

JOURNAL OF THE SENATE

40

Monday, April 8, 1957

The Senate convened at 4:00 o'clock P. M., pursuant to adjournment on Friday, April 5, 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	Rodgers
Belser	Connor	Johns	Rood
Bishop	Davis	Johnson	Stenstrom
Boyd	Dickinson	Kelly	Stratton
Brackin	Eaton	Kicklitter	
Branch	Edwards	Knight	
Bronson	Gautier	Morgan	

—37.

A quorum present.

Senator Rawls was excused from attendance upon the Session.

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

O God, who hast in Thy great wisdom prepared for each one of us our task to do for Thee, grant that as we return to our labours such a measure of honesty and patience, that we may seek to do Thy will for ourselves, and may dedicate our lives to serve Thee where we are needed. Enlighten the perplexed, strengthen the faint-hearted, rouse the indifferent, and kindle in us all the fire of true devotion, so that our service will not be in vain, but to the welfare of all men and to Thy eternal glory; through Jesus Christ our Lord. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, April 5, 1957, was corrected as follows:

Page 33, column 1, line 21, counting from the bottom of the column, strike out the word and figures "line 31" and insert in lieu thereof the word and figures "line 27."

Also—

Page 37, column 1, at the end of line 7, strike the period and add the following:

"and the Committee on Appropriations."

And as corrected was approved.

The Senate daily Journal of Thursday, April 4, 1957, was further corrected as follows:

Page 27, column 1, line 13, counting from the bottom of the column, strike out the word "Section" and insert in lieu thereof the word "Sections."

Also—

Page 27, column 2, line 23, following the word "Act" and before the word "to" insert the word "relating."

Also—

Page 28, column 1, strike out line 6, counting from the bottom of the column, and insert in lieu thereof the following:

"By Senators Stenstrom, Eaton, Carlton and Rodgers—".

Also—

Page 28, column 1, strike out line 14, counting from the bottom of the column, and insert in lieu thereof the following:

"By Senators Stenstrom, Eaton, Carlton and Rodgers—".

And as further corrected was approved.

REPORTS OF COMMITTEES

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

S. B. No. 84—A bill to be entitled An Act to prescribe a distinctive color for motor vehicles and motorcycles of the various Sheriffs' departments; prescribing a distinctive badge to be worn by Sheriffs and Deputy Sheriffs; making it unlawful for any person, other than those authorized herein, to color or cause to be colored any motor vehicle or motorcycle the same or similar colors or to wear a Sheriff's badge or an insignia similar to the official Sheriff's badge; providing penalties for violations.

—and recommends that the same pass.

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

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

S. B. No. 15—A bill to be entitled An Act making it unlawful to falsely represent to be a licensed citrus fruit dealer, or to advertise or to make false claims or representations regarding the status of the seller of citrus fruit, or as to the condition, grade or quality of the citrus fruit sold, or to advertise or in any way to pretend that one is bonded unless a performance bond has been furnished and approved and providing certain rules of construction and providing penalties for violations.

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.

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.

—and recommends that the same pass.

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

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

S. B. No. 114—A bill to be entitled An Act relating to criminals; requiring the registration of all persons convicted of a felony in any court of this State, in Federal courts, or in courts of foreign states or countries; fixing penalties and repealing all laws in conflict herewith.

—and the Committee recommends that the Committee Substitute therefor, as reported herewith, 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 Brackin moved that a committee be appointed to escort Honorable Claude Pepper, former member of the United States Senate from Florida, to the rostrum.

Which was agreed to.

The President appointed Senators Brackin, Belser and Eaton as the committee which escorted former Senator Pepper to the rostrum.

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

By Senator Neblett—

S. B. No. 122—A bill to be entitled An Act relating to advertising and awarding contracts for school buildings and improvements; amending Section 235.31, Florida Statutes, by providing an increase in the amount to twenty thousand dollars (\$20,000.00); providing a retroactive date of July 1, 1956; providing an effective date.

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

By Senator Pope—

S. B. No. 123—A bill to be entitled An Act relating to criminal sexual psychopathic persons; repealing Sections 917.04 through 917.11, inclusive, of the Florida Statutes, being Chapter 29881, Acts 1955, defining criminal sexual psychopathic persons and providing for the commitment of such persons and the procedure therefor; and providing an effective date.

