment of indigent crippled children and vesting such determination in the Crippled Children's Commission.

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

By Senator Carraway—

S. B. No. 53—A bill to be entitled An Act relating to assignment of accounts receivable; amending Subsection (5) of Section 524.02, Florida Statutes, relating to certain fees of the Secretary of State; and providing an effective date.

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

By Senator Carraway—

S. B. No. 54—A bill to be entitled An Act relating to formation of corporations; amending Paragraphs (h) and (i) of Subsection (2) of Section 608.03, Florida Statutes, relating to the contents of the Articles of Incorporation of Corporations; and providing an effective date.

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

By Senator Carraway—

S. B. No. 55—A bill to be entitled An Act relating to the Uniform Trust Receipts Law; amending Subsection (3) of Section 673.13, Florida Statutes, relating to the filing fee of the Secretary of State for filing statements of trust receipts transactions; providing effective date.

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

By Senator Morgan—

S. B. No. 56—A bill to be entitled An Act relating to the District Court of Appeals; establishing the headquarters for the First Appellate District thereof; providing an effective date.

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

By Senators Barber, Carraway, Connor, Pearce, Eaton and Johns—

S. B. No. 57—A bill to be entitled An Act relating to the employees and officers of the Florida Highway Patrol; amending Section 321.07, Florida Statutes, relating to base pay of the several classifications of employees and officers; creating Section 321.071, Florida Statutes, authorizing the director to assign officers to special services at additional compensation, and providing an effective date.

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

By Senators Barber, Carraway, Connor, Pearce, Eaton and Johns—

S. B. No. 58—A bill to be entitled An Act relating to the State Highway Patrol; amending Section 321.04, Florida Statutes, by authorizing additional rank classifications of members of the highway patrol; limiting the total number of patrol personnel and providing an effective date.

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

By Senators Cabot, Pope, Barber, Eaton, Houghton, Rood, Beall, Brackin, Boyd, Neblett, Carlton, Carraway and Knight—

S. B. No. 59—A bill to be entitled An Act repealing Chapter 462, Florida Statutes, 1955, relating to naturopathy; and declaring any license or authority to practice naturopathy under Chapter 462, Florida Statutes, or any prior law to be void; making unlawful the practice of naturopathy pursuant to any such license or authority; and declaring the regulation and prohibition of the practice of naturopathy to be within police power of the State.

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

By Senator Carlton—

S. B. No. 60—A bill to be entitled An Act relating to Juvenile Courts; amending Subsection (2) of Section 39.09, Florida Statutes; providing that hearings shall be open to the public, except in exceptional circumstances.

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

By Senators Carlton and Belser—

S. B. No. 61—A bill to be entitled An Act relating to Public Welfare; providing an appropriation for child welfare services authorized by Chapter 409, Florida Statutes; and providing an effective date.

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

By Senators Johns and Hodges—

S. B. No. 62—A bill to be entitled An Act relating to Confederate Widows; amending the First Paragraph of Section 291.04, Florida Statutes, by increasing said pension to one hundred dollars (\$100.00) per month.

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

By Senators Stenstrom, Eaton, Carlton and Rodgers—

S. B. No. 63—A bill to be entitled An Act relating to divorce decrees; amending Chapter 65, Florida Statutes, by adding new Sections to be numbered 65.20 and 65.21; providing that all divorce decrees be interlocutory in nature; providing a sixty (60) day period.

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

By Senators Stenstrom, Eaton, Carlton and Rodgers—

S. B. No. 64—A bill to be entitled An Act relating to divorce; amending Section 65.02, Florida Statutes, setting forth residence requirements in divorce actions.

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

By Senator Stenstrom—

S. B. No. 65—A bill to be entitled An Act relating to Brevard County; providing for maximum compensation of certain county officials; defining net income; providing effective and retroactive date.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 65 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Stenstrom moved that the rules be waived and Senate Bill No. 65 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 65 was read the second time by title only.

Senator Stenstrom moved that the rules be further waived and Senate Bill No. 65 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. 65 was read the third time in full.

Upon the passage of Senate Bill No. 65 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kicklitter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 65 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Stenstrom—

S. B. No. 66—A bill to be entitled An Act relating to notice of sale of public lands; amending Section 270.08, Florida Statutes; providing for recording by Clerk of Circuit Court.

