

EXTRAORDINARY SESSION
JOURNAL OF THE SENATE

FRIDAY, JUNE 19, 1931

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Thursday, June 18, 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 June 18 was corrected, 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., June 19, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

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

(House Bill No. 99-X):

An Act to repeal House Bill No. 778, approved on the 1st day of June, A. D. 1931, entitled, "An Act relating to the City of West Palm Beach, in Palm Beach County, Florida, and to amend Sections 5, 25, 36, 37, 41, 103, 104, 105, 109, 112, 117, and 126 of Chapter 9945 Acts of Florida, 1923, entitled: 'An Act to abolish the present municipality of the City of West Palm Beach in Palm Beach County, Florida; to create and establish a new municipality to be known as City of West Palm Beach, in Palm Beach County, Florida; to legalize and validate the ordinances of said City of West Palm Beach and official acts thereunder, and to adopt the same as the ordinances of said City of West Palm Beach; to prescribe the time within which suits can be brought against said city and for notice thereof; and to fix and provide the territorial limits, jurisdiction and powers of said City of West Palm Beach, in Palm Beach County, Florida, and the jurisdiction and powers of its officers,' as the same was amended by Chapter 11310 Laws of Florida, 1925; to repeal Section 68 of said Act; to create additional powers to the City of West Palm Beach in Palm Beach County, Florida; to provide for a referendum of each Section of this Act; and for other purposes."

Also—

(House Bill No. 101-X):

An Act relating to the City of Clermont, in Lake County; amending Section 1 of Chapter 10430, Acts of 1925, as amended by Section 1 of Chapter 12614, Acts of 1927; providing and establishing the boundary lines of the City of Clermont; providing for the exclusion of certain territory heretofore included within the territorial limits of said municipality; and providing for the enforcement of liens for taxes and special assessments heretofore levied against any of the property excluded under the provisions of this Act; and providing for a referendum election.

Also—

(House Bill No. 103-X):

An Act fixing the fees and/or compensation to be charged and received by the justices of the peace in counties of the State of Florida having a population of more than one hundred thousand, and less than one hundred fifty thousand, according to the last Federal Census.

Also—

(House Bill No. 9-X):

An Act to provide for the relief of J. W. Kyser and Beanie

Kyser by authorizing the State Road Department to pay for injuries sustained by them as the result of negligence by its employees.

Also—

(House Bill No. 68-X):

An Act to authorize and empower the City of Fernandina in the State of Florida to impose and enforce alternative sentences of fines or labor against persons convicted in the municipal court of said city, and to authorize said city to work its convicts on the streets of said city or lease them to any county in the State of Florida.

Also—

(House Bill No. 97-X):

An Act to provide for the substitution of judges of and for criminal courts of record, civil courts of record and courts of crime in certain cases, and in certain counties.

Also—

(House Bill No. 104-X):

An Act to declare, designate and establish a certain State road in Lake and Osceola Counties forming a part of the connecting system of State roads of the State of Florida.

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., June 19, 1931.

Hon. Pat Whitaker,

President of the Senate.

Sir:

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

(Senate Bill No. 88-X):

An Act to extend the corporate limits of the City of DeLand, a municipality located in Volusia County, Florida, to describe and to define the territory embraced and included within the extended corporate limits of said City of DeLand, to give the said City of DeLand jurisdiction over the territory embraced in such extension, to render the taxable property in said territory liable for municipal taxes for the year A. D. 1932, and all subsequent years, and to provide for the assessment and collection of municipal taxes on the taxable property in said territory for the year A. D. 1932, and all years subsequent to the year A. D. 1932.

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., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

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

(House Bill No. 16-X):

An Act to define and declare the act of burning or attempting to burn any property of value with intent to defraud the insurer of such property to be arson with intent to defraud, whether the same would be arson at common law or otherwise, and providing the punishment thereof.

Also—

(House Bill No. 17-X):

An Act to define and punish the offense of unlawfully burning, setting fire to, or attempting to burn or set fire to, property, or aiding, assisting, counselling, procuring or advising in the burning of or setting fire to, property in this State, whether the same would be arson at common law or otherwise; to denominate as "arson" the crime hereby denounced, and to divide the same into degrees, and to provide the punishment for each degree.

Also—

(House Bill No. 18-X):

An Act declaring that the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same, shall constitute an attempt to burn such building or property; and providing a penalty for conviction thereof.

Also—

(House Bill No. 125-X):

An Act to fix the payment of members, officers and attaches of the Legislature of the State of Florida for Extraordinary Session of 1931 and providing for certain expenses of the same, and making appropriation for the payment of the same.

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 Senate.

REPORT OF COMMITTEE ON ENGROSSED BILLS

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

Senate Chamber,
Tallahassee, Fla., June 18, 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. 72-X:

A bill to be entitled An Act providing for the creation for each county in the State of Florida of a tax delinquent adjustment board prescribing the powers and duties of such board and for appeals from orders entered by such board; providing for the creation of a delinquent tax adjustment board of appeals and prescribing the powers and duties of such board; providing for the compromise and adjustment of tax sale certificates held by the state upon certain conditions.

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

REPORTS OF COMMITTEES

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 144-X:

A bill to be entitled An Act to raise revenue, providing for a license and other taxes and the means and methods of collecting and enforcing the same.

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

Amendment No. 1—

In Section 51, line 6, page 54, typewritten bill, strike out the words: "provided, however, that this Act shall not apply to power, telephone, telegraph, and gas companies." and insert in lieu thereof the following: "(.) a period."

Very respectfully,

ALFRED H. WAGG,
Chairman of Committee.

And Senate Bill No. 144-X, with committee amendment, contained in the above report, was placed on the Calendar of Bills on second reading.