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

By Senators Pope, Hair and Gautier—

S. B. No. 124—A bill to be entitled An Act relating to State scholarship grants to students for basic and advanced nursing education in professional schools of nursing, value of scholarships, qualifications for scholarships, administration of Act and award of scholarships by the State Department of Education; amending Sections 239.46, 239.47, and 239.52, Florida Statutes, the same being Chapter 29819, Laws of Florida, Acts of 1955, providing for an appropriation; and fixing an effective date.

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

By Senator Rodgers—

S. B. No. 125—A bill to be entitled An Act relating to the location and establishment of headquarters for the Second District Court of Appeals of the State of Florida and providing an effective date for said location and establishment.

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

By Senator Boyd—

S. B. No. 126—A bill to be entitled An Act relating to the Secretary of State's remission of filing fees and party assessment of any candidate to the State Executive Committees; amending Subsection (1) of Section 99.103, Florida Statutes.

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

By Senator Johnson—

S. B. No. 127—A bill to be entitled An Act authorizing the Game and Fresh Water Fish Commission to enter into agreements of reciprocity with the authorized officials or department of other states regulating the interchange of the privilege of taking game and fresh water fish between the citizens of participant states.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 128—A bill to be entitled An Act providing for the compensation of an officer who is lawfully entitled to resume his office after his suspension by the governor.

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

By Senator Pope—

S. B. No. 129—A bill to be entitled An Act appropriating the sum of six hundred thousand dollars (\$600,000.00) from the General Revenue Fund for the construction and equipment of a dormitory-dining room building at the Florida

State School for the Deaf and Blind; and providing an effective date.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 130—A bill to be entitled An Act creating under the Board of Commissioners of State Institutions the position of director of patient services for mentally or physically incompetent patients of institutions under the Board except those whose primary function is correction or education; prescribing duties of the director, and providing for assistance to be rendered by the State Welfare Board, the Attorney General, and various courts and their officers; and providing for the protection of financial interests of the State and of patients in the above institutions.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 131—A bill to be entitled An Act providing for the administration as a trust of money for the personal use and benefit of patients in the Florida State Hospital and its branches and similar institutions and in the Florida Farm Colony and similar institutions; for the disposition of the proceeds of interest and investment income earned by such trust funds; for the disposition of unclaimed trust funds in the possession of the above named institutions and the State Treasurer; and for the deposit in the State Treasury of money received by the above named institutions in payment of claims of the State for the care and maintenance of patients in such institutions.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 132—A bill to be entitled An Act providing an alternative procedure for the photographing and destruction of public records.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 133—A bill to be entitled An Act amending Section 215.26, Florida Statutes, relating to refunds of money paid into the State Treasury, by prohibiting refunds of amounts of less than one (\$1.00) dollar except upon application.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 134—A bill to be entitled An Act to provide for the safeguarding, safekeeping and for the receipt and disbursement of public money; to prescribe the duties of county officers and state officers in connection herewith; and to repeal Sections 30.18, 193.43, and 839.03, Florida Statutes, and all other laws in conflict therewith.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 135—A bill to be entitled An Act to regulate the acquisition, supervision, accountability, control, transfer, and disposal of all tangible personal property and all real property owned by the State, and prescribing a penalty.

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

By Senators Carraway, Pearce and Pope—

S. B. No. 136—A bill to be entitled An Act amending Sections 283.01 and 283.10, Florida Statutes, relating to bid requirements on State printing, by excepting from bid requirements class B State printing contracts costing less than fifty (\$50.00) dollars.

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

By Senators Neblett, Eaton, Cabot and Carlton—

S. B. No. 137—A bill to be entitled An Act to cancel and release all State, Dade County, Highlands County, Broward County, and Monroe County, and Special District Taxes, Tax Sale Certificates and tax deeds issued to and owned by the State of Florida, and the Counties of Dade, Highlands, Broward or Monroe, or by other Special Taxing Districts, on lands owned by the South Florida Council, Boy Scouts of America and now being used for Boy Scout purposes, and in this Act described; and to exempt said lands from taxation beginning with the year 1957 and continuing thereafter as long as said lands are used for Boy Scout purposes.

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

By Senator Neblett—

S. B. No. 138—A bill to be entitled An Act disclaiming all rights and titles to certain described lands in Monroe County, which the State of Florida may be vested with; and providing an effective date.

