

JOURNAL OF THE SENATE

MONDAY, MAY 11, 1931

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Friday, May 8, 1931.

The President in the chair.

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

Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—36.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Friday, May 8, was corrected, and as corrected was approved.

Corrections to the Senate Journal for April 27, 1931. In the second column of page one strike out the paragraph immediately under the words (House Bill No. 414) and insert the following, to-wit:

"An Act ratifying, approving, validating, confirming and legalizing all steps, actions and proceedings of the City of Daytona Beach, in Volusia County, Florida, its City Commission, Mayor-Commissioner, City Clerk, City Attorney, officers and agents relative to the execution, issuance and delivery of a certain specified promissory note; ratifying, approving, validating, confirming and legalizing said promissory note, a certain specified payment made on the same and the levy and collection of taxes by said City of Daytona Beach for the year A. D. 1931 to, in part, liquidate said note; and requiring and making it the duty of the City Commission of said City of Daytona Beach, in making the annual tax levy of said City for the year A. D. 1932, to levy such special tax as may be necessary to pay said note in full."

Also—

Page one, column 2, strike out paragraph immediately following the words and figures "(House Bill No. 270)", same being lines 53 to 55, inclusive, and insert in lieu thereof the following:

A bill to be entitled An Act amending Sections 1, 2, 3, 4 and 5 of Chapter 10501, Laws of Florida, Acts of 1925, being An Act entitled "An Act creating the office of Auditor and Purchasing Agent for Dade County, Florida, prescribing his duties and fixing his salary."

And as corrected was approved.

Corrections to the Senate Journal for April 28, 1931. In the first column of page four strike out the paragraph immediately under the words (House Bill No. 414) and insert the following, to-wit:

"An Act ratifying, approving, validating, confirming and legalizing all steps, actions and proceedings of the City of Daytona Beach, in Volusia County, Florida, its City Commission, Mayor-Commissioner, City Clerk, City Attorney, officers and agents relative to the execution, issuance and delivery of a certain specified promissory note; ratifying, approving, validating, confirming and legalizing said promissory note, a certain specified payment made on the same and the levy and collection of taxes by said City of Daytona Beach for the year A. D. 1931 to, in part, liquidate said note; and requiring and making it the duty of the City Commission of said City of Daytona Beach, in making the annual tax levy of said City for the year A. D. 1932, to levy such special tax as may be necessary to pay said note in full."

Also—

On page 4, column 1, strike out paragraph immediately following the words and figures "House Bill No. 270," same being lines 26 to 28, inclusive, and insert in lieu thereof the following:

A bill to be entitled An Act amending Sections 1, 2, 3, 4 and 5 of Chapter 10501, Laws of Florida, Acts of 1925, being An Act entitled "An Act creating the office of Auditor and Purchasing Agent for Dade County, Florida, prescribing his duties and fixing his salary."

And as corrected was approved.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 8th, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

(Senate Bill No. 456):

An Act creating a Civil Service Board for the City of St. Petersburg, Florida, defining its membership, powers and duties; designating the members of the Police and Fire Departments who are within the terms of said Act; providing for a referendum on said Act and when said Act shall take effect and other matters in regard thereto.

Have carefully examined same, and find same correctly enrolled and herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

J. W. TURNER,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bill contained in the above report was thereupon duly signed by the President and Secretary of the Senate in open session, and ordered referred to the Chairman of the Committee on Enrolled Bills on the Part of the Senate to be conveyed to the House for the signatures of the Speaker and Chief Clerk thereof.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 11, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

(Senate Bill No. 217):

An Act to abolish the present municipal government of the City of Alachua, Alachua County, Florida, as created under Chapter No. 9367, Laws of Florida, A. D. 1923, and to recreate a city government under Chapter No. 5786, Laws of 1907, and to define its government, jurisdiction, powers, franchises and privileges.

Also—

(Senate Bill No. 313):

An Act authorizing the City Council of the City of South Miami to settle, compromise and adjust certain tax liens.