Also—

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 151-X:

A bill to be entitled An Act providing that any and all moneys which are proceeds of bond issues or of time warrants, and which constitute a surplus in the hands of bond trustees or other officials charged with handling such funds, after the purposes for which the bonds or time warrants were issued have been completely carried out, shall be held by said bond trustees and officials as a sinking fund for the payment and retirement of the interest coupons and bonds and time warrants out of which said moneys were raised; and providing that said funds shall then be administered in accordance with Chapter 14486, Laws of Florida, Acts of 1929.

And—

Senate Bill No. 134-X:

A bill to be entitled An Act to amend Section 5860 of the Revised General Statutes of Florida, the same being Section 8102 of the Compiled General Laws of Florida, 1927, relating to the unlawful shipping or selling without inspection and branding of turpentine or rosin, and a proviso as to such inspection and branding.

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

Very respectfully,

ALFRED H. WAGG,
Chairman of Committee.

And Senate Bills No's. 151-X, and 134-X, contained in the above report, were placed on the Calendar of Bills on second reading.

Also—

Senator Wagg, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:
Your Committee on Finance and Taxation, to whom was referred:

Senate Bill No. 112-X:

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

And—

Senate Bill No. 113-X:

A bill to be entitled An Act requiring the State Hotel Commissioner to deposit to the credit of the general revenue fund of the State of Florida twenty-five per cent of all moneys received by him as State Hotel Commissioner of the State of Florida.

Have had the same under consideration, and recommend that the same do not pass.

Very respectfully,
ALFRED H. WAGG,
Chairman of Committee.

And Senate Bills No's. 112-X, and 113-X, contained in the above report, were placed on the table under the rule.

Also—

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

Senate Chamber,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Miscellaneous Legislation, to whom was referred:

House Bill No. 138-X:

A bill to be entitled An Act granting authority by the State of Florida to any person, firm or corporation to construct, operate and maintain a toll bridge across the Apalachicola River between the Counties of Calhoun and Liberty on State Road Number Nineteen; the location of such bridge to be designated by the State Road Department; plans and specifications of such bridge to be subject to approval by the State Road Department; such toll bridge to be subject to purchase or lease by the State Road Department, and other matters pertinent to this subject.

Have had the same under consideration and recommend the following amendments:

Amendment No. 1: Strike out Section 4.

Amendment No. 2: Strike out that part of the title which reads as follows: "Plans and specifications of such bridge to be subject to approval by the State Road Department; such toll bridge to be subject to purchase or lease by the State Road Department, and other matters pertinent to this subject."

Amendment No. 3: In Section 5 strike out the figure 5 and renumber the section as Section 4.

Amendment No. 4. In Section 6 strike out the figure 6 and renumber the section as Section 5.

Amendment No. 5: In Section 7 strike out the figure 7 and renumber the section as Section 6.

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

Very respectfully,
ARTHUR GOMEZ,
Chairman of Committee.

And House Bill No. 138-X, with Committee Amendments, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Howell moved that the following communication be read and spread upon the Journal.

Which was agreed to.
And it was so ordered.

PANAMA CITY CELEBRATION JULY 4th, 5th, 6th

Sponsors

CHAMBER OF COMMERCE

PANAMA CITY POST AMERICAN LEGION

Panama City, Fla., June 17th, 1931.

Hon. L. H. Howell,
Member of the Senate,
Tallahassee, Fla.

Dear Sir:

I am sure that no doubt you have learned that we are planning a very entertaining program for our annual Fourth of July celebration this year, that is, we propose a three-day

affair of it, this beginning on the 4th and continuing through the 6th, with something planned for every day for everybody.

We would very much appreciate it if you will be so kind as to extend an invitation to all members of the House and Senate, and their family and friends to plan to come down and enjoy this occasion with us.

Thanking you for your interest and co-operation to this end, we are,

Yours very truly,
PEARL C. STRICKLAND,
Secretary.

Senator Knabb moved that the rules be waived and Senate Bills No. 120-X and 134-X be made a special and continuing order for 11:30 o'clock A. M., Monday, June 22, 1931.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

Senate Bill No. 153-X:

A bill to be entitled An Act validating all tax levies and assessments; validating all tax sales; validating all special assessments for the costs of municipal improvements; all ordinances, resolutions, contracts and other proceedings, made, passed or entered into by the City of Largo, Pinellas County, Florida, during the years 1927, 1928, 1929 and 1930.

Which was read the first time by its title only.

Senator Harris moved that the rules be waived and Senate Bill No. 153-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 153-X was read a second time by its title only.

Senator Harris moved that the rules be further waived and Senate Bill No. 153-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. 153-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 under the rule.

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

Senate Bill No. 154-X:

A bill to be entitled An Act to amend Section 1 of Chapter 11954, Laws of Florida, Acts of 1927, entitled "An Act to fix and determine the compensation and remuneration of all county officials in the State of Florida, now paid in whole or in part by fees, commission, or by one or more of said methods of payment; to require reports by said officials; to provide for the duty of the Board of County Commissioners in reference thereto; to provide for the distribution of moneys collected hereunder, and to provide for the auditing of the accounts of said officers."

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 Swearingen to introduce and have considered the following bill:

Senate Bill No. 155-X:

A bill to be entitled An Act to cure certain informalities and defects in the execution and acknowledgment of deeds and other instruments executed and acknowledged prior to the first day of April A. D. 1931, in States, Territories and Districts of the United States outside of the State of Florida, and conveying, encumbering or transferring any interest in real or personal property located within the State of Florida, including any interest of any married woman in real or personal property, and the relinquishment of dower by any married woman.

Which was read the first time by its title only.
Senator Swearingen moved that the rules be waived and Senate Bill No. 155-X be read a second time in full.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 155-X was read a second time in full.
Senator Swearingen moved that the rules be further waived and Senate Bill No. 155-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. 155-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, Andrews, Bradshaw, Clarke, Dell, English, Getzen, Gomez, Harris, Hilburn, Hinely, Hodges, Howell, Irby, Johns, Knabb, Parker, Stewart, Swearingen, Taylor, Turner, Wagg, Young—24.

