

EXTRAORDINARY SESSION
JOURNAL OF THE SENATE
THURSDAY, JUNE 11, 1931

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, June 10, 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, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Wednesday, June 10, was corrected and as corrected was approved.

REPORTS OF COMMITTEE ON ENGROSSED BILLS

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

Senate Chamber,
Tallahassee, Fla., June 10, 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. 2-X:

A bill to be entitled An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State; prescribing the license and fees to be paid therefor, and the disposition thereof, and the powers and duties of the Comptroller of the State of Florida and the tax collectors of the several counties of the State in connection therewith and prescribing penalties for the violation thereof.

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. 2-X, contained in the above report, was ordered to be certified to the House of Representatives.

Also—

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

Senate Chamber,
Tallahassee, Fla., June 11, 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. 51-X:

A bill to be entitled An Act granting a pension to Elizabeth Nichols, of Okaloosa County, Florida.

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. 51-X, contained in the above report, was ordered to be certified to the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By a two-thirds vote, permission was given to Senators Andrews, King, Futch and Hodges to introduce and have considered the following bill:

Senate Bill No. 44-X:

A bill to be entitled An Act to amend Section 10 of Chapters 7905, Acts of 1919, Laws of Florida, enlarging the uses for

which the general inspection fund may be collected and used so as to include the acquirement of hog cholera serum, inspection equipment and other property when approved by the Board of State Institutions.

Which was read the first time by its title only.

Senator Hodges moved that the rules be waived and Senate Bill No. 44-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 44-X was read a second time in full.

Senator Hodges moved that the rules be further waived and Senate Bill No. 44-X 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. 44-X was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bell, Bradshaw, Caro, Council, English, Futch, Gary, Gomez, Harris, Harrison, Hilburn, Hodges, Howell, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Taylor, Turner, Wagg, Watson, Young—28.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives, immediately, the rule having been waived.

Senator Neel moved that all bills passed today be immediately certified to the House of Representatives.

Which was agreed to.

And it was so ordered.

By Senator Young (by request)—

Senate Bill No. 45-X:

A bill to be entitled An Act to provide for the raising of public revenue in lieu of certain ad valorem taxes, and by a tax upon the privileges of engaging in certain occupations, and by a tax upon certain business and commercial transactions and enterprises; to provide for the ascertainment, assessment and collection of such tax; to provide that certain courts shall have jurisdiction to hear and determine causes incident to such taxes; to provide penalties for the violation of terms hereof; and to repeal certain statutes, and to provide for the disposition of the funds so raised.

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

Senator Young moved that 300 copies of Senate Bill No. 45-X be printed for distribution.

Which was agreed to.

And it was so ordered.

By a two-thirds vote, permission was given to Senator Young to introduce and have considered the following bill:

Senate Bill No. 46-X (by request):

A bill to be entitled An Act to prohibit members of a political committee under the Laws of the State of Florida being candidates for office or holding office or being members of more than one committee and to provide for the filling of vacancies occurring in the several political committees of the State.

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

By a two-thirds vote, permission was given to Senator Harris to introduce and have considered the following bill:

Senate Bill No. 47-X:

A bill to be entitled An Act to provide a simplified method for allowing and disallowing claims for preference in the distribution of the assets of insolvent banking institutions in the State of Florida, and providing for a form of judicial proceedings for adjudicating and determining the same, and making the provisions of this Act relative to Judicial Proceedings Applicable to the Determination of all claims for preference which are not in actual litigation at the time this act takes effect.

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

By a two-thirds vote, permission was given to Senator Harris to introduce and have considered the following bill:

Senate Bill No. 48-X:

A bill to be entitled An Act to amend Sections 4510, 4512 and paragraph 8 of Section 4514 of the Revised General Statutes of Florida as amended by Chapter 9144, Chapter 10097 and Chapter 14544 of the Laws of Florida, relating to the organization, management and cooperation of agricultural, viticultural and horticultural non-profit cooperative associations.

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

By a two-thirds vote, permission was given to Senators Harris and Andrews to introduce and have considered the following bill:

Senate Bill No. 49-X:

A bill to be entitled An Act to amend Sections 1 and 2 of Chapter 2065, Laws of Florida, Acts of 1875, the same being Sections 5792 and 5793 of the Compiled General Laws of Florida, 1927, relating to the exemption of the personal earnings of heads of families from garnishment, to provide for the garnishment of twenty-five per cent of such earnings.

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

By Senator Adams—

Senate Bill No. 50-X:

A bill to be entitled An Act to amend Section 741 of the Revised General Statutes of Florida, 1920, being Section 950 of the Compiled General Laws of Florida, 1927, as amended by Section 2, of Chapter 14572, Laws of Florida, Acts of 1929, relating to the time when taxes become due and delinquent, and providing for the payment of same in two equal installments, and requiring the payment of interest on all delinquent taxes, and providing a discount if paid within a certain time.

Which was read the first time by its title only.

Senator Adams moved that the rules be waived and Senate Bill No. 50-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 50-X was read a second time in full.

Senator Gomez moved that the rules be waived and Senate Bill No. 50-X remain on the Calendar of Bills on second reading for the purpose of further consideration.