Also—

(Senate Bill No. 335):

An Act to validate and confirm certain bonds of the City of Live Oak, Florida.

Also—

(Senate Bill No. 340):

An Act authorizing the Commission of the City of Miami to settle and adjust certain tax liens.

Also—

(Senate Bill No. 378):

An Act authorizing the County Commissioners of Alachua County, Florida, to levy an additional tax annually upon all taxable property in said county, same to be used and expended by said Commissioners for the support and maintenance

and for the payment of interest and the bonded debt of the Alachua County Hospital located in said county.

Have carefully examined same, and find same correctly enrolled and herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session, and ordered referred to the Chairman of the Committee on Enrolled Bills on the Part of the Senate to be conveyed to the House for the signatures of the Speaker and Chief Clerk thereof.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 11, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

(House Memorial No. 1):

Resolved that the Legislature of Florida and the Congress of the United States of America be memorialized to pass legislation to investigate and survey the toll bridges on Federal Highways in the United States with view to making same toll bridges free, and request the earnest support of the United States Senators and Representatives from Florida toward this accomplishment.

Also—

(House Bill No. 559):

An Act to amend Section 37 as amended, and Sections 38 and 66 of the Chapter 13403, Laws of Florida, Acts of 1927, the same being the Charter of the City of Sarasota, and to amend Section 82 of the Charter of the City of Sarasota, which Section 82 was added to said City Charter by Ordinance No. 432, passed by the City Council of the City of Sarasota, November 22, 1930, and ratified by the qualified electors of said city, December 9, 1930.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The House Memorial and House Bill contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 8th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

(Senate Concurrent Resolution No. 16):

A Resolution furthering the movement to locate the Pan-American Highway Route through the State of Florida.

Beg leave to report that the same has this day been presented to the Governor for his approval.

Very respectfully,

J. W. TURNER,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

Also—

Senator Turner, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 8th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred:

(House Bill No. 147):

An Act repealing Chapter 11314, Laws of Florida, Acts of 1925, creating special road and bridge district No. 2 in Walton County, Florida, and providing for the disposition of the funds of said district in the hands of the trustees thereof.

Also—

(House Bill No. 372):

An Act abolishing and dissolving the Palm City road and bridge district, in Martin County, Florida, the board of supervisors of said district, and all offices created by said board; vesting the maintenance and control of said district in the board of county commissioners of Martin County, Florida, and providing for the disposal of all property and assets of said district and for the payment of indebtedness thereof.

Also—

(Committee Substitute for House Bill No. 286):

An Act to provide a board of public instruction for Duval County, Florida, consisting of five members, having certain qualifications; to provide for their nomination and election; to fix their terms of office; to eliminate their salaries; and to confirm their powers and duties as prescribed by general law, except as otherwise provided in this Act.

Also—

(House Bill No. 2):

An Act to abolish the present municipality of the City of Eau Gallie, Brevard County, Florida, and to recreate and re-establish a municipal corporation to be known as the City of Eau Gallie, Brevard County, Florida; to prescribe the territorial limits thereof; to prescribe the form of government and confer certain powers upon said municipality and the officers thereof; and to provide for the carrying into effect of the provisions of this Act.

Also—

(House Bill No. 203):

An Act amending Section One (1), of Chapter 7913, Acts of 1919, the same being Section 747, of the Compiled General Laws of Florida and relating to the consolidation, division and merger of special tax school districts.

Also—

(House Bill No. 401):

An Act to repeal Chapter 14553 of the Acts of Florida, 1929, being an Act entitled, "An Act to authorize the supreme court of Florida to select commissioners to assist the court in the performance of its duties and describing the duties of such commissioner and providing for their compensation".

Also—

(House Bill No. 421):

An Act to validate and confirm the issue of \$300,000 of bonds, which was issued by the City of Panama City, Florida, under date of May 1, 1930, and the action of the city commissioners of said city in relation thereto.