Nays—None.
So the bill passed, title as stated.
And the same was ordered to be certified to the House of Representatives under the rule.

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

Senate Bill No. 156-X:
A bill to be entitled An Act designating, declaring and establishing as State Roads certain highways in Okaloosa County, Florida, and authorizing and empowering the State Road Department to construct said highways in the third preferential class.

Which was read the first time by its title only.
Senator Adams moved that the rules be waived and Senate Bill No. 156-X be read a second time in full.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 156-X was read a second time in full.
Senator Adams moved that the rules be further waived and Senate Bill No. 156-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. 156-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, Andrews, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, Gary, Gomez, Harris, Harrison, Hilburn, Howell, Irby, Johns, King, Knabb, Parker, Stewart, Taylor, Turner, Wagg, Watson, Young—27.

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.

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

Senate Bill No. 157-X:
A bill to be entitled An Act changing the name of the municipality in Dade County now known as "Town of Miami Shores" to "Town of Arch Creek"; providing that the name of said town may be changed again and prescribing the manner of such town further changing its name; providing that neither said town, nor any municipal corporation hereafter created, comprising the whole or any part of the territory in or claimed to be within said town, shall ever adopt or use the name "Miami Shores" or any similar name, as its name or as any part thereof; providing that nothing in this Act shall operate or be construed to impair or in any way to affect the rights of any property owner or the merits or status of any pending litigation, although the name in or style of any action or suit in which said town or an officer thereof is a party may be changed to accord with this Act, and prescribing the manner of changing the same; prescribing a rule for construing this Act; and repealing all conflicting or inconsistent laws."

Which was read the first time by its title only.
Senator Watson moved that the rules be waived and Senate Bill No. 157-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 157-X was read a second time by its title only.

Senator Watson moved that the rules be further waived and Senate Bill No. 157-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. 157-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.

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

Senate Bill No. 158-X:
A bill to be entitled An Act establishing as a State road the following described road: Extending from the intersection of Henderson Boulevard and Memorial Highway, near the City of Tampa, in the County of Hillsborough and the State of Florida, to Gandy Bridge, in the County of Hillsborough and the State of Florida, by the following route, namely, beginning at the intersection of Henderson Boulevard and Memorial Highway, and running thence along Henderson Boulevard to the intersection of Bay to Bay Boulevard and Henderson Boulevard, and running thence along Bay to Bay Boulevard to the intersection of West Shore Boulevard and Bay to Bay Boulevard, and running thence along West Shore Boulevard to the intersection of Gandy Boulevard and West Shore Boulevard, and running thence along Gandy Boulevard to Gandy Bridge; making said State road property of State; placing said State road under supervision and control of State Road Department; requiring State Road Department to pay one-third of principal amount of assessments assessed against real property abutting upon certain parts of said State road for improvement of said parts under provisions of Chapter 9316, Laws of Florida, 1923; requiring State Road Department to pay one-third of principal amount of assessments assessed against real property abutting upon certain part of said State road for improvement of said part under provisions of Chapter 10138, Laws of Florida, 1925; designating funds from which State Road Department shall make said payments; designating person to whom State Road Department shall make said payments; providing manner in which such person shall disburse such money; and repealing all laws and parts of laws in conflict with this Act.

Which was read the first time by its title only.
Senator Adams moved that the rules be waived and Senate Bill No. 158-X be read a second time in full.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 158-X was read a second time in full.
Senator Adams moved that the rules be further waived and Senate Bill No. 158-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. 158-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, Andrews, Bradshaw, Butler, Caro, Chowning, Council, Dell, English, Gary, Gomez, Harris, Harrison, Hilburn, Hodges, Howell, Irby, Johns, King, Parker, Stewart, Taylor, Turner, Wagg, Watson, Young—27.

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 Adams moved that the rules be waived and all bills passed today be certified to the House of Representatives immediately.

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

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

Senate Bill No. 159-X:
A bill to be entitled An Act relating to the levy and collection of inheritance and estate taxes and providing for certain exemptions from said tax.

Which was read the first time by its title only.
Senator Butler moved that the rules be waived and Senate Bill No. 159-X be read a second time in full.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 159-X was read a second time in full.
Senator Butler moved that the rules be further waived and

Senate Bill No. 159-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. 159-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, Andrews, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Gary, Harris, Howell, Irby, Johns, King, Parker, Stewart, Taylor, Turner, Watson, Young—23.

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.

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

Senate Bill No. 160-X:

A bill to be entitled An Act to amend "An Act to provide for the levy of inheritance and estate taxes in the State of Florida, prescribing the rates of such taxes, and the method of computing and collecting same, providing for the enforcement thereof and for the disposition of revenues therefrom, and imposing penalties for the violation of this Act."

Which was read the first time by its title only.

Senator Butler moved that the rules be waived and Senate Bill No. 160-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 160-X was read a second time in full.

Senator Butler moved that the rules be further waived and Senate Bill No. 160-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. 160-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, Andrews, Bradshaw, Butler, Caro, Chowning, Clarke, Council, Dell, English, Gary, Harrison, Hilburn, Howell, Irby, King, Parker, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—25.

Nays—Senators Hodges, Knabb—2.

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.

MESSAGE FROM THE GOVERNOR

The following communication from the Governor was received and read and ordered to be spread upon the Journal of the Senate:

STATE OF FLORIDA
EXECUTIVE CHAMBER
TALLAHASSEE
June 18, 1931

GENTLEMEN OF THE LEGISLATURE:

In pursuance of the requirement of Section II of Article IV of the State Constitution, I have the honor to transmit herewith a report covering "every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon or reprieve" since making report to the regular session of the Legislature of 1931.

Respectfully

DOYLE E. CARLTON,

Governor.

