

A
CONSOLIDATED INDEX

to

Opinions Issued and Published

in the

**BIENNIAL REPORTS OF THE
ATTORNEY GENERAL
OF FLORIDA**

FROM 1895-1960

and

**A CITATOR TO
SECTIONS OF THE FLORIDA CONSTITUTION
AND FLORIDA STATUTES CITED**

Part 1 - 1895 - 1942

Part 2 - 1943 - 1960

**PREPARED BY THE STATUTORY REVISION
DEPARTMENT OF THE ATTORNEY GENERAL'S OFFICE**

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The Purpose of this Publication:

The Attorney General of Florida, as legal advisor to state, county, municipal and district officials has, through legal opinions issued over a period of many years, established a field of administrative legal precedents generally followed by public officers. These opinions, based on court decisions, constitutional and statutory law, are accepted by state administrative departments, state auditors and public officials as legal authority, short of a court decision, for carrying out administrative duties.

The interpreting of legislative intent, the clarification of conflict in laws, and the practical application of the law to changing conditions and problems are constant challenges which require frequent reference to prior opinions.

The Statutory Revision Department has for the past four years been preparing a consolidated, alphabetical index and citator to reported opinions of the Attorneys General of Florida from 1895-1960. This publication represents the completed product of this effort.

It is my hope that the compilation of this information will be a valuable reference to provide more continuity in administrative law, and to assist public officials in finding a source of authority for carrying out their many and varied public responsibilities.

Richard W. Ervin
Attorney General

April 1, 1962.



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| Taking fish by use of, prohibited | 1933 | 502 | Civil cases | 1943 | 124 |
| DIVISION OF CORRECTIONS | | | County judge's court, preparation of docket for trials and appearances | 1959 | 272 |
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| | | | Written agreements, subject to | 1931 | 885 |
| | | | Bail bonds subject to | 1931 | 1034 |
| | | | Bankrupt estate required to attach to deeds of assignment | 1931 | 1039 |
| | | | Bills of sale | 1931 | 491 945 |
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| | 1931 | 1006 |
| Checks not subject to | | |
| Citrus exchange and affiliates, Florida; applicability of law to "uniform crop agreement" | 1933 | 38 |
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| Bank and corporation, between | | |
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| | | 912 |
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| As payee, commodity credit, applicability of law to promissory notes made to | 1933 | 38 |
| Dissolution; conveyances in connection with; liability | 1953 | 273 |
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| Crop lien subject to | 1931 | 858 |
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| Amount required on certain | 1931 | 482 |
| | | 494 |
| Assuming, taken subject to existing mortgages; taxability | 1959 | 378 |
| Cemetery lot, when subject to | 1931 | 1000 |
| Certain, subject to | 1931 | 862 |
| Construction of law | 1931 | 841 |
| Contracts to and from state agencies | 1943 | 225 |
| Conveying Florida real estate, subject to | 1931 | 979 |
| Correction; when requires one stamp | 1933 | 50 |
| County, from; exemption | 1945 | 336 |
| Executed outside of state, when required | 1931 | 988 |
| Gift | 1935 | 32 |
| Liens; subject to; amount | 1945 | 337 |
| Mortgages and assignments subject to | 1931 | 855 |
| Private owner to ship canal authority | 1935 | 29 |
| Property of corporation, conveyance to owner all but two shares of stock | 1935 | 28 |
| Pursuant to contract to convey | 1945 | 338 |
| Sheriff's, subject to | 1931 | 1017 |
| Ship canal authority to United States | 1935 | 29 |
| To and from state | 1943 | 225 |
| Deeds and notes, not double taxation to place on | 1931 | 1002 |
| Deposit certificates | | |
| Construction of law | 1931 | 831 |
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| | | 915 |
| | | 984 |
| Deposit receipts | 1947 | 224 |
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| Eminent domain proceedings and decrees; liability | 1957 | 515 |
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| Growers' surplus | 1949 | 256 |