Also—

(House Bill No. 258):

An Act to prohibit live stock from running or roaming at large within the following territorial limits of Lee County in the State of Florida, and providing for the enforcement of this Act and for the impounding of live stock found running or roaming at large in said portion of Lee County in the State of Florida, and providing that persons damaged by such live stock running or roaming at large may recover damages therefor and providing a penalty for the violation of the provisions of this Act and for the taking effect of said Act.

Also—

(House Bill No. 295):

An Act to regulate the practice of dentistry, dental surgery and dental hygiene in the State of Florida, and to provide

penalties for the violation of any of the provisions of this Act.
 Beg leave to report that the same have this day been presented to the Governor for his approval.
 Very respectfully,

J. W. TURNER,
 Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Senator Watson, Chairman of the Committee on Engrossed Bills submitted the following report:

Senate Chamber,
 Tallahassee, Fla., May 8th, 1931.

Hon. Pat Whitaker,
 President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments), after third reading:

Senate Bill No. 512:

A bill to be entitled An Act regulating all municipal elections held in the city of Tampa, Florida; creating a board of elections for the City of Tampa, Florida, to conduct, hold, and regulate all municipal elections, including primary elections, held in said City; fixing the number or members of said board and their term of office; naming the members of the first board and fixing their terms of office: prescribing the qualifications, duties, powers, compensation, and method of election of the members of said board; prescribing the duties, and powers of said board; providing for and regulating electors and elections of said city; defining political parties in said city; providing for the nomination of all candidates for all elective municipal offices in said city by all political parties in said City; and repealing all laws and all parts of laws in conflict with this Act.

Have carefully examined same, and find same correctly engrossed, and return same herewith,

Very respectfully,

J. W. WATSON,
 Chairman of Committee.

And Senate Bill No. 512, contained in the above report, was referred to the Committee on Enrolled Bills.

Also—

Senator Turner, Chairman of the Committee on Commerce and Navigation, submitted the following report:

Senate Chamber,
 Tallahassee, Fla., May 8, 1931.

Hon. Pat Whitaker,
 President of the Senate.

Sir:

Your Committee on Commerce and Navigation, to whom was referred:

Senate Bill No. 434:

A bill to be entitled An Act to amend Chapter 13884 of 1929, Laws of Florida, entitled "An Act vesting in the railroad Commission of the State of Florida, the power to grant franchises to persons, firms or corporations, public or private, to build, construct, establish, operate and maintain bridges, causeways, tunnels, toll highways and ferries, on, over, along, across, through and under state lands, submerged or otherwise, and/or other lands or water where the grantee shall acquire the title or proprietary rights therein by the exercise of the power of Eminent Domain or otherwise, fixing the term for which such franchise rights may be granted; providing form of application; providing for approval by federal government as a condition precedent to the granting of the franchise where navigable waters are involved; providing for the notice of intention to apply for franchise; providing for notice by the railroad commission to each county affected; providing for the furnishing of bonds for the full performance of the terms of the franchise; providing for the control of the franchise privileges by the railroad commission; providing for the fixing of tolls and making rules and regulations controlling and governing the exercise of the franchise rights; providing for the granting and exercising of power of Eminent Domain by the grantee of such franchises; providing for the order of determination of the applications for franchise; and prohibiting the exercise by any person, firm or corporation, public or private, of any of the privileges provided for unless and until franchise granted in accordance with this act," and providing for exclusive franchise for five miles in both directions along both shore lines, and giving additional and exclusive rights to present and future franchise holders.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

J. W. TURNER,
 Chairman of Committee.

And Senate Bill No. 434, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Andrews moved that the rules be waived and Senate Bill No. 403 be re-referred to the Committee on Agriculture and Live Stock.

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

Senator Andrews moved that the rules be waived and Senate Bill No. 528 be re-referred to the Committee on Privileges and Elections.

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

Senator Gomez moved that the rules be waived and the Senate do now take up the consideration of Senate Bill No. 260 out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 260:

A bill to be entitled An Act relating to and concerning taxation; providing for the redemption of tax sale certificates or delinquent taxes now outstanding or hereafter to be issued or outstanding in one payment or on an installment basis and for the annual assessment of the properties embraced therein during installment redemption; prescribing certain powers and duties of officers having charge of the redemption of tax sale certificates and delinquent taxes and for procedure in relation thereto, and for the liability of such officer and of the sureties on his bond; and providing for the making of certain rules and regulations by the Comptroller.