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

By Senator Belser—

S. B. No. 139—A bill to be entitled An Act granting a school pension to Susy Dukes of Holmes County.

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

By Senator Belser—

S. B. No. 140—A bill to be entitled An Act relating to the school pension of Joseph Curtis Brown of Holmes County; amending Section 1 of Chapter 23973, Acts of 1947; providing an effective date.

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

By Senator Belser—

S. B. No. 141—A bill to be entitled An Act allowing, as a claim against the State, the amount due to W. R. Faircloth, former Tax Collector of Holmes County, for loss of compensation in consequence of his suspension from office by the Governor of Florida under Section 15 of Article IV of the Constitution of Florida, and providing for the payment of said claim.

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

By Senator Belser—

S. B. No. 142—A bill to be entitled An Act directing the State Road Department to return to abutting property owners of land alongside and abutting State Road Ten (10) not required for highway purposes in Holmes County; providing an effective date.

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

By Senator Carlton—

S. B. No. 143—A bill to be entitled An Act relating to weather modification operations; providing for the licensing, control and regulation of such operations by the State Board of Conservation; prescribing penalties for violations.

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

By Senator Eaton—

S. B. No. 144—A bill to be entitled An Act relating to the District Court of Appeals establishing headquarters for the Third 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 Getzen—

S. B. No. 145—A bill to be entitled An Act relating to administration of Beverage Law; amending Sections 561.01, 561.35 and 561.46, Florida Statutes, providing for alcoholic content and annual license tax; and repealing Sections 561.461 and 561.64, Florida Statutes.

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

By Senator Getzen—

S. B. No. 146—A bill to be entitled An Act relating to Beverage Law enforcement; amending Sections 562.01, 562.03, 562.05, 562.06, 562.08, 562.09, 562.11, 562.13, 562.14, 562.16, 562.41, 562.44 and 562.45, Florida Statutes; adding Sections 562.031, 562.061, 562.111, Florida Statutes, providing enforcement and penalty.

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

By Senators Kelly, Barber and Kickliter—

S. B. No. 147—A bill to be entitled An Act relating to air pollution control; creating an Air Pollution Control Commission in the State Board of Health; prescribing its functions, powers and duties and those of the State Board of Health in relation thereto; providing for appointment of County Air Pollution Control Councils; prescribing penalties for violations and providing an appropriation.

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

By Senator Boyd—

S. B. No. 148—A bill to be entitled An Act to amend Section 201.01, Florida Statutes, levying an excise tax on certain documents by exempting all documents for the sale of personal property upon which a tax is payable under Chapter 212, Florida Statutes, "The Florida Revenue Act of 1949", and providing an effective date.

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

By Senator Barber—

S. B. No. 149—A bill to be entitled An Act authorizing the State Board of Health to construct, equip and maintain a separate building in conjunction with the research center in Indian River County for the purpose of testing resistance to insecticides in mosquitoes and other arthropods of public health importance and carrying out other experimental work with chemicals and insecticides, which tests if performed in the main research center building would contaminate it and make it worthless for those biological researches which are its main purpose.

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

By Senator Brackin—

S. B. No. 150—A bill to be entitled An Act relating to pharmacy and amending Subsection (2) of Section 465.021; Section 465.031 by adding Subsection (3) defining pharmacists; and Subsection (5) of Section 465.18.

Which was read the first time by title only.

By unanimous consent Senator Brackin withdrew Senate Bill No. 150 from the further consideration of the Senate.

By Senator Davis—

Senate Concurrent Resolution No. 151:

WHEREAS, The Florida Supreme Court filed its opinion on March 8, 1957, in the case of The State of Florida, ex rel. Virgil D. Hawkins vs. Board of Control, and

WHEREAS, In said case the Florida Supreme Court was confronted with issues directly related to the peace and welfare of the people of Florida and called upon to consider and determine judicial questions which spring from fundamental differences of opinion as to the constitutional powers

Inherent in the Sovereign State of Florida by historical development, legal concepts and organic rights, NOW, THEREFORE,

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

That on behalf of the people of Florida this Legislature does commend the Florida Supreme Court for its courage and wisdom and express the approval of this Legislature of the majority opinion filed by the Court in the case of The State of Florida, ex rel. Virgil D. Hawkins vs. Board of Control, which was written by Justice B. K. Roberts, specially concurred in by Chief Justice Glenn Terrell and Justice T. Frank Hobson and concurred in by Justice Campbell Thornal and by Justice Stephen O'Connell.