Which was agreed to by a two-thirds vote.

And it was so ordered.

By a two-thirds vote, permission was given to Senator Adams to introduce and have considered the following bill:

Senate Bill No. 51-X:

A bill to be entitled An Act granting a pension to Elizabeth Nichols, of Okaloosa County, Florida.

Which was read the first time by its title only.

Senator Adams moved that the rules be waived and Senate Bill No. 51-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 51-X was read a second time in full.

Senator Howell offered the following amendment to Senate Bill No. 51-X:

Strike out all of Section 2, and re-number Section 3 as Section 2.

Senator Howell moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Adams moved that the rules be further waived and Senate Bill No. 51-X, 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. 51-X, as amended, was read a third time in full.

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

Yeas—Mr. President; Senators Adams, Andrews, Bell, Bradshaw, Caro, Chowning, Council, Dell, Futch, Gary, Getzen, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, King, Knabb, Parrish, Stewart, Taylor, Wagg, Watson—27.

Nays—Senator Anderson—1.

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

And the same was ordered to be referred to the Committee on Engrossed Bills.

By a two-thirds vote, permission was given to Senators Irby and Gary to introduce and have considered the following bill:

Senate Bill No. 52-X:

A bill to be entitled An Act to repeal An Act known and designated as Chapter 12436—(No. 631), approved May 2nd, 1927, entitled: "An Act defining and fixing the territory and boundaries of the Fifth Judicial Circuit and creating the Twenty-fourth Judicial Circuit, providing for a Circuit Judge and State Attorney in the Twenty-fourth Circuit, and providing and fixing the time for holding the terms of Circuit Court in the Fifth and Twenty-fourth Judicial Circuits, and effect on pending litigation, and providing for the payment of the salary of the Circuit Judge and State Attorney." To make provisions for incorporating and including the Counties of Citrus and Hernando, now comprising the Twenty-fourth Judicial Circuit of Florida into the Fifth Judicial Circuit of Florida; to provide for holding the terms of Circuit Court in Citrus, Hernando and Marion Counties in the Fifth Judicial Circuit of Florida; to provide for the effect of the passage of this Act on pending litigation in the Circuit Court of Citrus and Hernando Counties; to fix the time when this Act shall go into effect, and providing for a referendum election thereon and to repeal all laws in conflict with this Act.

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

By a two-thirds vote, permission was given to Senator Hilburn to introduce and have considered the following bill:

Senate Bill No. 53-X:

A bill to be entitled An Act relating to the application of funds accruing to the General Road Fund of any county.

Which was read the first time by its title only.

Senator Hilburn moved that the rules be waived and Senate Bill No. 53-X be placed on the Calendar of Bills on second reading without reference.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senator Neel moved that as Chairman of the Committee on Appropriations, he be authorized to employ a clerk for said Committee.

Which was agreed to.

And it was so ordered.

By a two-thirds vote, permission was given to Senator Gary to introduce and have considered the following bill:

Senate Bill No. 54-X:

A bill to be entitled An Act providing for the revocation of donations and gifts of real estate for religious, patriotic, or charitable purposes, and providing for the reversion of same.

Which was read the first time by its title only.

Senator Gary moved that the rules be waived and Senate Bill No. 54-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 54-X was read a second time in full.

Senator Gary moved that the rules be further waived and Senate Bill No. 54-X 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. 54-X was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Andrews, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Hilburn, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Lewis, Neel, Parrish, Stewart, Taylor, Wagg, Watson, Young—33.

Nays—Senator Bell—1.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

By Senator Getzen—

Senate Bill No. 55-X:

A bill to be entitled An Act relating to the application of funds accruing to the general road fund of any county.

Which was read the first time by its title only.

Senator Getzen moved that the rules be waived and Senate Bill No. 55-X be placed on the Calendar of Bills on second reading without reference.

Which was agreed to by a two-thirds vote.

And it was so ordered.

By a two-thirds vote, permission was given to Senator Caro to introduce and have considered the following bill:

Senate Bill No. 56-X:

A bill to be entitled An Act to amend the commission gov-

ernment charter of the City of Pensacola which was created by Chapter 6746, Laws of Florida of 1913, in relation to the election and terms of office of the city commissioners, and the appointment, qualifications, salary and terms of office of the city comptroller, and the appointment and removal of other city officers.

Which was read the first time by its title only.

Senator Caro moved that the rules be waived and Senate Bill No. 56-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 56-X was read a second time by its title only.

Senator Caro moved that the rules be further waived and Senate Bill No. 56-X 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. 56-X was read a third time in full.

Upon the passage of the bill the roll was called and the vote was:

Yeas—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, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—38.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives immediately, the rule having been waived.

Senator Howell moved that he be permitted to introduce and have considered the following bill:

Senate Bill No. 57-X:

A bill to be entitled An Act to create the office of Fish Game Commissioner of Florida; to provide for the appointment, term of office, powers, duties and compensation of such officer and to abolish the office of Shell Fish Commissioner of the State of Florida and to abolish the office of State Game Commissioner of the State of Florida.

Which was not agreed to.