L. F. Abrams, who was convicted in the Criminal Court of Record of Hillsborough County, at the February term thereof, A. D. 1931, of the offense of being drunk, driving while drunk and reckless, and sentenced therefor to pay a fine of \$250 and costs of court and to serve thirty days in the County Jail; in default of payment of said fine and costs of court to serve an additional five months in the County Jail, is hereby granted a conditional pardon, effective April 21st, A. D. 1931.

Money Hartzog, who was convicted in the Circuit Court of Holmes County, at the Fall term thereof A. D. 1930, of the offense of fraudulently marking a hog and sentenced therefor to eighteen months in the State Penitentiary, is hereby granted a conditional pardon, effective April 21st A. D. 1931.

Alton E. Shipes, who was convicted in the Circuit Court of Jackson County, at the Spring term thereof, A. D. 1929, of the offense of desertion of wife and withholding means of support and sentenced therefor to one year in the State Penitentiary, is hereby granted a full and complete pardon, thereby

restoring him to the full rights of citizenship, effective April 21st, A. D. 1931.

Auston M. Baker, who was convicted in the Circuit Court of Bay County, at the October 6th term thereof, A. D. 1930, of the offense of aggravated assault and sentenced therefor to nine months in the County Jail, is hereby granted a conditional pardon, effective April 22nd A. D. 1931.

Walter Bozeman, who was convicted in the County Judge's Court of Washington County, at the October 28th term thereof, A. D. 1930, of the offense of possession of intoxicating liquor and possession of rum, still and mash, and sentenced therefor to pay a fine of one hundred fifty (\$150.00) dollars and costs of court; in default of payment of said fine and costs of court, to serve eleven months in the County Jail, is hereby granted a conditional pardon, effective April 23rd A. D. 1931.

Mary Dykes, who was convicted in the Justice of the Peace Court of Putnam County, at the December 4th term thereof, A. D. 1930, of the offense of petty larceny and sentenced therefor to serve six months in the County Jail, is hereby granted a conditional pardon, effective April 23rd A. D. 1931.

Charlie Johnson, who was convicted in the County Judge's Court of Okaloosa County, at the April 22nd term thereof, A. D. 1930, of the offense of assault and battery and sentenced therefor to pay a fine of ten dollars and costs of court; in default of payment of said fine and costs of court, to serve ninety days in the County Jail, is hereby granted a conditional pardon, effective April 23rd A. D. 1931.

Eli Thomas, who was convicted in the Circuit Court in and for Suwannee County, Florida, at the Fall term thereof, A. D. 1930, of the offense of breaking and entering a store house and sentenced therefor to serve one year in the State Penitentiary, is hereby granted a commutation of sentence to six months actual service, thereby remitting the balance of the above sentence, effective May 22nd, A. D. 1931.

J. Malphus, who was convicted in the County Judge's Court of Clay County, at the January term thereof, A. D. 1930, of the offense of operating a car upon the highway without proper lights and sentenced therefor to pay a fine of \$25.00 and costs of court; in default of payment of said fine and costs of court to serve sixty days in the County Jail, is hereby granted a conditional pardon, effective April 28th, A. D. 1931.

A. L. Martin, who was convicted in the Justice of the Peace Court, 2nd District of Marion County, at the March 16th term thereof, A. D. 1931, of the offense of assault and battery and sentenced therefor to pay a fine of \$25.00 and costs of Court and to serve sixty days in the County Jail; in default of payment of said fine and costs of Court to serve sixty days additional in the County Jail, is hereby granted a conditional pardon, effective April 29th A. D. 1931.

Robert Tennant, who was convicted in the Circuit Court of Clay County, at the Fall term thereof, A. D. 1928, of the offense of assault with intent to commit murder in the first degree and sentenced therefor to serve ten years in the State Penitentiary, is hereby granted a conditional pardon, effective May 3rd, A. D. 1931.

Charlie Knowles, who was convicted in the Circuit Court of Clay County, at the Fall term thereof, A. D. 1928, of the offense of assault with intent to commit murder in the first degree and sentenced therefor to serve ten years in the State Penitentiary is hereby granted a conditional pardon, effective May 3rd, A. D. 1931.

T. P. Pope, who was convicted in the County Judge's Court of Jackson County, at the May 4th term thereof, A. D. 1931, of the offense of having whiskey in his possession and drunkenness and sentenced therefor to pay a fine of \$25.00 and costs of Court on the first named offense and to pay a fine of \$10.00 and costs of Court on the second; in default of the payment of the two said fines and costs of Court to serve ninety days in the County Jail at hard labor, is hereby granted a conditional pardon, effective May 14th A. D. 1931.

Frank Fletcher, who was convicted in the Circuit Court of Indian River County, at the Spring term thereof, A. D. 1931, of the offense of grand larceny and sentenced therefor to pay a fine of one hundred dollars and serve three months in the County Jail; in default of payment of said fine to serve an additional two months in the County Jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

John McCullers, who was convicted in the Circuit Court of Indian River County, at the Spring term thereof, A. D. 1931, of the offense of grand larceny and sentenced therefor to pay a fine of one hundred dollars and serve four months in the County Jail; in default of payment of said fine, to serve an additional two months in the County Jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

Larue Kersey, who was convicted in the Circuit Court of

Indian River County, at the Spring term thereof, A. D. 1931, of the offense of grand larceny and sentenced therefor to pay a fine of one hundred dollars and serve four months in the County Jail; in default of payment of said fine, to serve an additional two months in the County Jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

James Wood, who was convicted in the Circuit Court of Indian River County, at the Spring term thereof, A. D. 1931, of the offense of grand larceny and sentenced therefor to pay a fine of one hundred dollars and serve four months in the County Jail; in default of payment of said fine, to serve an additional two months in the County Jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

Frank Jenkins, who was convicted in the Circuit Court of Indian River County at the Spring term thereof, A. D. 1931, of the offense of grand larceny and sentenced therefor to pay a fine of one hundred dollars and serve four months in the County Jail; in default of payment of said fine, to serve an additional two months in the County Jail, is hereby granted a conditional pardon, effective May 19th A. D. 1931.