BE IT FURTHER RESOLVED, That this Legislature considers the majority opinion of the Florida Supreme Court in said case to be the finest declaration of state sovereignty through the state judiciary that has ever been enunciated and that a copy of this resolution be sent to each member of the Florida Supreme Court.

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

By Senators Carraway, Kelly, Davis, Connor, Pope, Johns, Branch, Hair, Gautier, Edwards and Johnson—

S. B. No. 152—A bill to be entitled An Act relating to the State Department of Public Welfare; amending introductory paragraphs of Sections 409.16, 409.17 and 409.40, Florida Statutes, prescribing the maximum amount of monthly assistance to be paid to certain aged, blind and permanently and totally disabled persons.

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

By Senator Stratton—

Senate Concurrent Resolution No. 153:

A CONCURRENT RESOLUTION REQUESTING THE STATE RACING COMMISSION TO PRODUCE INFORMATION CONCERNING ACTION TAKEN IN CLOSING TROPICAL PARK TO RACING.

WHEREAS, The State Racing Commission has recently ordered the closing of Tropical Park, and

WHEREAS, The present revenue from racing is being distributed equally to all counties in this state for county purposes, and

WHEREAS, Counties today are depending largely upon the revenue from racing to finance a large share of county needs, and

WHEREAS, Should such revenue cease the State will be forced to provide other sources to finance county government, and

WHEREAS, The Legislature has a constitutional responsibility in furnishing revenue sufficient to operate State and county government, and

WHEREAS, The Legislature should be properly informed concerning any act of a board or commission which will interfere with the collection of revenue through closing any legally operated agency for producing revenue, NOW, THEREFORE,

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

Section 1. That the State Racing Commission be requested to appear before a special joint committee of the Senate and House and explain fully the facts in connection with their recent action in closing Tropical Park to racing.

Section 2. That the President of the Senate and the Speaker of the House of Representatives be requested to appoint a special committee of three (3) senators and four (4) members of the House to receive such information and report back to the Senate and the House respectively, of the 1957 Session of the Legislature.

Section 3. That a copy of this resolution be immediately transmitted to the Racing Commission with a request that a convenient date be set within the next ten (10) working days of the legislature to meet with the joint committee to receive such information.

Which was read the first time in full.

Senator Stratton moved that the rules be waived and Senate Concurrent Resolution No. 153 be placed on the Calendar of Bills on Second Reading, without reference.

Which was not agreed to and Senate Concurrent Resolution No. 153 was referred to the Committee on Judiciary "C".

By Senator Adams—

S. B. No. 154—A bill to be entitled An Act relating to the Florida Food, Drug and Cosmetic Law, Drugs; amending Chapter 500, Florida Statutes, by adding Section 500.151; to provide that it is unlawful to possess a habit-forming, toxic, harmful or new drug, with exemptions; providing a penalty; and amending Section 500.04, Florida Statutes, by adding Subsection (12); to provide that possession of a habit-forming, toxic, harmful or new drug by unauthorized persons is prohibited; providing an effective date.

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

By Senator Adams—

S. B. No. 155—A bill to be entitled An Act relating to frozen desserts and frozen desserts mix, license fees; amending Section 503.03, Florida Statutes; to provide that fees received by the Commissioner be deposited with the State Treasurer to the credit of the General Inspection Fund; providing an effective date.

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

By Senator Adams—

S. B. No. 156—A bill to be entitled An Act relating to commercial feeds; amending Paragraph (A), Section 6, Chapter 29755, Laws of 1955; to require statement in writing to support claim of exemption from payment of inspection fee on feed used in the manufacture of registered feeds; providing an effective date.

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

By Senator Adams—

S. B. No. 157—A bill to be entitled An Act relating to dealers in agricultural products; amending Sections 604.15 (1) (3) (6), 604.20, 604.21, 604.30, Florida Statutes; providing definitions, bond prerequisite, claim procedure, penalties; providing an effective date.