By Senators Lewis and Howell—

Senate Bill No. 58-X:

A bill to be entitled An Act dividing the State of Florida into Fourteen Judicial Circuits; providing the Circuit Judges and State Attorneys therefor and the manner of their appointment and confirmation; and providing for the termination of the terms of office of the State Attorneys.

Which was read the first time by its title only.

Senator Lewis moved that the rules be waived and Senate Bill No. 58-X be placed on the Calendar of Bills on second reading without reference.

Which was not agreed to.

And Senate Bill No. 58-X was referred to the Committee on Judiciary.

By a two-thirds vote, permission was given to Senators Gary and Hilburn to introduce and have considered the following bill:

Senate Bill No. 59-X:

A bill to be entitled An Act to repeal Section 42 of Chapter 10040 Laws of Florida, Acts of 1925 as amended by Chapter 14572 Laws of Florida, Acts of 1929, relating to and concerning taxation.

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

By a two-thirds vote, permission was given to Senator Watson to introduce and have considered the following bill:

Senate Bill No. 60-X:

A bill to be entitled An Act authorizing the Comptroller of the State of Florida to settle with the Clerk of the Circuit Court, Dade County, Florida, for certain tax funds.

Which was read the first time by its title only.

Senator Watson moved that the rules be waived and Senate Bill No. 60-X be read a second time in full.

Which was not agreed to.

And Senate Bill No. 60-X was referred to the Committee on Miscellaneous Legislation.

By a two-thirds vote, permission was given to Senator Watson to introduce and have considered the following bill:

Senate Bill No. 61-X:

A bill to be entitled An Act for the relief of Thomas S. Ferguson, individually, and as Justice of Peace, of the Third Justice District, Dade County, Florida.

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

By a two-thirds vote, permission was given to Senator Watson to introduce and have considered the following bill:

Senate Bill No. 62-X:

A bill to be entitled An Act for the relief of A. O. Moore, individually, and as Justice of the Peace, of the Eighth Justice District of Dade County, Florida.

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

By a two-thirds vote, permission was given to Senator King to introduce and have considered the following bill:

Senate Bill No. 63-X:

A bill to be entitled An Act providing for the publication of error and insolvency lists by tax collectors in this State.

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

Senator Hodges moved that the Senate do now go into executive session.

Which was agreed to.

And the Senate went into executive session at 12:00 o'clock noon.

The Senate emerged from executive session at 12:20 o'clock P. M.

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, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—38.

A quorum present.

Senator Hodges moved that the Senate do now go into executive session.

Which was agreed to.

And the Senate went into executive session at 1:22 o'clock P. M.

The Senate emerged from executive session at 1:37 o'clock P. M.

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, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—38.

A quorum present.

Senator Anderson moved that the rules be waived and when the Senate do recess it recess until 3:30 o'clock P. M., this day.

Senator Neel moved as a substitute that the rules be waived and when the Senate do adjourn it adjourn until 11:00 o'clock A. M., Friday, June 12, 1931.

The question was put on the substitute motion.

Which was not agreed to.

The question recurred on the motion of Senator Anderson.

Which was agreed to.

And it was so ordered.

A point of order was called and the Senate recessed at 1:40 o'clock P. M., until 3:30 o'clock P. M., this day.

AFTERNOON SESSION

The Senate convened at 3:30 P. M., pursuant to recess order.

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, Johns, King, Knabb, Lewis, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—38.
A quorum present.

By permission the following reports of Committees were received:

REPORT OF COMMITTEE ON ENGROSSED BILLS

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

Senate Chamber,
Tallahassee, Fla., June 11, 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. 64-X:

A bill to be entitled An Act to provide revenue for the State of Florida by levying a tax on malt extract, derivatives or combinations thereof, intended for brewing or cooking; defining malt extract, its derivatives and combinations; fixing the time of collecting of said tax, describing the manner and method of enforcing payment, and fixing the penalties for failure to make same; requiring all those engaged in handling, selling or distributing malt extract, derivatives or combinations thereof, to make such reports of their business as may be necessary for the proper enforcement of this Act; provided that it shall be a violation of this Act to possess for distribution, sale or use in this State any such malt extract, derivatives, or combinations thereof, without the stamps therein provided for being properly affixed and cancelled; providing for the issuance and sale and distribution of stamps for the purpose of payment and collection of said taxes; providing that all tax collected under the provisions of this Act be paid into the State Treasury and after costs of collection shall be paid, credited to the general revenue fund; providing that those who violate provisions of this Act shall be punished by certain penalties prescribed.

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. 64-X, contained in the above report, was ordered to be certified to the House of Representatives.

REPORT OF COMMITTEE

Senator Johns, Chairman of the Committee on Judiciary, submitted the following report:

Senate Chamber,
Tallahassee, Florida, June 11, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred:

Senate Bill No. 46-X:

A bill to be entitled An Act to prohibit members of a political committee under the laws of the State of Florida being candidates for office or holding office or being members of more than one committee and to provide for the filling of vacancies occurring in the several political committees of the State.

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

Very respectfully,

E. M. JOHNS,
Chairman of Committee.

And Senate Bill No. 46-X, contained in the above report, was placed on the Calendar of Bills on second reading.