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

By Senator Stenstrom—

S. B. No. 67—A bill to be entitled An Act relating to tax deeds, amending Section 194.17, Florida Statutes, providing for recording of proof of publication of Notice.

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

By Senator Kelly—

S. B. No. 68—A bill to be entitled An Act relating to the District Court of Appeals establishing headquarters for the Second Appellate District thereof; providing an effective date.

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

By Senator Johnson—

S. B. No. 69—A bill to be entitled An Act to provide that certified mail may be used instead of registered mail in serving notices.

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

By Senator Belser—

S. B. No. 70—A bill to be entitled An Act relating to school

personnel; amending Subsection (3) of Section 236.02, Florida Statutes, by adding Paragraph (e); providing twelve (12) payment schedule for bus drivers.

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

By Senator Belser—

S. B. No. 71—A bill to be entitled An Act relating to State and County retirement system; amending Section 122.03, Florida Statutes, by adding thereto a new Subsection to be designated Subsection (6), providing that official court reporters may claim credit for prior service as deputy court reporters; method.

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

By Senator Belser—

Senate Concurrent Resolution No. 72:

A CONCURRENT RESOLUTION TO DECLARE THE SUPREME COURT DECISIONS OF MAY 17, 1954 AND MAY 31, 1955, IN THE SCHOOL SEGREGATION CASES, AND ALL SIMILAR DECISIONS, BY THE SUPREME COURT NULL, VOID AND OF NO EFFECT; TO DECLARE THAT A CONTEST OF POWERS HAS ARISEN BETWEEN THE STATE OF FLORIDA AND THE SUPREME COURT OF THE UNITED STATES; TO INVOKE THE DOCTRINE OF INTERPOSITION; AND FOR OTHER PURPOSES.

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

That the Legislature of Florida doth hereby unequivocally express a firm and determined resolution to maintain and defend the Constitution of the United States, and the Constitution of this State against every attempt, whether foreign or domestic, to undermine and destroy the fundamental principles, embodied in our basic law, by which the liberty of the people and the sovereignty of the States, in their proper spheres, have been long protected and assured;

That the Legislature of Florida doth explicitly and pre-emptorily declare that it views the powers of the Federal Government as resulting solely from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument creating that compact;

That the Legislature of Florida asserts that the powers of the Federal Government are valid only to the extent that these powers have been enumerated in the compact to which the various States assented originally and to which the States have assented in subsequent amendments validly adopted and ratified;

That the very nature of this basic compact, apparent upon its face, is that the ratifying States, parties thereto, have agreed voluntarily to surrender certain of their sovereign rights, but only certain of these sovereign rights, to a Federal Government thus constituted; and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, have been reserved to the States respectively, or to the people;

That the State of Florida has at no time surrendered to the General Government its right to maintain racially separate public schools and other public facilities;

That the State of Florida, in ratifying the Fourteenth Amendment to the Constitution, did not agree, nor did the other States ratifying the Fourteenth Amendment agree, that the power to operate racially separate public schools and other facilities was to be prohibited to them thereby;

And as evidence of such understanding, the Legislature of Florida notes that the very Congress that submitted the Fourteenth Amendment for ratification established separate schools in the District of Columbia and that in more than one instance the same State Legislatures that ratified the Fourteenth Amendment also provided for systems of racially separate public schools;

That the Legislature of Florida denies that the Supreme Court of the United States had the right which it asserted in the school cases decided by it on May 17, 1954, to enlarge the

language and meaning of the compact by the States in an effort to withdraw from the States powers reserved to them and as daily exercised by them for almost a century;

That a question of contested power has arisen; the Supreme Court of the United States asserts, for its part, that the States did in fact prohibit unto themselves the power to maintain racially separate public institutions and the State of Florida, for its part, asserts that it and its sister States have never surrendered such right;

That this assertion upon the part of the Supreme Court of the United States, accompanied by threats of coercion and compulsion against the sovereign States of this Union, constitutes a deliberate, palpable, and dangerous attempt by the Court to prohibit to the States certain rights and powers never surrendered by them;

That the Legislature of Florida asserts that whenever the General Government attempts to engage in the deliberate, palpable and dangerous exercise of powers not granted to it, the States who are parties to the compact have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them;

That failure on the part of this State thus to assert its clear rights would be construed as acquiescence in the surrender thereof; and that such submissive acquiescence to the seizure of one right would in the end lead to the surrender of all rights, and inevitably to the consolidation of the States into one sovereignty, contrary to the sacred compact by which this Union of States was created;

