but a sole tenancy (41 C.J.S. 457, §33). While a tenancy by the entirety cannot be severed by the action of one of the spouse (41 C.J.S. 461, §34) a joint tenancy may (48 C.J.S. 927, §4).

"It is settled that a joint tenancy will be terminated by the alienation or conveyance by a joint tenant of his interest in realty to a stranger, for by such act the unity of title is destroyed and the unity of possession is gone" (Kozack v. Kozack, 157 Fla. 597, 26 So. 2d 659, text 661). "A joint tenancy may be severed, either voluntarily, as by a partition of the property, or a conveyance of the interest of any joint tenant, or involuntarily, as by an execution sale of any interest that is subject thereto" (14 Am. Jur. 86, §14). These rules do not apply to an estate by the entirety. Although an estate by the entirety may not be severed for the purposes of taxation, we see no reason why a joint tenancy may not be severed for the purposes of taxation; the interest of each of the parties being subject to separate taxation.

There is revealed in the file a contention that in a joint estate each of the owners is seized and possessed of the whole and that one of the owners may claim the entire property as homestead exempt although the other tenant does not reside on the property; we do not think that the authorities bear out this contention. However, accepting the argument as being true, the tax assessor would be at liberty to assess the entire value of the property against the tenant not making his permanent home on the property. This contention we cannot accept.

Answering the above question the exemption may not exceed the interest of the owner residing on the property and making the same his or her permanent home. For this purpose there is little difference between a joint tenant and a tenant in common.

055-320—December 5, 1955

RETIREMENT

TEACHERS RETIREMENT SYSTEM—ELIGIBILITY REQUIREMENTS—FLORIDA HIGH SCHOOL ACTIVITIES ASSOCIATION—§§238.01 AND 238.11, F. S.

To: K. D. Farris, Executive Secretary, Teachers’ Retirement System, Tallahassee

QUESTION:

May employees of the Florida high school activities association be members of the teachers’ retirement system under the provisions of §§238.01 (4) and 238.11 (3) (a)?

Section 238.01 (4), F. S., defining “teacher” provides in part, “... any full time employee of any non-profit professional association or corporation of teachers functioning in Florida on a state-wide basis, which seeks to protect and improve public school opportunities for children and advance the professional and welfare status of its members....”

Section 238.01 (6), defining “employer” provides in part,
"... or other agency of and within the state by which the teacher is paid, or any non-profit professional association or corporation of teachers referred to in sub §(4) of this section."

Section 238.11 (3)(a), F. S., provides:

"On April 1, A.D. 1939, and on April 1 of each year thereafter, the board of trustees shall certify to any such nonprofit professional association or corporation of teachers the amounts which will become due and payable during the ensuing fiscal year to each of the funds of the retirement system to which such contributions are payable as set forth in this law."

The Florida high school activities association according to its constitution is state-wide in scope and is composed of member high schools represented by the supervisory principal or principal of the school. Its purpose is to "promote, direct and control all interscholastic activities, both athletic and non-athletic, of member schools; to establish, maintain, and enforce such regulations as may be necessary to provide that all such activities shall be part of and contribute towards the entire educational program of the state; to cooperate closely with the state department of education in the development of that program; to safeguard the physical, mental, and moral welfare of the students of member schools and protect them from exploitation."

In my opinion this association as defined by its constitution does not appear to be a "professional association of teachers" as defined in §238.01 (4), F. S. Its membership is composed of various high schools throughout the state and although the high schools are represented by their principals, the membership is in the school itself rather than its representative.

I therefore believe that although the objectives and method of operation of the association are praiseworthy and beneficial to the schools of Florida, employees of the association could not be brought under the state teachers retirement act under present provisions of the law.

Your question is answered in the negative.

055-321—December 5, 1955

BANKS AND BANKING

MORRIS PLAN BANK—REQUIREMENTS, OWNERSHIP OF STOCK—CORPORATIONS—§656.08, F. S.

To: Ray E. Green, State Comptroller, Tallahassee

QUESTION:

May a corporation be a "bona fide resident of this state" within the purview of §656.08, F. S., and its requirements as to stock ownership?

Said §656.08, F. S., requires that "at least 2/3 of the stock of any Morris plan bank shall be owned by bona fide residents