By permission the following Resolutions were introduced:

By Senator Stewart—

Senate Resolution No. 6-X:

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

THAT the President of the Senate do appoint a special committee of not more than seven (7) members which said com-

mittee shall consider any and all bills pertaining to the redistricting of the Judicial Circuits of the State of Florida;

THAT said committee do prepare a committee bill of redistricting Judicial Circuits of the State of Florida and report the same to the Senate for consideration within ten (10) days. Which was read.

Senator Stewart moved the adoption of the Resolution. Which was not agreed to.

By Senator Caro—

Senate Resolution No. 7-X:

WHEREAS, It is the prevailing opinion of the members of the Florida State Senate and House of Representatives, as well as the Governor of the State of Florida and the respective cabinet officers that reasonable reduction in the expenses of governmental operation is both necessary and practical for and during the next biennial, and

WHEREAS, the members of the Budget Commission are in position to be and are more familiar with the needs and requirements of the several departments of the State Government, and

WHEREAS, it is the desire of the Senate to make such reductions in expenses as are possible without interfering with or hampering the efficient conduct and maintenance of the several departments of the State Government,

NOW THEREFORE, Be It Resolved by the Senate of the State of Florida that the members of the Budget Commission of the State of Florida be and they are hereby requested to immediately reconvene and to consider and report to the Senate the minimum total amount of money upon which each of the several departments of the State Government can efficiently and usefully function during the next biennial.

BE IT FURTHER RESOLVED, That the Secretary of the Senate communicate this request to the Budget Commission, together with a copy of this Resolution.

Which was read.

Senator Caro moved the adoption of the resolution. Which was not agreed to.

By permission the following bills were introduced.

By Senators Young and Bell—

Senate Bill No. 64-X:

A bill to be entitled An Act to provide revenue for the State of Florida by levying a tax on malt extract, derivatives or combinations thereof, intended for brewing or cooking; defining malt extract, its derivatives and combinations; fixing the time of collecting of said tax, describing the manner and method of enforcing payment, and fixing the penalties for failure to make same; requiring all those engaged in handling, selling or distributing malt extract, derivatives or combinations thereof, to make such reports of their business as may be necessary for the proper enforcement of this Act; providing that it shall be a violation of this Act to possess for distribution, sale or use in this state any such malt extract, derivatives, or combinations thereof, without the stamps therein provided for being properly affixed and cancelled; providing for the issuance and sale and distribution of stamps for the purpose of payment and collection of said taxes; providing that all tax collected under the provisions of this Act be paid into the state treasury and after costs of collection shall be paid, credited to the general revenue fund; providing that those who violate provisions of this Act shall be punished by certain penalties prescribed.

Which was read the first time by its title only.

Senator Young moved that the rules be waived and Senate Bill No. 64-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 64-X was read a second time in full.

Senator Bell offered the following amendment to Senate Bill No. 64-X:

In section 6, line 14 strike out the remainder of the section after the word "Act".

Senator Bell moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Bell moved that the rules be further waived and Senate Bill No. 64-X, 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. 64-X as amended, was read a third time in full.

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

Yeas—Senators Adams, Anderson, Bell, Bradshaw, Chowning, Dell, Gary, Getzen, Harris, Hilburn, Hodges, Howell, Johns, Lewis, Neel, Parrish, Stewart, Swearingen, Turner, Wagg, Watson, Young—22.

Nays—Senators Andrews, Butler, Clarke, Council, English, Futch, Gomez, Harrison, Irby, Knabb, Parker, Taylor—12.

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

And the same was ordered to be referred to the Committee on Engrossed Bills.

By the Committee on Finance and Taxation—

Senate Bill No. 65-X:

A bill to be entitled An Act imposing license taxes upon gasoline or other like products of petroleum; providing for reports of sales of such commodities to the Comptroller of the State of Florida; providing for the disposition of the moneys derived from such taxes, and fixing a penalty for the violation of the provisions of this Act; providing that the gasoline inspection laws of the State of Florida shall apply to this Act.

Which was read the first time by its title only.

Senator Wagg moved that the rules be waived and Senate Bill No. 65-X be read a second time in full.

Upon which a roll call was demanded.

Upon the adoption of the motion offered by Senator Wagg the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Butler, Dell, Gary, Harris, Harrison, Hilburn, Hodges, Lewis, Neel, Parrish, Turner, Wagg, Young—16.

Nays—Senators Andrews, Bell, Bradshaw, Clarke, Council, English, Futch, Getzen, Gomez, Howell, Irby, Johns, Knabb, Parker, Swearingen, Watson—16.

Which was not agreed to.

And Senate Bill No. 65-X was placed on the Calendar of Bills on second reading without reference.

By a two-thirds vote, permission was given to Senator Futch to introduce and have considered the following bill:

Senate Bill No. 66-X:

A bill to be entitled An Act to amend Chapter 5194 of the Laws of Florida, entitled "An Act to prohibit the fraudulent use and wilful waste of electricity, gas or water, and the fraudulent or wilful tampering with or injury of meters intended to measure electricity, gas or water."