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| Exchange of class of stock for another class, taxability | 1959 | 408 |
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| Internal improvement fund deed, contracts | 1943 | 225 |
| Not allowed | 1931 | 960 |
| Extension of existing obligation, method of payment | 1931 | 964 |
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| Agencies; notes and obligations held by | 1949 | 254 258 |
| Land banks, construction of law | 1931 | 281 |
| Final decree assignment, application of law | 1931 | 907 |
| Florida corporation; merger by transfer; deeds not subject to tax | 1949 | 254 |
| Foreign contracts | 1943 | 226 |
| Governmental | | |
| Agencies not subject to | 1931 | 871 889 |
| Bodies, conveyances of | 1941 | 213 |
| Housing projects, documents in connection with financing; tax situs | 1957 | 653 |
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| Federal land bank, executed by; exempt | 1931 | 878 |
| Filed for record; duties, clerks circuit court; interpretation of law, | 1931 | 842 |
| When required on certain | 1931 | 479 |
| Internal improvement fund; exemption | 1943 | 225 |
| Interpretation of law | 1931 | 274 |
| Interstate installment purchase agreement, liability | 1945 | 339 |
| Leases | | |
| Amount required on, construction of law | 1931 | 1047 |
| Cooperative apartment leases | 1947 | 231 |
| Duplicate copy of, not required | 1931 | 988 |
| Lands, long term lease; taxability | 1959 | 525 |
| Option; application of law | 1933 | 44 |
| Railroad property, subject to | 1933 | 47 |
| Real property | | |
| Amount, due date, etc. | 1947 | 227 |
| Tax, computation of | 1947 | 223 |
| Subject to fair consideration upon | 1931 | 487 839 974 |
| Written, documentary stamps required on | 1933 | 43 |
| Master's deeds subject to | 1931 | 724 828 |
| Federal court proceedings | 1931 | 953 |
| Governmental agencies exempt | 1931 | 892 |
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| Partial | 1945 | 337 |
| Subject to, when | 1943 | 227 |
| When required on | 1931 | 824 |
| Chattel mortgage | 1931 | 485 |
| Amount | 1945 | 339 |
| When subject to | 1931 | 854 |
| Collateral, given, as subject to | 1931 | 869 |
| Construction of law | 1931 | 841 864 |
| Executed outside of state, when required | 1931 | 988 |
| Extension of mortgage on Y. M. C. A. property subject to | 1931 | 1034 |
| Foreclosure; receiver, national bank not required to pay | 1931 | 965 |
| Interest coupons not subject to | 1931 | 893 |
| Nonresident mortgagee | 1945 | 337 |
| Proceeds from mortgage assignments, assignments of | 1947 | 230 |
| Production credit association, farmers' home corporation or federal land bank | 1949 | 254 |
| Real estate, documentary and intangible taxes on notes secured by pledges of; liability | 1959 | 360 |
| Required, when | 1931 | 484 620 962 |
| Satisfaction does not require | 1931 | 962 |
| Mortgagor; full or partial satisfaction of indebtedness; conveyance of mortgaged premises to mortgagee; liability | 1959 | 317 |
| Motor vehicle sales financing, documents or instruments subject to tax | 1959 | 77 |
| Motor vehicle tires, agreements for sale | 1943 | 227 |
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| Ninety-nine year lease, amount required | 1933 | 44 |
| Nonprofit cooperative associations; certificate of equity; liability | 1949 | 256 257 515 |
| Not applicable in certain cases | 1931 | 1043 |
| Notes | | |
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| Contract attached promising payment | 1949 | 256 257 |
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| Bill of sale, conditional; secured by, subject to | 1931 | 832 |
| Contracts; promised payments contained in | 1949 | 256 257 258 |
| Delivery to federal or state credit union; liability | 1955 | 786 |
| Executed and delivered in other states, brought in state by payee or holder; documentary stamp tax, exemption | 1959 | 709 |
| Instruments executed by federal agencies | 1935 | 31 |