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

By Senator Dickinson—

S. B. No. 158—A bill to be entitled An Act providing a budget procedure for the offices of the sheriffs of the State; creating a Board of County Officers' Budget Appeals setting forth their powers and duties; setting and providing for the procedures for paying the salaries and expenses of the said sheriffs' offices; providing for the disposition of the fees and commissions collected by said sheriffs and for the records thereof; providing for the severability of invalid portions; providing for the repeal of all laws inconsistent with this Act; and setting the effective date.

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

By Senators Johns, Barber and Carraway—

S. B. No. 159—A bill to be entitled An Act to amend Section 646.08, Florida Statutes of 1955; to provide that no policy shall be issued under Chapter 646 except through a licensed agent; to provide that the premium, commission or dividend

for such policies when received by any lender, creditor or anyone connected directly or indirectly with the lender or creditor shall not be deemed interest or charged or excess consideration under any other Statute of Florida; to provide that accident and health insurance may not be sold or issued by an insurer or agent in connection with loans made under Chapters 516 and 519, Florida Statutes of 1955.

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

By Senators Carraway, Connor, Edwards, Getzen, Hodges and Kickliter—

S. B. No. 160—A bill to be entitled An Act relating to the occupation of barbering and to the operation of barber shops and barber colleges; amending Section 476.22, Florida Statutes, pertaining to rules, regulations and inspections, and to the authority of the Barbers Sanitary Commission to make the same; and prescribing sanitary regulations.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

*The Honorable W. A. Shands,
President of the Senate.*

Sir:

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

By Messrs. Sheppard of Lee, McAlpin of Hamilton, Daniel and Duncan of Lake, Rowell of Sumter, Mitchell of Washington, Manning of Holmes, Stewart and Wise of Okaloosa, Strickland of Citrus, Anderson of Jefferson, Marshburn of Levy, Putnal of Lafayette, Russ of Wakulla, Peacock of Jackson, Williams of Hardee, Lancaster of Gilchrist, Peeples of Glades, Chaires of Dixie, Williams of Columbia, Beck of Putnam, Griffin of Osceola, Cross of Alachua, Hathaway of Charlotte, Peavy of Madison, Ayers of Hernando, Sutton of Orange, Petersen and Shaffer of Pinellas, Kimbrough of Santa Rosa, Jones of Taylor, Stone of Escambia, Saunders of Clay, Horne and Mitchell of Leon, Roberts of Suwannee, Surlis, Griffin and Mattox of Polk, Smith of DeSoto, Roberts of Union, Peters of Calhoun, Inman and Arrington of Gadsden, Roberts and Blank of Palm Beach, Wadsworth of Flagler, Askins of Nassau, Chappell and O'Neill of Marion, Frederick of Seminole, Muldrew of Brevard, Shipp of Jackson and Walker of Collier—

House Concurrent Resolution No. 174:

A RESOLUTION TO DECLARE THE UNITED STATES SUPREME COURT DECISIONS USURPING THE POWERS RESERVED TO THE STATES AND RELATING TO EDUCATION, LABOR, CRIMINAL PROCEDURE, TREASON AND SUBVERSION TO BE 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 HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE 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 preemptorily 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 exercise its powers in the field of labor, criminal procedure, and public education, and 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 regulate labor, criminal proceedings, public education, and to operate racially separate public schools and other facilities was to be prohibited to them thereby;

And as evidence of such understanding as to the inherent power and authority of the States to regulate public education and the maintenance of racially separate public schools, 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, the labor union case decided on May 21, 1956, the cases relating to criminal proceedings decided on April 23, 1956, and January 16, 1956, the anti-sedition case decided on April 2, 1956, and the case relating to teacher requirements decided on April 9, 1956, 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 regulate labor matters, criminal proceedings and public education and 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 rights;

That these assertions 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, constitute 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 and other decisions denying to the States the right to have laws of their own dealing with subversion or espionage, and criminal proceedings, and denying the States the right to dismiss individuals from public employment who refuse to answer questions concerning their connections with communism by invoking the Fifth Amendment, and denying the States the right to provide for protective "right to work" laws, should not be forced upon the citizens of this State for the Court was without jurisdiction, power or authority to interfere with the sovereign powers of the State in such spheres of activity.