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

UNFINISHED BUSINESS

Senate Bill No 12-X:

A bill to be entitled An Act relating to taxation, levying and imposing an excise tax on gasoline and other like products of petroleum in addition to other taxes thereon; levying and imposing a license tax on every dealer in gasoline or any other like product of petroleum; providing for the report of sale of such commodities, and the collection and payment of such taxes; creating special funds for the reception of such taxes; providing the purposes of such taxes, and for the deposit, appropriation and disposition of the proceeds derived from such taxes, and prescribing the duties of certain officials with reference thereto, and declaring certain roads to have been and to be built for State purposes and as being State undertakings; repealing Chapter 14575, Laws of Florida, Acts of 1929, relating to the subject of gasoline taxes; repealing Section 1 of Chapter 14573, Acts of 1929, relating to the subject of gasoline taxes, and all laws in conflict with this Act; providing for the enforcement of this Act and penalties for violation hereof.

Which was read a second time in full on June 10, 1931, and with its pending amendments, retained its place on the Calendar of Bills on second reading, was taken up.

By unanimous consent Senator Getzen withdrew the substitute amendment offered by him, the adoption of which was pending at the hour of adjournment on June 10, 1931.

By unanimous consent Senator Bell withdrew the amendment offered by him, the adoption of which was pending at the hour of adjournment on June 10, 1931.

Senator Getzen offered the following amendment to Senate Bill No. 12-X:

Section 1. Every dealer in gasoline or other like products of petroleum in this State, under whatever name designated shall pay a license tax of five dollars (\$5.00) to the State, and in addition thereto, a tax herein termed 'Gas Tax' of eight (8c) cents per gallon for every gallon of gasoline or other like

products of petroleum sold by him, and upon which the tax herein provided has not been paid, or the payment whereof has not been assumed by a person preceding him in the handling of said lot of products, such tax of eight (8c) cents per gallon being made up of two separate taxes, being

FIRST GAS TAX: A tax of three (3c) cents per gallon for the State of Florida, for the use of the State Road Department, as provided by law.

SECOND GAS TAX: A tax of five (5c) cents a gallon to be apportioned, as provided for in Section 8 of this Act.

Delivery of said gasoline or other like products of petroleum shall be deemed to be made at the point of destination. The tax herein levied and assessed shall be paid to the Comptroller monthly in the following manner:

On or before the 15th day of each month the dealer shall report, under oath, to the Comptroller the number of gallons of such products sold by him during the preceding month, and shall at the same time, pay to the Comptroller the amount of tax above mentioned. Such report shall show in detail the amount of products so sold and delivered by such dealer in the State of Florida. The taxes herein levied and assessed shall be in addition to any and all other taxes authorized, imposed, assessed or levied on gasoline or other like products on petroleum under any laws of the State of Florida, not herein specifically repealed.

Section 2. If any dealer shall fail to make the report and payment to the Comptroller as herein provided on or before the 16th day of the month succeeding the month for which said tax is due as herein provided, the Comptroller shall, after having given at least five days' notice to such dealer, estimate the amount of such products sold by such dealer during such month from such information as he may be able to obtain and shall add ten per centum to the amount of such taxes, as estimated, as the penalty for the failure of such dealer to make such report or payment and shall proceed to collect such tax, together with such penalty and cost, and obtain the same as delinquent railroad taxes are collected by law.

Section 3. All moneys derived from the gas tax imposed by this Act, shall be paid into the State Treasury by the Comptroller, as follows:

FIRST GAS TAX: Shall be paid into the "State Road License Fund";

SECOND GAS TAX: Shall be paid into the "State Roads Refunding Fund."

Which said special funds are hereby created for the reception of the same.

Section 4. The Comptroller shall issue to the Licensed dealer in gasoline a receipt or certificate evidencing the payment of said license fees. Said receipt or certificate shall be posted on display and be so kept at all times open to the public view at the place of business for which same is issued.

Section 5. All moneys derived from the license tax of five (\$5.00) dollars imposed by this law for State license shall be paid into the State Treasury in a special fund to be credited to the account of the Comptroller and shall be subject to the payment by the Comptroller of the expenses incident to the administration of this law, including postage, clerical aid and cost and expenses incident to litigation, and the payment of such sums of money as the Comptroller may from time to time determine shall be refunded to any person making over payment into said several funds hereby created.

The remainder, if any, of the moneys in such special fund shall be transferred in the State Treasury to the credit of the "State Road License Fund" and transfers of money to such fund shall be made by the State Treasurer from time to time.

Section 6. All such moneys in the "State Road License Fund" shall be used for the construction and maintenance of State roads, as otherwise provided by law, under the direction of the State Road Department, which department may from time to time make requisition on the Comptroller for funds to pay for the construction and maintenance of State roads. Money from said funds shall be drawn by the Comptroller by warrant upon the State Treasury pursuant to vouchers, and shall be paid in like manner as other State warrants are paid out of the appropriate funds against which same are drawn and all sums of money necessary to provide for payment of said warrants by the Comptroller drawn upon said funds are hereby appropriated annually out of said funds for the purpose of making such payments from time to time.