Joe Jenkins, who was convicted in the Circuit Court of Indian River County, at the Spring term thereof, A. D. 1931, of the offense of Petit Larceny and sentenced therefor to serve three months in the County Jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

Gus A. Tomlinson, who was convicted in the County Court of Indian River County, at the May 7th term thereof, A. D. 1931, of the offense of contempt of court and sentenced therefor to serve twenty-five days in the County jail, is hereby granted a conditional pardon, effective May 19th, A. D. 1931.

Delacy Atwell, who was convicted in the County Judge's Court of Okaloosa County, at the March 18th term thereof, A. D. 1930, of the offense of petit larceny and sentenced therefor to pay a fine of twenty-five dollars and costs of court; in default of payment of said fine and costs of court, to serve ninety days in the County jail at hard labor, is hereby granted a conditional pardon, effective May 21st, A. D. 1931.

Delacy Atwell, who was convicted in the County Judge's Court of Okaloosa County, at the September 18th term thereof, A. D. 1929, of the offense of assault and battery and sentenced therefor to pay a fine of five dollars and costs of court; in default of payment of said fine and costs of Court, to serve sixty days at hard labor, is hereby granted a conditional pardon, effective May 21st, A. D. 1931.

Delacy Atwell, who was convicted in the County Judge's Court of Okaloosa County, at the May 21st term thereof, A. D. 1929, of the offense of profanity and sentenced therefor to pay a fine of five dollars and costs of court; in default of payment of said fine and costs of court, to serve sixty days in the County jail at hard labor, is hereby granted a conditional pardon, effective May 21st, A. D. 1931.

Henry Eberheart, who was convicted in the County Judge's Court of Alachua County, at the April 4th term thereof, A. D. 1931, of the offense of petit larceny and sentenced therefor to pay a fine of three hundred dollars; in default of payment of said fine, to serve six months in the County jail, is hereby granted a commutation of sentence to the payment of fifty dollars, thereby remitting the balance of said fine, effective during good behavior or until otherwise ordered by the Board this 27th day of May, A. D. 1931.

Hughlon Malcolm, who was convicted in the County Judge's Court of Alachua County, at the April 4th term thereof, A. D. 1931, of the offense of petit larceny and sentenced therefor to pay a fine of three hundred dollars; in default of payment of said fine, to serve six months in the County jail, is hereby granted a commutation of sentence to the payment of fifty dollars, thereby remitting the balance of said fine, effective during good behavior or until otherwise ordered by the Board, this 27th day of May, A. D. 1931.

George Rainwater, who was convicted in the County Judge's Court of Alachua County, at the April 4th term thereof, A. D. 1931, of the offense of petit larceny and sentenced therefor to pay a fine of three hundred dollars; in default of payment of said fine, to serve six months in the County jail, is hereby granted a commutation of sentence to the payment of fifty dollars, thereby remitting the balance of said fine, effective during good behavior or until otherwise ordered by the Board this 27th day of May, A. D. 1931.

Frank Riddell, who was convicted in the Criminal Court of Record of Dade County, at the October term thereof, A. D. 1927, of the offense of forgery and breaking and entering and sentenced therefor to five years in the State Penitentiary, is hereby granted a conditional pardon, effective May 29th, A. D. 1931.

Gus A. Tomlinson, who was convicted in the County Court of Indian River County, at the May 7th term thereof, A. D. 1931, of the offense of contempt of court and sentenced therefor to serve twenty-five days in the County jail, and who was granted a conditional pardon therefrom May 19th, A. D. 1931, is hereby granted a full and complete pardon, thereby restoring him to full rights of citizenship, effective June 1st, A. D. 1931.

Luby Youmans, who was convicted in the County Court of Lee County, at the October term thereof, A. D. 1929, of the offense of violation of the prohibition laws and sentenced therefor to pay a fine of three hundred dollars and to serve fifteen days in the County jail at hard labor, is hereby granted commutation of sentence to the payment of the said fine of \$300.00, thereby remitting the fifteen days jail sentence, effective during good behavior or until otherwise ordered by the Board this 3rd day of June, A. D. 1931.

Frank Morris, who was convicted in the Justice of the Peace Court, 7th District, of Leon County, at the May 15th term thereof, A. D. 1931, of the offense of larceny and sentenced therefor to pay a fine of one hundred dollars and costs of court, and in default of payment of said fine and costs of court, to serve 180 days in the County jail at hard labor, is hereby granted a conditional pardon, effective June 5th, A. D. 1931.

Gilbert Wright, who was convicted in the Criminal Court of Record of Duval County, at the April 22nd term thereof, A. D. 1931, of the offense of violation of Florida liquor laws and sentenced therefor to pay a fine of \$150 and costs of court and to serve four months in the County jail; in default of payment of said fine and costs of court, to serve an additional two months in the County jail, is hereby granted a conditional pardon, effective June 1st, A. D. 1931.

Will Durden, who was convicted in the County Judge's Court of Jackson County, at the February 23rd term thereof, A. D. 1931, of the offense of petit larceny and sentenced therefor to six months in the County jail at hard labor, is hereby granted a conditional pardon, effective June 8th, A. D. 1931.

H. C. Murry, who was convicted in the County Judge's Court of Marion County, at the November 19th term thereof, A. D. 1929, of the offense of operating an automobile while intoxicated and sentenced therefor to serve four months in the County jail, is hereby granted a conditional pardon, effective June 8th, A. D. 1931.

Charles Wilburt, who was convicted in the County Judge's Court of Marion County, at the County Judge's Court, at the March 19th term thereof, A. D. 1931, of the offense of larceny and sentenced therefor to serve sixty days in the County jail, is hereby granted a conditional pardon, effective June 8th, A. D. 1931.