That the question of contested power asserted in this resolution is not within the province of the court to determine because the Court itself seeks to usurp the powers which have been reserved to the States, and, therefore, under these circumstances, the judgment of all of the parties to the compact must be sought to resolve the question. The Supreme Court is not a party to the compact, but a creature of the compact and the question of contested power should not be settled by the creature seeking to usurp the power, but by the parties to the compact who are the people of the respective States in whom ultimate sovereignty finally reposes;

That the Constitution of the State of Florida provides for full benefits to all its citizens with reference to educational facilities and under the Laws of Florida enacted by the Legislature through the Minimum Foundation Program its citizens under states' rights, all are being educated under the same general law and all teachers are being employed under identical educational qualifications and all are certified by the State Board of Education alike, which enables the people, themselves, in Florida to provide an educational establishment serviceable and satisfactory and in keeping with the social structure of the state. The people of Florida do not consent to changing state precedents and their rights by having doctrines thrust upon them by naked force alone, as promulgated in the school cases of May 17, 1954, and May 31, 1955;

That the doctrines of said decisions should not be forced upon the citizens of this State for the Court was without jurisdiction, power or authority to interfere with the sovereign power of the State in the operation, supervision and control of the personnel and the beneficiaries of our State Education System, paid for by State taxes and supported by citizens of Florida;

That the Court was without jurisdiction of said cases because (1) the jurisdiction of the Court granted by the Constitution is limited to judicial cases in law and equity, and said cases were not of a judicial nature and character, nor did they involve controversies in law or equity, but, on the contrary, the great subjects of the controversy are of a legislative character, and not a judicial character, and are determinable only by the people themselves speaking through their legislative bodies; (2) the essential nature and effect of the proceedings relating exclusively to public schools operated by and under the authority of States, and pursuant to State laws and regulations, said cases were suits against the States, and the Supreme Court was without power or authority to try said cases, brought by individuals against States, because the Constitution forbids the Court to entertain suits by individuals against a State unless the State has consented to be sued;

That if said Court had had jurisdiction and authority to try and determine said cases, it was powerless to interfere with the operation of the public schools of States, because the Constitution of the United States does not confer upon the General Government any power or authority over such schools or over the subject of education, jurisdiction over these matters being reserved to the States, nor did the States by the Fourteenth Amendment authorize any interference on the part of the Judicial Department or any other department of the Federal Government with the operation by the States of such public schools as they might in their discretion see fit to establish and operate;

That by said cases the Court announces its power to adjudicate State laws unconstitutional upon the basis of the Court's opinion of such laws as tested by rules of the inexact and speculative theories of psychological knowledge, which power and authority is beyond the jurisdiction of said Court;

That if the Court is permitted to exercise the power to judge the nature and effect of a law by supposed principles of psychological theory, and to hold the statute or Constitution of a State unconstitutional because of the opinions of the Judges as to its suitability, the States will have been destroyed, and the indestructible Union of Indestructible States established by the Constitution of the United States will have ceased to exist, and in its stead the Court will have created, without jurisdiction or authority from the people, one central government of total power.

That implementing its decision of May 17, 1954, said Court on May 31, 1955, upon further consideration of said cases, said: "All provisions of Federal, State, or local law . . . must yield" to said decision of May 17, 1954; said Court thereby presuming arrogantly to give orders to the State of Florida;

That it is clear that said Court has deliberately resolved to disobey the Constitution of the United States, and to flout and defy the Supreme Law of the Land;

That the State of Florida has the right to operate and maintain a public school system utilizing such educational methods therein as in her judgment are conducive to the welfare of those to be educated and the people of the State generally, this being a governmental responsibility which the State has assumed lawfully, and her rights in this respect have not in any wise been delegated to the Central Government, but, on the contrary, she and the other States have reserved such matters to themselves by the terms of the Tenth Amendment. Being possessed of this lawful right, the State of Florida is possessed of power to repel every unlawful interference therewith;

That the duty and responsibility of protecting life, property and the priceless possessions of freedom rests upon the Government of Florida as to all those within her territorial limits. The State alone has this responsibility. Laboring under this high obligation she is possessed of the means to effectuate it. It is the duty of the State in flagrant cases such as this to interpose its powers between its people and the effort of said Court to assert an unlawful dominion over them; THEREFORE,

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

Section 1. That said decisions and orders of the Supreme Court of the United States relating to separation of the races in the public institutions of a State as announced and promulgated by said Court on May 17, 1954, and May 31, 1955, are null, void and of no force or effect.