Section 7. It is hereby expressly recognized and declared by the Legislature of the State of Florida that all roads being

constructed or built or which have heretofore been constructed or built, or which will be hereafter constructed or built by the State Road Department under prior or future authorization and designation by the Legislature of the State of Florida as State roads, or which were constructed or built by any county or Special Road and Bridge District or other special taxing districts thereof, which are and will be constructed and built as State projects and undertakings and not otherwise, and that the cost of the construction and building thereof was, is and will be a legitimate proper State expense incurred for a general and State purpose, and should be wholly borne by the State of Florida. It is hereby expressly recognized that certain of the counties of the State of Florida and/or special road and bridge districts or other taxing districts of such counties have advanced or contributed and paid to the State Road Department varying sums of money to be used and expended by said State Road Department in the construction and building of State roads theretofore authorized and designated by the Legislature of the State of Florida as State projects, and it is hereby expressly recognized that certain of the counties of the State of Florida and/or special road and bridge districts or other taxing districts of such counties have paid or expended or caused to have been paid or expended varying sums of money in the construction and building of certain roads that are now State roads and heretofore designated as State roads by the Legislature of the State of Florida, and that all such moneys have been and are being expended, furnished, advanced, contributed or paid out on account of expenses of the State in construction and building of said State roads to and for the general benefit of the State and that such sums should be returned and repaid respectively to each county to the amount that such county and/or any special road and bridge district or special taxing districts thereof have advanced or expended in the construction of the same.

Section 8. (a) The Chairman and Auditor of the State Road Department shall within sixty (60) days after this Act becomes a law, ascertain and certify to the Comptroller of the State of Florida and to the Board of Administration and to each county within the State of Florida, entitled to benefit hereunder as participate herein, the amount of money advanced and paid by the several counties, and/or special road and bridge districts of other special taxing districts of any counties, to the State for the use of the State Road Department in the construction and building of State roads, specifying separately and particularly the amount advanced and paid by each county; and the Chairman and Auditor of the State Road Department shall, within sixty (60) days after this Act becomes law, ascertain and certify to the Comptroller and to the Board of Administration and to every county of the State of Florida, beneficiary or participating hereunder, the amount of money furnished, advanced, contributed, paid out or expended by the several counties and/or special road and bridge districts or other special taxing districts of such counties in the building and construction of roads that are now designated State roads, specifying separately and particularly the amount furnished and expended by each county. The amount so certified as to any county shall include all moneys advanced, contributed, paid and expended, as aforesaid, by such county and by every special road and bridge district or other special taxing district for road and bridge purposes on roads now designated as State roads, in such county.

(b) Said certificate shall be audited by the Comptroller and being found correct, shall constitute the basis for the subsequent allocation and apportionment of the moneys to be derived from the Second Gas Tax and from which the disbursement shall be made to or for the benefit of, such respective counties as herein provided, out of said "State Roads Refunding Fund" account. The Comptroller shall each month, draw his order on the Treasurer of the State of Florida, for the full net amount of moneys then with the State Treasury in said "State Roads Refunding Funds," specifying the counties to which said moneys shall be paid, and the amount to be paid to each county, respectively, until the full amount to be repaid such counties under the provisions of this Act, is fully paid. Said order of said Comptroller shall be countersigned by the Governor. Thereupon the State Treasurer shall transmit to the County Road and Bridge Fund in each county the moneys so directed to be paid to such county by said order of the Comptroller. The monthly payments to such counties shall be made in installments to

each county, which installment shall be computed and paid on the following schedule of payment, viz:

(1) The proceeds of one cent of the said Second Gas Tax shall be apportioned to the credit of the several counties on the basis of area of said counties that is to say, the apportionment shall be to the county in the proportion that the area of the county shall bear to the area of all the counties:

(2) The proceeds of one cent of the said Second Gas Tax shall be apportioned to the credit of the several counties on the basis of population of the counties, that is to say, the apportionment shall be to the county in the proportion that the population of the county shall bear to the total population of the State, as determined by the last preceding general State or Federal census taken, and

(3) The proceeds of one cent of the said Second Gas Tax shall be apportioned to the credit of the several counties on the basis of contribution which has heretofore been made by the counties and/or special road and bridge districts or other special taxing districts of such counties to the construction of State roads, either through funds or the equivalent thereof of the county and/or special road and bridge districts or other special taxing districts of such counties turned over to the State Road Department from time to time, or through roads constructed by the counties and/or special road and bridge districts or other special taxing districts of such counties at county expense and which were then or thereafter made a part of the existing State highway system. It is hereby declared that it is the purpose of this apportionment, as heretofore set forth to create a county fund to the credit of each of the counties to be made up of monthly payments on the indebtedness of the county made by the counties in the proportion hereinbefore specified, that is to say, aggregate of the sum of the apportionments hereinbefore specified, provided, however, that when the amount furnished, advanced, contributed, paid out or expended by any such county and/or special road and bridge districts or other special taxing districts of such county in the construction and building of such State roads within such county has been returned to such county that thereafter a sum equal to the amount provided to be returned to such county under this Act from the Second Gas Tax levied hereunder shall be paid into the State Road License Fund, and the same is hereby appropriated to the use of the State Road Department for the construction within said county of those State roads within such county which are now designated as and recognized by the State Road Department as being a part of, the First, Second, or Third Preferential System of State Roads, and which roads, to the extent of such funds, are to be constructed and built as State projects and undertakings and not otherwise; which said funds shall be applied and used by the State Road Department for such purpose, and the expense of constructing said roads is hereby declared to be a legitimate, proper State expense to be incurred for a general and State purpose.