Sam J. Clark, who was convicted in the County Judge's Court of Okaloosa County, at the February 18th term thereof, A. D. 1930, of the offense of failing to deliver title certificate and sentenced therefor to pay a fine of \$5.00 and costs of court or serve 60 days in the County jail, is hereby granted a conditional pardon, effective June 10th, A. D. 1931.

Banks Kent, who was convicted in the Circuit Court of Jackson County, at the Fall term thereof, A. D. 1930, of the offense of forgery and sentenced therefor to serve twelve months in the State Penitentiary, is hereby granted a conditional pardon, effective June 10th, A. D. 1931.

Ernest Lawson, who was convicted in the Circuit Court of Jackson County, at the January term thereof, A. D. 1931, of the offense of breaking and entering with intent to commit a felony and sentenced therefor to twelve months in the State Prison, is hereby granted a conditional pardon, effective June 10th, A. D. 1931.

Annie Bell Lingley, alias Annie Bell Perry, who was convicted in the County Judge's Court of Walton County, Florida, on the 28th day of April, A. D. 1931, of the offense of violation of prohibition law, two charges, and sentenced therefor to pay a fine of \$150.00 and costs of court; in default of payment of said fine and costs of court, to serve eighteen months in the County jail, is hereby granted a commutation of sentence to the payment of \$75.00 and costs of court, thereby remitting the balance of said fine, effective during good behavior or until otherwise ordered by the Board, this 10th day of June, A. D. 1931.

Marvin Robinson, who was convicted in the County Judge's Court of Jackson County, at the September 23rd term thereof, A. D. 1930, of the offense of petit larceny and sentenced therefor to serve six months in the County jail, is hereby granted a conditional pardon, effective June 10th, A. D. 1931.

Joeham Steele, who was convicted in the County Judge's Court of Okaloosa County, at the August 26th term thereof,

A. D. 1930, of the offense of maiming animal of another and sentenced therefor to pay a fine of \$40.00 and costs of Court or serve four months in the County jail, is hereby granted a conditional pardon, effective June 10th, A. D. 1931.

Jim Warren, who was convicted in the County Judge's Court of Walton County, on the 6th day of April, A. D. 1931, of the offense of selling liquor and sentenced therefor to pay a fine of \$150.00 and costs, amounting to \$184.15, or serve eight months in the County jail at hard labor, is hereby granted commutation of sentence to the payment of \$75.00, thereby remitting the balance of said fine and costs, effective during good behavior or until otherwise ordered by the Board, this 10th day of June, A. D. 1931.

W. F. Fowler, who was convicted in the Criminal Court of Record of Duval County, at the August term thereof, A. D. 1927, of the offense of incest and sentenced therefor to twelve years in the State Penitentiary, is hereby granted a conditional pardon, effective June 16th, A. D. 1931.

FOLLOWING NAMED PERSONS GRANTED REPRIEVES
SINCE MAKING REPORT TO THE REGULAR
SESSION OF THE LEGISLATURE OF 1931

FRED STALEY—Convicted in the Justice of the Peace Court in and for Suwannee County, Florida, at the April term thereof, A. D. 1931, of the offense of vagrancy and sentenced therefor to pay a fine of sixty-one (\$61.00) dollars, in default of payment of said fine, to serve sixty (60) days. Granted reprieve for sixty (60) days, April 23rd, A. D. 1931.

ALLEN EILAND—Convicted in the Circuit Court of Okaloosa County, Florida, at the Fall term thereof, A. D. 1927, of the offense of breaking and entering to commit felony and sentenced therefor to serve eighteen (18) months in the State Penitentiary. Granted reprieve for sixty (60) days, April 28th, A. D. 1931.

L. L. BRITT—Convicted in the Circuit Court in and for Manatee County, Florida, at the Fall term thereof, A. D. 1929, of the offense of resisting arrest and sentenced therefor to serve eighteen (18) months in the State Penitentiary, also of the offense of assault to commit manslaughter and sentenced therefor to serve seven (7) years in the State Penitentiary. Granted reprieve for sixty (60) days, April 28th, A. D. 1931, effective May 2nd, A. D. 1931.

F. M. BAILEY—Convicted in the County Judge's Court of Bay County, Florida, on March 12th, A. D. 1931, of the offense of assault and battery and sentenced therefor to pay a fine of one hundred (\$100.00) dollars and costs of court; in default of payment of said fine and costs, to serve ninety (90) days in the County jail, granted reprieve for sixty (60) days, May 7th, A. D. 1931.

HOWARD G. SKILES—Convicted in the Circuit Court in and for Volusia County, Florida, at the Fall term thereof, A. D. 1927, of the offense of misapplication of funds, etc., and sentenced therefor to serve eighteen (18) months in the State Penitentiary. Granted reprieve for sixty (60) days, May 21st, A. D. 1931, effective May 23rd, A. D. 1931.

V. H. REED—Convicted in the Criminal Court of Record of Duval County, Florida, at the April term thereof, A. D. 1930, of the offense of having carnal intercourse with an unmarried female of previous chaste character under the age of eighteen years, and sentenced therefor to serve five years in the State Penitentiary. Granted reprieve for sixty (60) days, June 16th, A. D. 1931.

O. J. McDANIELS—Convicted in the Circuit Court in and for Gulf County, Florida, at the Spring term thereof, A. D. 1931, of the offense of embezzlement and sentenced therefor to serve three years in the State Penitentiary. Granted reprieve for sixty (60) days, June 17th, A. D. 1931.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred, with amendments, in Senate amendments to House Bill No. 65-X, which Senate amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. Every dealer in gasoline or other like products of petroleum in this State, under what ever 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 six (6c) 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 six (6c) 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 three (3c) 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 product 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 of 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 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 costs, and obtain the same as delinquent railroad taxes are collected by law.

Section 3. All moneys derived from the gas taxes 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 licensee 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 overpayment 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 the 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, were, 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 or participate herein, the amount of money advanced and paid by the several counties, and/or special road and bridge districts or 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 a 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 Fund," 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 State made by the State 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 were on January 1, 1931, 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. Thereupon 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.