Section 2. That the elected representatives of the people of Florida do now seriously declare that it is the intent and duty of all officials, state and local, to observe, honorably, legally and constitutionally, all appropriate measures available to resist this illegal encroachment upon the sovereign powers of this State.

Section 3. That we urge firm and deliberate efforts to check this and further encroachment on the part of the Federal Government, and on the part of said Court through judicial legislation, upon the reserved powers of all the States' powers never surrendered by the remotest implication but expressly reserved and vitally essential to the separate and

independent autonomy of the States in order that by united efforts the States may be preserved.

Section 4. That a copy of this Resolution be transmitted by His Excellency The Governor to the Governor and Legislature of each of the other States, to the President of the United States, to each of the Houses of Congress, to Florida's Representatives and Senators in the Congress, and to the Supreme Court of the United States for its information.

Which was read the first time in full and referred to the Committee on Governmental Reorganization.

By Senator Belser—

Senate Joint Resolution No. 73:

A JOINT RESOLUTION PROPOSING AMENDMENTS TO ARTICLE VI OF THE CONSTITUTION, RELATING TO THE RIGHT OF SUFFRAGE AND ELIGIBILITY, BY AMENDING SECTIONS 1 AND 3 THEREOF PERTAINING TO THE MINIMUM AGE AND OATH OF ELECTORS.

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

That the following amendments to article VI, sections 1 and 3 of the Constitution of Florida are hereby agreed and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November, A. D. 1958, as follows:

Section 1. **Electors.**—Every person of the age of eighteen (18) years and upward that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one (1) year and in the county for six (6) months, shall in such county be deemed a qualified elector at all elections under this constitution. Naturalized citizens of the United States at the time of and before registration shall produce to the registration officer their certificates of naturalization or duly certified copies thereof.

Section 3. **Oath of electors.**—Every elector shall at the time of his registration take and subscribe to the following oath:

"I do solemnly swear or affirm that I will protect and defend the constitution of the United States and the State of Florida, that I am eighteen (18) years of age, and have been a resident of the State of Florida for twelve (12) months and of this county for six (6) months, and I am qualified to vote under the constitution and laws of the State of Florida."

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

By Senator Belser—

S. B. No. 74—A bill to be entitled An Act relating to public aid to needy persons who are permanently and totally disabled; repealing subsection (9) of Section 409.40, Florida Statutes.

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

By Senator Belser—

S. B. No. 75—A bill to be entitled An Act relating to state welfare; amending the introductory or explanatory paragraph of Section 409.16, Florida Statutes; increasing the amount of monthly old age assistance.

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

By Senator Belser—

S. B. No. 76—A bill to be entitled An Act relating to the administration of the State Alcoholic Beverage Law; amending Subsection (1) of Section 561.29, Florida Statutes, by limiting the convictions for which licenses may be suspended or revoked to those by a criminal court.

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

By Senator Bronson—

Senate Resolution No. 77:

A RESOLUTION PROVIDING FOR PAY OF OFFICERS

AND ATTACHES INCLUDING INDEXERS OF THE SENATE;
AND MILEAGE FOR MEMBERS.

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

Section 1. That all officers and attaches, including indexers of the Senate shall receive twelve dollars (\$12.00) per day except messengers and pages who shall receive eight dollars (\$8.00) per day.

Section 2. That all attaches including indexers of the Senate shall be entitled to and receive additional compensation for additional services they perform both before and after the 1957 session of the legislature upon their names and amounts therefor being certified to the comptroller by the chairman of the legislative management of the Senate.

Section 3. That each member of the Senate shall receive payment for mileage between their homes and the seat of government for eight (8) round trips during the 1957 session of the Legislature as provided by section 11.13, Florida Statutes, irrespective of the number of trips actually traveled.

Which was read the first time in full and referred to the Committee on Legislative Management and Population.

By Senators Bishop, Pope and Gautier—

S. B. No. 78—A bill to be entitled An Act relating to female employees; amending Chapter 448, Florida Statutes, by limiting the number of compulsory work days of female employees.