Whereupon and upon the completion of the construction of such preferential system of State roads within such county all funds thereafter derived from the Second Gas Tax theretofore allotted or appropriated to said county, shall be transferred to the State Road License Fund of the State of Florida in the manner and to be expended as provided by law.

(4) The proceeds of one cent of said Second Gas Tax shall be apportioned to the credit of the several counties equally for the purpose of repairing and maintaining roads and bridges in said counties; and it is hereby declared that the repairing and maintaining of such roads and bridges is a State purpose and should be borne by the State of Florida; which said proceeds of said one cent shall be distributed equally each month to the County Commissioners of each county to be used for the purpose aforesaid.

(5) The proceeds of one cent of the said Second Gas Tax shall be paid to the State Treasury to the credit of the State General Revenue Fund by the Comptroller of the State of Florida, for use and usage as the General Revenue Fund is now used.

Section 9. That all moneys provided for herein, except the fourth cent provided in the preceding Section, to be credited to the various counties of the State shall be placed in the State Treasury to the credit of the State Board of Administration, and shall by said Board of Administration be administered as now provided by law. Provided, however, that moneys to be used for road and bridge construction as herein provided shall be placed in the State Treasury to the credit

of the State Road Department and the same is hereby appropriated for use of said State Road Department in the construction of roads and bridges in the various counties to which the same is credited.

Section 10. For the purposes of this Act, any bonds, time warrants, certificates of indebtedness, or other general obligations of any county, turned over or delivered to the State of Florida to the credit of the State Road Department by any county, or special road and bridge district thereof, to apply toward the construction or building of any State road, shall be considered as an advance or payment to said State Road Department and subject to repayment and return to such county under the provisions of this Act, where the same have been converted into money but only to the amount of the proceeds received by the State of Florida from the sale thereof. Any funds, bonds, time warrants, certificates of indebtedness, or other general obligations, or any county, or any special road and bridge district, turned over and delivered to the State of Florida to the use of the State Road Department in constructing State Roads, and now remaining in the State Treasury, and now contracted to be expended, shall be returned to the respective counties and/or special road and bridge districts that turned over and delivered the same, as soon as practicable, by the proper State officials.

Section 11. The term "deal" as used herein or in any proceedings under this Act shall be deemed and taken to mean any person, firm, corporation or association engaged in the business of selling in this State such of the products covered by this Act as have been divested of their interstate character, and the tax hereby imposed under the quantity of such product sold in this State shall be collected only once and then upon the first sale after the same has lost its interstate character. The term "road" as used herein, or in any proceeding under this Act, shall be deemed and taken to include highways and bridges.

Section 12. Each wholesale dealer in gasoline, or other like products of petroleum, shall, when making their report to the Comptroller of the amount of such products sold in this State upon which the tax herein provided is due and payable by them to the Comptroller of the State of Florida for the use of the State of Florida, at the same time report to the Comptroller each and every sale made by such dealer of any quantity of gasoline, or other like products, which shall not have been at the time of such sale divested of its interstate character, which report shall show the name and business location of the person, firm or corporation to whom the same is sold in this State. Every dealer shall, at the time other reports are required to be made to the Comptroller, report to the Comptroller each and every purchase of such products not theretofore divested of their interstate character made by such dealer upon which the tax is shown by the invoice thereof to have been assumed for report and payment by the dealer selling to him.

Section 13. Each dealer when selling to any other dealer any of the products herein taxed shall render an invoice of such sale to the purchaser and upon such invoice the dealer so rendering such invoice shall plainly state thereon whether or not the tax herein required will be reported and paid by him, and the purchaser so buying and receiving such products may fully rely upon the statement so made in such invoice.

Section 14. Any person, firm corporation or association violating any of the provisions of this Act for the first offense shall be guilty of a misdemeanor and shall be punished accordingly, and for the second or further offense, shall be punished by a fine of not more than Five Thousand (\$5,000.00) Dollars, or by imprisonment in the county jail for a term of not more than twelve months, provided, however, that the penalties provided in this section shall be in addition to those provided for in Section 2 of this Act.

Section 15. If any dealer shall collect from another, upon an invoice rendered, the tax herein contemplated, and shall fail to report and pay the same to the Comptroller, as herein provided, he shall be deemed to be guilty of embezzlement of funds, the property of the State of Florida, and upon conviction shall be punished as if convicted of larceny of a like sum.

Section 16. Nothing in this Act shall be construed so as to apply to crude oil, fuel oil, or kerosene oil.

Section 17. Nothing in this Act shall be construed as repealing any part of Chapter 7905, Acts of 1919, known as the "Gasoline Inspection Act."