Was taken up and read a second time in full.

Senator Gomez offered the following amendment to Senate Bill No. 260:

In Section 2, at the end thereof, add the following: Provided, however, that upon redeeming any delinquent taxes for the year 1931, or thereafter, that the interest rates provided by general law shall apply up until the time that redemption thereof shall have commenced, as provided in this act and that thereafter subsequent installments shall be completed at 6 per cent.

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Gomez moved that the rules be further waived and Senate Bill No. 260, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 260, as amended, was read a third time in full.

Senator Clarke moved that the rules be waived and Senate Bill No. 260 be placed on second reading for the purpose of amendment.

Which was not agreed to.

Upon the passage of the bill, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Bell, Bradshaw, Caro, Chowning, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hodges, Howell, Irby, Knabb, Lewis, Neel, Parrish, Stewart, Swearingen, Taylor, Wagg, Watson, Young—29.

Nays—Senators Anderson, Butler, Clarke, Hinely, Parker, Turner—6.

So the bill passed, as amended, title as stated.

And Senate Bill No. 260 was referred to the Committee on Engrossed Bills.

Senator Caro moved that the rules be waived and House Bill No. 197 be recalled from the House of Representatives for further consideration by the body.

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

INTRODUCTION OF BILLS

By Senator Butler—

Senate Joint Resolution No. 545:

A bill to be entitled An Act proposing an amendment to Article VIII of the Constitution of the State of Florida, relative to counties and cities.

Which was read the first time by its title only and referred to the Committee on Constitutional Amendments.

By Senator Swearingen—
Senate Bill No. 546:

A bill to be entitled An Act authorizing the Town of Frostproof, in Polk County, Florida, to acquire real property against which it claims a lien for special assessments and/or taxes, by private and absolute conveyance or at judicial sale, and providing for the sale and conveyance by said town of such real property and validating, ratifying and confirming all purchases by and conveyances to said town and all sales and conveyances by said town heretofore made in any manner provided by this Act.

Which was read the first time by its title only and placed on the Calendar of Local Bills on second reading.

By Senator Swearingen—
Senate Bill No. 547:

A bill to be entitled An Act empowering the Town Council of the Town of Frostproof in Polk County, Florida, to authorize and require the acceptance, by the tax collector and treasurer of said town, of any matured or unmatured bond of said town having all unmatured interest coupons attached thereto, and of any matured interest coupon of said town, at par value and accrued interest, in payment of any part or all of the taxes and special assessments due or which may be due said town.

Which was read the first time by its title only and placed on the Calendar of Local Bills on second reading.

By Senator Butler—
Senate Bill No. 548:

A bill to be entitled An Act relating to suits and actions at law to enjoin or prevent the enforcement or collection of such taxes and assessments; prescribing and limiting the time within which suits or actions at law to enjoin or prevent the enforcement or collection of such taxes may be brought and the time within which the invalidity of any such tax or assessment may be asserted as a defense in suits or actions to enforce or collect such taxes and assessments; and providing that any person or corporation owning or having an interest in or lien against any land or property against which such taxes and/or assessments are levied and imposed who shall fail to institute suit or action to enjoin or prevent the collection or enforcement of such taxes and/or assessments or to assert the invalidity of such taxes or assessments as a defense to a suit or action for the collection or enforcement of such taxes and/or assessments within such time shall be conclusively deemed to have consented to such taxes and/or assessments.

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

Senator Stewart moved that the rules be waived and when the Senate do adjourn it adjourn until 11:00 o'clock A. M., Tuesday, May 12, 1931.

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

By Senator Harris—
Senate Bill No. 549:

A bill to be entitled An Act relating to taxes for state purposes.