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

By Senator Cabot—

S. B. No. 79—A bill to be entitled An Act to abolish the present municipal government of City of Fort Lauderdale in the County of Broward and State of Florida, and to establish, organize and constitute a municipality to be known as "City of Fort Lauderdale"; to provide a charter for said city; to fix its territorial limits and boundaries; to provide for its government; and to prescribe its jurisdiction, powers and duties.

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. 79 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 the Committee on Finance and Taxation—

Senate Resolution No. 80:

A RESOLUTION CONCERNING REFERENCE OF ALL MEASURES RELATING TO REVENUES AFFECTING STATE OR LOCAL GOVERNMENT.

WHEREAS, The State of Florida depends largely upon excise taxes for its revenue, and measures granting extensive taxing powers to local government adversely affects State revenues; and

WHEREAS, It has been the policy of the Senate in the past to give its finance and taxation committee full opportunity to study all such measures prior to final action, and your finance and taxation committee for the 1957 session deems it necessary that such policy be continued, NOW, THEREFORE,

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

1. That all measures, local and general, granting or extending taxing powers to local governments be referred to the Committee on Finance and Taxation.

2. This Resolution shall apply to measures originating in either the Senate or the House of Representatives.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 80 was adopted.

By Senator Belser—

S. B. No. 81—A bill to be entitled An Act relating to school personnel; amending Section 231.48, Florida Statutes; providing sick leave for bus drivers.

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

Senator Carraway, Chairman of the Committee on Appropriations, moved that the Committee on Appropriations be allowed until ten days after the general appropriation bill is completed before being required to report on any other bills referred to the committee.

Which was agreed to and it was so ordered.

MESSAGE FROM THE GOVERNOR

The following Communication from the Governor was read:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT

TALLAHASSEE
April 2, 1957

GENTLEMEN OF THE LEGISLATURE:

In pursuance of the requirement of Section II of Article IV of the State Constitution, I have the honor to transmit herewith a report covering every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon, or reprieve, since making report to the Legislature, April 5, 1955.

Respectfully submitted,

LeROY COLLINS
Governor

And the report referred to in the foregoing Communication from the Governor was filed.

The following Communications were read:

MISSISSIPPI STATE SENATE

JACKSON

MRS. HALLA MAY PATTISON
SECRETARY

March 7, 1956

Mr. Robt. W. Davis
Secretary of Senate
State Capitol
Tallahassee, Florida

Dear Sir:

I am directed by the Mississippi State Senate to transmit to you the attached Senate Concurrent Resolution No. 125.

Sincerely,

MRS. HALLA MAY PATTISON
Secretary of the Senate

And Senate Concurrent Resolution No. 125 of the Legislature of the State of Mississippi was referred to the Committee on Constitutional Amendments.

OFFICE OF THE
SECRETARY OF STATE

STATE OF FLORIDA

TALLAHASSEE

April 1, 1957

Mr. Robt. W. Davis
Secretary
Florida State Senate
Tallahassee, Florida

Dear Mr. Davis:

I transmit herewith copy of Senate Joint Resolution No. 10 as passed by the twenty-third Legislature of the State of New Mexico.

Cordially yours,

R. A. GRAY
Secretary of State

And Senate Joint Resolution No. 10 of the Legislature of the State of New Mexico was referred to the Committee on Constitutional Amendments.

**CONSIDERATION OF BILLS AND JOINT RESOLUTIONS
ON SECOND READING**

S. B. No. 28—A bill to be entitled An Act relating to the Florida Farm Colony; making an appropriation to supplement an existing appropriation for construction of an addition to the Farm Colony Hospital; and providing an effective date.

Was taken up in its order.

Senator Pope moved that the rules be waived and Senate Bill No. 28 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 28 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 28 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. 28 was read the third time in full.

Upon the passage of Senate Bill No. 28 the roll was called and the vote was:

Yeas—38.

Mr. President	Cabot	Getzen	Neblett
Adams	Carlton	Hair	Pearce
Barber	Carraway	Hodges	Pope
Beall	Clarke	Houghton	Rawls
Belser	Connor	Johns	Rodgers
Bishop	Davis	Johnson	Rood
Boyd	Dickinson	Kelly	Stenstrom
Brackin	Eaton	Kickliter	Stratton
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

Nays—None.

So Senate Bill No. 28 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:34 o'clock A. M., until 11:00 o'clock A. M., Friday, April 5, 1957.