That the Court in its decisions relating to public education was without jurisdiction 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 relating to public education 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, as is also true of the other sovereign states of the Union, has the right to enact laws relating to subversion or espionage, criminal proceedings, dismissing public employees who refuse to answer questions concerning their connections with communism and "right to work" protection, and 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 HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

Section 1. That said decisions and orders of the Supreme Court of the United States denying the individual sovereign states the power to enact laws relating to espionage or subversion, criminal proceedings, the dismissal of public employees for refusal to answer questions concerning their connections with communism, "right to work" protection, and relating to separation of the races in the public institutions of a State, 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 those illegal encroachments upon the sovereign powers of this State.

Section 3. That we urge firm and deliberate efforts to check these and further encroachments 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.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 174, contained in the above message, was read the first time in full.

Senator Kelly moved that the rules be waived and House Concurrent Resolution No. 174 be placed on the Calendar of Bills on Second Reading, without reference.

A roll call was demanded .

Upon call of the roll on adoption of the motion made by Senator Kelly the vote was:

Yeas—15.

Adams	Carraway	Hodges	Kickliter
Belser	Connor	Johns	Knight
Bishop	Davis	Johnson	Stratton
Branch	Hair	Kelly	

Nays—22.

Mr. President	Cabot	Gautier	Pope
Barber	Carlton	Getzen	Rodgers
Beall	Clarke	Houghton	Rood
Boyd	Dickinson	Morgan	Stenstrom
Brackin	Eaton	Neblett	
Bronson	Edwards	Pearce	

So the motion failed of adoption, and House Concurrent Resolution No. 174 was referred to the Committee on Governmental Reorganization.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
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 Senator Pope—

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.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 28, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Cabot—

S. B. No. 33—A bill to be entitled An Act to amend the Charter of the City of Hallandale, Florida, same being Charter 29108, Laws of Florida, Special Acts of 1953, and particularly Section 29 paragraph (2), pertaining to the time or times for holding the regular biennial elections so as to fix the time of holding such elections as the fourth Tuesday in May of each year in which said elections are held, commencing in 1957.

Proof of publication attached.

—which amendment reads as follows:

In the title, in line 2, strike out the word "Charter" and insert the following in lieu thereof: the word "Chapter".

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 33, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Cabot moved that the Senate concur in the House Amendment to Senate Bill No. 33.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 33.

And Senate Bill No. 33, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
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 Senator Cabot—

S. B. No. 34—A bill to be entitled An Act to amend the charter of the City of Hallandale, Florida, being Chapter 29108, Laws of Florida, Special Acts of 1953, so as to permit the adoption and use of the books, records, files and lists of qualified electors as may be prepared by the Supervisor of Registration of Broward County, Florida, as the registration books, records, files and lists of qualified electors to be used in all elections held by the City of Hallandale, Florida; providing that electors shall register for municipal elections at such times and places as provided by law for registration of electors to vote in the State of Florida, County of Broward, elections; providing for the use of the same voting precincts lying within the corporate limits of the City of Hallandale, Florida, as are now designated or may be designated for use in general elections in Broward County, Florida.

Proof of publication attached.

Also—

By Senator Cabot—

S. B. No. 32—A bill to be entitled An Act to amend the Charter of the City of Hallandale, Florida, same being Chapter 29108, Laws of Florida, Special Acts of 1953, and particularly Section 27 pertaining to procedure for becoming candidates so as to fix the time in which candidates qualify thirty days prior to the date of election on all elections subsequent to the May, 1957, elections.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 34 and 32, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
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 Senator Stenstrom—

S. B. No. 20—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Brevard County, Florida, the chairman and clerk thereof, to use fac-

simile signatures and seals on checks and warrants in expending county funds from county depositories.

Proof of publication attached.

By Senator Stenstrom—

S. B. No. 19—A bill to be entitled An Act authorizing Brevard County, Florida, acting by and through its Board of County Commissioners, to convey lands acquired by the County for delinquent taxes and described in the book designated "County Lands Acquired for Delinquent Taxes" on file in the office of the Circuit Court to the former owner of such lands and providing for the terms and procedure in making conveyances, disbursing of funds, validating, ratifying and confirming previous Acts relating to hardship cases; and providing an effective date.

Proof of publication attached.