Section 9. That all moneys provided for herein 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, or special road and bridge district of any county, heretofore 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, of 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 not 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 "dealer" 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 upon 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 heretofore 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 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, and appropriating all interest receiving on deposit in the various banks of the State," be and same is hereby repealed; also Chapter 14575 Laws of Florida, Acts of 1929, being "An Act to amend Sections 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 monies 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 10,025, Laws of Florida, Acts of 1925, and as further amended by Chapter 12037, Laws of Florida, Acts of 1927, said Sections 1 and 4 being Sections 1153 and 1158 of the Compiled General Laws of Florida, 1927", be and same is hereby repealed; also all laws in conflict with the provisions of this Act be and same are hereby repealed.

Section 19. If any part of this law applicable to the dis-

tribution 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 the 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.

Which said Senate amendment was amended as follows:

Strike out everything after the enacting clause and insert in lieu thereof the following:

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 six (6c) 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 six (6c) cents per gallon being made up of two separate taxes, being

First Gas Tax: A tax of three (3c) cents per gallon for the use of the State Road Department, as provided by law;

Second Gas Tax: A tax of three (3c) 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 product 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 of 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 costs, and obtain the same as delinquent railroad taxes are collected by law.

Section 3. All moneys derived from the gas taxes 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 Distribution Fund".

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

Section 4. The Comptroller shall issue to the licensee 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 overpayment 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 the 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 authorization and/or 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, were, are and will be constructed and built as State projects and undertakings, 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/or 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 ninety (90) 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 the amount of money advanced and paid by the several counties, and/or special road and bridge districts or 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 ninety (90) days after this Act becomes a law, ascertain and certify to the Comptroller and to the Board of Administration and to every county of the State of Florida, 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 spec-

tive counties as herein provided, out of said "State Roads Distribution 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 Distribution Fund" specifying the counties to which said moneys shall be paid, and the amount to be paid to each county, respectively, which said sums so apportioned to the counties are hereby appropriated monthly out of said "State Roads Distribution Fund" account. Said orders of said Comptroller shall be countersigned by the Governor, and shall be payable to the State Treasurer as ex officio Treasurer of the counties, respectively, participating therein. The monthly schedule of installments to be so paid to or for such counties shall be computed, determined and paid out monthly in the following ratio, to-wit:

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 (1c) of 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 respective 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 district, 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 or district expense, and which were then or thereafter made a part of the existing State Highway System.

(c) Whenever the amount furnished, advanced, paid out, contributed or expended by any county and/or special road and bridge district or other special taxing district of such county, directly or through the State Road Department, in the construction or building of such State roads, within such county, has been returned to such county, such county shall continue to participate in the distribution of the three (3c) cents of the Second Gas Tax as provided in Section 8 (b) hereof, so that thereafter a sum equal to the sum provided to be returned to or for such county under this Act shall be monthly paid into the State Road License Fund, and same is hereby monthly appropriated to the use of the State Road Department for the construction within said county of those State roads within such county which were at the time of the passage of this Act 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 in such counties, respectively, by the State Road Department as soon as practicable as State projects and undertakings.

Such funds shall be applied and used by the State Road Department for such purpose and not otherwise, 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.

When any county in the State of Florida no longer participates under the provisions of this Act in the return to or for it of moneys contributed for the construction of State roads, as herein provided, and when these roads shall have been constructed which are at the time of the passage of this Act a part of the first, second and third preferential system of State roads within such county, then and thereafter all funds thereafter derived from the Second Gas Tax theretofore allotted or appropriated to or for 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.

Section 9. All moneys provided for hereunder to be credited to the various counties of the State and so paid to the State Treasurer as ex officio County Treasurer shall be administered by the Board of Administration, as provided by law.

Moneys to be used for road and bridge construction in the completion of the first, second and third preferential state road system within any county, as herein provided, shall be placed in the State Treasury in the State Road License Fund

to the credit of the State Road Department and same is hereby appropriated for use by said State Road Department in the construction of roads and bridges in such preferential road system in the various counties to which the same is credited.

Section 10. For the purposes of this act, any funds derived from the sale of any bonds, time warrants, certificates of indebtedness, or other general obligations of any county, or special road and bridge district of any county, heretofore 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 to the amount only of the proceeds received by the State of Florida from the sale thereof. Any funds, bonds, time warrants, certificates of indebtedness, or other general obligation, of 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 not 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 "dealer" 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 upon 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 his 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 him 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. 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, and appropriating all interest received on deposit in the various banks of the state", be and the same is hereby repealed; also Chapter 14575 Laws of Florida, Acts of 1929, being "An Act to amend Sections 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 monies 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 10,025, Laws of Florida, Acts of 1925, and as further amended by Chapter 12037, Laws of Florida, Acts of 1927, said Sections 1 and 4 being Sections 1153 and 1156 of the Compiled General Laws of Florida, 1927", be and same is hereby repealed; also all laws in conflict with the provisions of this act be and same are 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 the 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.

The House of Representatives has also concurred in Senate amendment to the title of House Bill No. 65-X, with an amendment, which Senate amendment is as follows:

Strike all of title and insert in lieu thereof the following title:

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.

The House of Representatives adopted the following amendment to Senate Amendment Number One (1) to House Bill No. 65-X:

Strike out all of the title and insert in lieu thereof:

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 Chapter 14573, Acts of 1929, relating to the subject of gasoline taxes, and raising special revenue for educational purposes, and all laws in conflict with this Act; providing for the enforcement of this Act and penalties for violation hereof.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

FRANK WEBB,

Chief Clerk, House of Representatives.

Senator Wagg moved that the Senate do concur in House Amendment No. 1 to Senate Amendment No. 1 to House Bill No. 65-X, contained in the above message.