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

By Senator Watson—
Senate Bill No. 550:

A bill to be entitled An Act providing for the collection of taxes from itinerant merchant operating and doing business in the State requiring bond by such itinerant merchant and making provision for the collection of said tax in case of default by such itinerant merchant.

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

By Senator Watson—
Senate Bill No. 551:

A bill to be entitled An Act authorizing an investigation of the water resources of the State; authorizing cooperation with the United States Geological Survey and making an appropriation therefor.

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

By Senator Turner—
Senate Bill No. 552:

A bill to be entitled An Act to amend An Act entitled: An

Act to designate and establish a State Road to be known as State Road Number Eighty-one "A" in Levy County. The same being and designated as Chapter 13857, page 665 of Volume One of the General Laws of Florida 1929.

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

By Senator Harrison—
Senate Bill No. 553:

A bill to be entitled An Act making an appropriation for the maintenance and upkeep of Gamble Mansion, located at Ellenton, in Manatee County.

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

By Senator Butler—
Senate Bill No. 554:

A bill to be entitled An Act relating to the enforcement of taxes and/or special assessments and interest and penalties thereon imposed by any incorporated City or Town in the State of Florida; providing a supplemental, additional, optional and alternative method of enforcing such tax liens and/or special assessments and interest and penalties thereon by suit in chancery in the nature of a proceeding in rem against the lands upon which such taxes and/or special assessments constitute liens; and prescribing the practice, pleading and procedure in such suits and authorizing the allowance of reasonable attorneys fees therein.

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

By Senator Young—
Senate Bill No. 555:

A bill to be entitled An Act to amend Chapter 13667 of the Laws of Florida, for the year A. D. 1929, the same being "An Act authorizing and empowering the Trustees of the Internal Improvement Fund of the State of Florida to execute and deliver, for the benefit of the City of Fort Pierce, Florida, a deed of conveyance to certain submerged and over-flowed lands in the Indian River in St. Lucie County, Florida." Approved May 20th, A. D. 1929.

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

By Senator Bell—
Senate Bill No. 556:

A bill to be entitled An Act to amend Section 2954 of the Revised General Statutes of Florida, being Section 4681 of the Compiled General Laws of Florida, 1927, relating to Standard Time.

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

By Senator Getzen—
Senate Bill No. 557:

A bill to be entitled An Act to abolish the office of Probation Officer of Pasco County.

Which was read the first time by its title only and placed on the Calendar of Local Bills on second reading.

The following proof of publication was attached to Senate Bill No. 557 when it was introduced in the Senate:

PUBLISHER'S AFFIDAVIT—PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF PASCO.

Before me, the undersigned authority, this day appeared Frieda L. Rarick who, being first duly sworn, says that she is business manager of The Zephyrhills News, a newspaper published in Zephyrhills, Fla., in the said County and State, and that the annexed legal notice was published in said newspaper once each week for four consecutive weeks, beginning with the issue of April 10, A. D. 1931, and ending with issue of May 8, A. D. 1931, and that other dates of publication were: April 24, May 1, May 8, A. D. 1931.

FRIEDA L. RARICK,
Managing Editor.

Sworn and subscribed before me this the 9th day of May, A. D. 1931.

(SEAL)

B. A. THOMAS,
Notary Public.

My commission expires December 5, 1933.

**NOTICE OF INTENTION TO INTRODUCE A LOCAL BILL
TO ABOLISH THE OFFICE OF PROBATION OFFICER
OF PASCO COUNTY, FLORIDA.**

Notice is hereby given that local bill will be introduced in the 1931 session of the Legislature of the State of Florida, after thirty days from the publication of this notice, to abolish the office of Probation Officer of Pasco County, Florida.

**BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA.**

Senator Watson moved that the rules be waived and Senate Bill No. 361 be made a Special and Continuing Order for 12:00 o'clock Noon, Thursday, May 14, 1931.

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

The hour of adjournment having arrived a point of order was called and thereupon, the Senate stood adjourned at 1:00 o'clock P. M., until 11:00 o'clock A. M., Tuesday, May 12, 1931.