Section 18. Section 1 of Chapter 14573, Acts of 1929, being "An Act providing for the raising of special revenue for the purpose of education in this State by providing for an additional tax on gasoline; by an ad valorem tax on all real and personal property in the State," be and same hereby repealed; also Chapter 14575 Laws of Florida, Acts of 1929, being "An Act to amend Section 1 and 4 of Chapter 9120 Laws of Florida, Acts of 1923, entitled "An Act imposing license tax upon gasoline or other like products of petroleum; providing for reports of sale of such commodities to the Comptroller of the State of Florida; providing for the distribution of the moneys derived from such tax and fixing a penalty for the violation of the provisions of this Act, and to repeal all laws in conflict with this Act; as amended by Section 1 of Chapter 10025, Laws of Florida, Acts of 1925, and as further amended by Chapter 12037, Laws of Florida, Acts of 1927, said Section 1 and 4 being Sections 1153 and 1156 of the Compiled General Laws of Florida, 1927" be and the same is hereby repealed; also laws in conflict with the provisions of this Act be and the same hereby repealed.

Section 19. If any part of this law applicable to the distribution of the "Second Gas Tax" should be held unconstitutional or to be ineffective for any reason, then all or such part of said "Second Gas Tax" so affected, shall be received into the State Treasury and paid into a special State fund hereby created and designated "Second Gas Tax Fund," which fund shall be held intact and sums therein shall not be distributed except upon Legislation to be enacted by some subsequent Legislature of the State of Florida.

Section 20. This Act shall take effect on July 1, 1931.

Senator Getzen moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senator Getzen, Senator Howell moved that the rules be waived and the hour of recess be extended 15 minutes.

Senator Butler moved as a substitute that the rules be waived and the hour of recess be extended 30 minutes.

The question was put on the substitution motion.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Pending the adoption of the amendment Senator Parker moved that the rules be waived and the hour of recess be extended until 6:00 o'clock P. M.

Senator Neel moved as a substitute that the Senate do now adjourn.

The question was put on the adoption of the substitute motion by Senator Neel.

Upon which a roll call was demanded.

Upon the adoption of the substitute motion the roll was called and the vote was:

Yeas—Senators Andrews, Bell, Bradshaw, Caro, Chowning, Clarke, Council, English, Getzen, Hilburn, Irby, Johns, Knabb, Lewis, Neel, Parrish, Young—17.

Nays—Mr. President; Senators Adams, Anderson, Butler, Dell, Futch, Gary, Gomez, Harris, Harrison, Hodges, Howell, King, Parker, Stewart, Swearingen, Taylor, Turner, Wagg, Watson—20.

Which was not agreed to.

The question recurred on the adoption of the motion by Senator Parker.

Upon which a roll call was demanded.

Upon the adoption of the motion the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Anderson, Butler, Chowning, Dell, Gary, Harris, Harrison, Hodges, Howell, King, Parker, Swearingen, Taylor, Turner, Wagg, Watson—18.

Nays—Senators Andrews, Bell, Bradshaw, Caro, Clarke, Council, English, Futch, Getzen, Gomez, Hilburn, Irby, Johns, Knabb, Lewis, Neel, Parrish, Stewart, Young—19.

Which was not agreed to.

Pending the adoption of the amendment, a point of order was called and the Senate stood recessed at 5:31 o'clock P. M., until 8:30 o'clock P. M., this day.

NIGHT SESSION

The Senate convened at 8:30 o'clock P. M., pursuant to recess order.

The President in the chair.

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

Mr. President; Senators Anderson, Andrews, Bell, Brad-

shaw, Butler, Chowning, Clarke, Council, Dell, English, Futch, Gary, Gomez, Harris, Hilburn, Hinely, Hodges, Howell, Johns, King, Knabb, Neel, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—32.

A quorum present.

By permission the following committee reports were received:

REPORTS OF COMMITTEES

Senator Gomez, Chairman of the Committee on Miscellaneous Legislation, submitted the following report:

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

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Miscellaneous Legislation, to whom was referred:

Senate Bill No. 60-X:

A bill to be entitled An Act authorizing the Comptroller of the State of Florida to settle with the Clerk of the Circuit Court, Dade County, Florida for certain tax funds.

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

Very respectfully,
ARTHUR GOMEZ,
Chairman of Committee.

And Senate Bill No. 60-X, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Gomez, Chairman of the Committee on Miscellaneous Legislation, submitted the following report:

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

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Miscellaneous Legislation, to whom was referred:

Senate Bill No. 61-X:

A bill to be entitled An Act for the relief of Thomas S. Ferguson, individually and as Justice of the Peace, of the Third Justice District, Dade County, Florida.

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

Very respectfully,
ARTHUR GOMEZ,
Chairman of Committee.

And Senate Bill No. 61-X, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Gomez, Chairman of the Committee on Miscellaneous Legislation, submitted the following report:

Senate Chamber,
Tallahassee, Florida, June 11, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Miscellaneous Legislation, to whom was referred:

Senate Bill No. 62-X:

A bill to be entitled An Act for the relief of A. O. Moore, individually, and as Justice of Peace, of the Eighth Justice District of Dade County, Florida.

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

Very respectfully,
ARTHUR GOMEZ,
Chairman of Committee.

And Senate Bill No. 62-X, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Johns moved that the Senate do reconsider the vote by which Senate Resolution No. 5-X was adopted, which went over under the rule.

Senator Neel moved that the Senate do now adjourn, which was agreed to.

And the Senate stood adjourned at 8:39 o'clock P. M., until 11:00 o'clock A. M., Friday, June 12, 1931.