By Senator Stenstrom—

S. B. No. 17—A bill to be entitled An Act providing for the employment by Brevard County, Florida, of a librarian for the County Law Library and providing for the payment of the salary therefor, and repealing all laws in conflict.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 20, 19 and 17, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
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 Senator Stenstrom—

S. B. No. 21—A bill to be entitled An Act authorizing the creation and establishment of special improvement service districts for street lighting purposes in unincorporated areas in Brevard County, Florida; providing for the levy of special assessments upon the real property benefited by such improvements or services; requiring an election upon the question of creating any such district or the levy of special assessments and the approval thereof by sixty per cent of the votes cast in an election in which a majority of the freeholders who are qualified electors residing in such districts shall participate; prescribing the powers and duties of the Board of County Commissioners of Brevard County in relation to the foregoing, and fixing the maximum amount of such special assessments; providing for the collection of such special assessments and providing proceedings when such special assessments become delinquent; providing for the issuance of special improvement district tax sale certificates and the rights of owners and holders of such certificates; providing for the purchase of such certificates in the name of the county; providing for a notice to delinquent property owners and for the issuance of tax deeds upon such certificates; providing for proceedings to be taken in Brevard County upon such certificates as may be owned by it after two years from the date thereof; providing that such certificates shall have the same priority rights, discounts and penalties as county tax sale certificates, and providing proceedings thereon in substantial conformity to the provisions of law governing county tax sale certificates.

Proof of publication attached.

Also—

By Senator Stenstrom—

S. B. No. 23—A bill to be entitled An Act providing for the

office of administrative director for Brevard County, Florida; providing for the appointment of said administrative director by the Board of County Commissioners for Brevard County; prescribing his powers, duties, and fixing his salary.

Proof of publication attached.

Also—

By Senator Stenstrom—

S. B. No. 22—A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Brevard County, Florida, to pay to the tax assessor of Brevard County a sum not exceeding \$25,000.00 to aid the tax assessor financially in defraying expenses to be incurred in revaluing property and lands in Brevard County for taxation purposes, and repealing all laws in conflict.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 21, 23 and 22, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 8, 1957.

The Honorable W. A. Shands,
President of the Senate.

Sir:

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

By Senator Bishop—

S. B. No. 24—A bill to be entitled An Act to abolish the present municipal government of the City of Lake City in Columbia County, Florida; and to create, establish and organize a new municipality to be known and designated as the City of Lake City in Columbia County, Florida; to legalize and validate the ordinances of the said City of Lake City, and official Acts thereunder; and to fix and define its territorial boundaries; and to provide for its government, jurisdiction, powers, franchises and privileges.

Proof of publication attached.

—which amendment reads as follows:

Strike out all of Section 234 and insert the following in lieu thereof:

Section 234. This Act shall become effective upon its approval at a special election to be held in the City of Lake City on or after September 1, 1957, when the question of approval or rejection shall be submitted and wherein a majority of the electors voting in said election shall vote (Yes) in favor of the adoption of this Act.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 24, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Bishop moved that the Senate do not concur in the House Amendment to Senate Bill No. 24.

Which was agreed to and the Senate refused to concur in the House Amendment to Senate Bill No. 24.

Senator Bishop moved that the House of Representatives be respectfully requested to recede from the House Amendment to Senate Bill No. 24.

Which was agreed to and the action of the Senate was ordered certified to the House of Representatives.

Senator Cabot requested unanimous consent of the Senate to take up and consider Senate Bill No. 79, out of its order.

Unanimous consent was granted, and—

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.

Was taken up.

Senator Cabot moved that the rules be waived and Senate Bill No. 79 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 79 was read the second time by title only.

Senator Cabot moved that the rules be further waived and Senate Bill No. 79 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. 79 was read the third time in full.

Upon the passage of Senate Bill No. 79 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 79 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

S. B. No. 25—A bill to be entitled An Act relating to the Florida School for the Deaf and the Blind; amending Sections 242.35, 242.36, 242.38 and 242.40, Florida Statutes, relating to admission of students, transportation of students, furnishing of necessities to students, and to the salary of the President of the Florida School for the Deaf and the Blind; and repealing Section 242.37, Florida Statutes, relating to charges against parents for expenses of their children attending such school.

Was taken up in its order.

Senator Pope moved that the rules be waived and Senate Bill No. 25 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 25 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 25 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. 25 was read the third time in full.

Upon the passage of Senate Bill No. 25 the roll was called and the vote was:

Yeas—37.

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

Nays—None.

So Senate Bill No. 25 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis, chairman of the Committee on Rules and Calendar, moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:55 o'clock P. M., until 11:00 o'clock A. M., Tuesday, April 9, 1957.