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| Mortgage executed in Georgia; later sent to Florida; liability | 1957 | 613 |
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| Religious organization, executed by; exemption | 1949 | 254 |
| Signed in other states, accepted in Florida; tax situs | 1947 | 230 |
| Situs in another state, with Subject to | 1955 | 930 |
| Written obligations to pay; taxability | 1945 | 337 |
| Renewal | 1931 | 1002 |
| Additional sales, by; requires additional | 1959 | 432 |
| Increased interest rate; tax situs | 1939 | 436 |
| Subject to | 1959 | 28 |
| | 1931 | 841 |
| | 1937 | 507 |
| Required on, when | 1931 | 484 |
| | | 620 |
| Secured by mortgage to reconstruction finance corporation | 1947 | 228 |
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| | | 1063 |
| Assignment of | 1933 | 45 |
| Written extensions or renewal of, subject to | 1931 | 854 |
| | | 868 |
| Obligations, written, to pay money to United States or its agency; liability | 1955 | 761 |
| Oil and gas leases | 1945 | 336 |
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| Options not subject | 1933 | 46 |
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| Policy loans by insurers | 1949 | 257 |
| Property | | |
| Gift of | 1945 | 335 |
| Sold by receivers; national banks not exempt | 1931 | 862 |
| Pulpwood, mortgage and supplemental agreement for payment of loan in; tax liability | 1955 | 825 |
| Purchase orders; liability | 1945 | 339 |
| Real property, conveyance; interest in; not liable | 1953 | 265 |
| Receivers, national banks, not required to pay from assets of trusts in hand | 1931 | 882 |
| Reconveyance of vendee's interest to vendor; etc.; tax situs | 1959 | 712 |
| Refund of excessive amounts paid not authorized except by legislative act | 1931 | 1028 |
| Report to comptroller required | 1931 | 481 |
| Retail installment | | |
| Revolving account contract or agreement; taxability | 1959 | 432 |
| Sales act, taxability | 1959 | 410 |
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| Furniture company, of; subject to | 1931 | 873 |
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| Sales contract subject to | 1931 | 891 |
| | | 938 |
| Conditional | 1931 | 854 |
| School board not required to affix to note | 1931 | 609 |
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| Single note given for renewal of two or more notes; taxability | 1957 | 929 |
| State agencies not required to pay | 1931 | 819 |
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| Assignments, subject to | 1931 | 863 |
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| | | 829 |
| | | 1017 |
| Transferred by nonresident, when subject to | 1931 | 843 |
| Stock voting trust arrangements, etc., liability | 1959 | 361 |
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| Corporations subject to | 1931 | 955 |
| Sell stock and membership certificates; construction of law | 1931 | 857 |
| Construction of law | 1931 | 871 |
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| Corporation must pay upon transfer of | 1937 | 505 |
| Face value or par value of determined amount | 1931 | 973 |
| Foreign corporations, local transfers, tax situs | 1955 | 913 |
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| New York exchange, sold through, subject to | 1931 | 895 |
| Original issue of stock where stock is changed from par value to no par value | 1933 | 42 |
| Preferred; issued by state bank and purchased by reconstruction finance corporation; applicability of law | 1933 | 42 |
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| Reissued to successor or surviving trustees, tax situs | 1955 | 942 |
| Sold in another state; liability for tax | 1947 | 224 |
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| Subject to | 1931 | 1009 |
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| Voting trust certificates, liability | 1941 | 215 |
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| Chattel mortgage and wages in one instrument, assignment of; mortgages incorporating evidence of indebtedness | 1933 | 48 |
| Written assignment of, subject to | 1931 | 885 |
| Waiver of claims for taxes on stock owned by nonresident, when should issue | 1931 | 283 |
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| Law, not affected by | 1927 | 428 |
| Payment for collection | 1907 | 31 |
| Procedure if unpaid | 1925 | 348 |
| Road department rights of way, payment | 1941 | 418 |
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| Roll preparation by employees, Dade county assessor; fees | 1949 | 196 |
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| Free admission, prizes; lottery laws, whether violative | 1951 | 746 |
| Patrons' participation in certain game entitled "Scunk"; whether violative of lottery laws | 1957 | 640 |
| Drivers' licenses See: MOTOR VEHICLES | | |
| Drivers' schools; driving instructions to adult students, public school teacher; license requirement | 1955 | 612 |
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| Intoxicating liquors, required to procure license to sell | 1933 | 323 |
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| Compounding under supervision of registered pharmacists | 1935 | 479 |
| "Dangerous", prescription | 1941 | 656 657 |
| Hospital stocks; legally labeled container; administration by qualified nurse | 1949 | 467 |
| Licenses; persons authorized to prescribe and administer | 1945 | 604 |
| Misbranded unless sold on prescription; licensees | 1945 | 605 |
| Naturopaths, prescription by; practice of materia medica | 1945 | 572 |
| Patent medicines and certain drugs may be sold without a registered pharmacist in charge | 1933 | 438 |
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| Department or convicting judge, authority to restore violator's driving privileges | 1959 | 364 |
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| Driving laws, enforcement | 1941 | 765 |
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| Fines imposed | 1923 | 222 |
| Instructional school staff members; dismissal or suspension | 1957 | 749 |
| Motor vehicles; without licenses; two charges, same transaction | 1949 | 570 |
| Municipal court | | |
| Appeals from; supersedeas, operate as | 1955 | 88 |
| Suspension of driving license; jurisdiction | 1953 | 185 |
| Penalties; enforcement of; county judge, power | 1953 | 688 |
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| Police officer, arrest without warrant; authority | 1959 | 101 |
| Proof of impairment of defendant's normal faculties, necessity for | 1959 | 100 |
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