Pending the consideration of the motion to concur in House

Amendment No. 1 to Senate Amendment No. 1 to House Bill No. 65-X, Senator Hilburn moved that the rules be waived and House Bill No. 65-X, with pending amendment to Senate Amendment, be made a special and continuing order for 3:30 o'clock P. M., today.

Which was not agreed to.

The question recurred on the adoption of the motion by Senator Wagg that the Senate do concur in House Amendment No. 1 to Senate Amendment No. 1 to House Bill No. 65-X. Upon which a roll call was demanded.

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

Yeas—Mr. President; Senators Adams, Andrews, Butler, Caro, Chowning, Council, Dell, English, Futch, Gary, Getzen, Gomez, Harris, Hodges, Howell, Irby, Johns, Knabb, Lewis, Parker, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—28.

Nays—Senator Bradshaw—1.

And the Senate concurred in House Amendment No. 1 to Senate Amendment No. 1 to House Bill No. 65-X.

Senator Wagg moved that the Senate do concur in House Amendment to Senate Amendment No. 2 to House Bill No. 65-X, contained in the above message.

Which was agreed to.

And the Senate concurred in House amendment to Senate Amendment No. 2 to House Bill No. 65-X.

And the action of the Senate was ordered to be certified to the House of Representatives under the rule.

Also—

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

By Messrs. Rowe and Lea of Manatee—

House Bill No. 121-X:

The introduction of which was agreed to by a two-thirds vote of the members of the House of Representatives.

A bill to be entitled An Act to create a county budget commission in counties having a population of not less than 20,000 nor more than 24,900 by the last preceding State Census; to prescribe the powers, duties, and functions of such county budget commission, and the qualifications, terms of office, and method of appointment or election of members thereof; and to authorize such county budget commission to make and control the budgets of receipts and expenditures of the Board of County Commissioners, Board of Public Instruction, County Welfare Board, Parental Home Board, and all other boards, commissions and officials of such counties or of taxing districts (except school districts) situate therein authorized to raise and expend moneys for county or district purposes, and providing for a referendum election determining whether or not this Act shall be approved, accepted and made effective.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

FRANK WEBB,

Chief Clerk House of Representatives.

And House Bill No. 121-X, contained in the above message, was permitted to be introduced into the Senate by the Constitutional two-thirds vote.

House Bill No. 121-X was read the first time by its title and placed on the Calendar of Bills on second reading without reference.

Senator Getzen moved that the rules be waived and the Senate do now take up consideration of Senate Bill No. 55-X out of its order.

Which was not agreed to.

VETO MESSAGE

Senate Bills No's. 617 and 674, contained in the Governor's veto message, were taken up in their order and the consideration of same was informally passed.

SENATE BILLS ON THIRD READING

Senate Bill No. 89-X was taken up in its order and the consideration of same was informally passed.

Senator Gary moved that 300 copies of Senate Bill No. 144-X be printed for distribution.

Which was agreed to.

And it was so ordered.

Senator Hodges moved that the rules be waived and the Senate do now take up the consideration of House Bills on second reading, Senate Local Bills on second reading and House Local Bills on second reading on the Calendar.

Which was agreed to by a two-thirds vote.

And it was so ordered.

HOUSE BILLS ON SECOND READING

House Bills No's. 31-X and 32-X were taken up in their order and the consideration of same was informally passed.

House Bill No. 82-X:

A bill to be entitled An Act to amend Sections 35 and 36 of Chapter 13644, Acts of 1929, "An Act relating to game, non-game birds, fresh water fish and fur-bearing animals; to create the department of game and fresh water fish and the office of State Game Commissioner, to define his duties and powers and that of his deputies; to fix his compensation and that of his deputies; to provide for the protection and conservation of game, non-game birds, fresh water fish and fur bearing animals by prescribing the times when and means by and extent to which they may be taken, possessed and dealt in; to license hunters, guides, trappers and fishermen; to require persons who engage in the business of operating hunting and fishing boats for hire or who deal in or with fresh water fish or hides of fur-bearing animals, to procure a license for same; to prohibit the use, placing or discharge in the fresh waters of the state of substances or forces injurious to fish; to provide for the prosecution of persons violating the provisions of this Act and a penalty and rule of evidence in such prosecutions; to provide for the collection of funds and to carry out the provisions of this Act and for the disposition of revenues accruing thereunder; consenting to acquisition by the United States of areas of land, water, or land and water, in accordance with Act of Congress of February 18, 1929; and repealing certain existing laws and statutes; and defining certain terms used therein."

Was taken up and read a second time in full.

Senator Bell offered the following amendment to House Bill No. 82-X:

In Section 1, (typewritten bill), strike out the words: "and Lake Istokpoga."

Senator Young moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Bell offered the following amendment to House Bill No. 82-X:

In Section 2, (typewritten bill), strike out the words: "and Lake Istokpoga."

Senator Young moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Turner offered the following amendment to House Bill No. 82-X:

At end of Section 2 insert the following: Provided that nothing in this Act shall be construed as altering, changing or affecting the privilege and right to use nets in the fresh water streams within Levy County, Florida, where the same is now permitted by order, permit or ruling of Game and Fresh water fish Commissioner of the State of Florida acting with the Board of County Commissioners of Levy County, Florida.

Senator Turner moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Young moved that the rules be further waived and House Bill No. 82-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 House Bill No. 82-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, Butler, Caro, Chowning, Dell, Getzen, Gomez, Harris, Harrison, Howell, Irby, Johns, Knabb, Stewart, Taylor, Turner, Wagg, Watson, Young—20.

Nays—Senators Bradshaw, English—2.

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

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

SENATE LOCAL BILLS ON SECOND READING

Senate Bills No.'s 18-X and 19-X were taken up in their order and the consideration of same was informally passed.

HOUSE LOCAL BILLS ON SECOND READING

House Bills No.'s 19-X, 20-X, 56-X, 78-X, 79-X, 80-X, 81-X and 83-X were taken up in their order and the consideration of same was informally passed.

House Bill No. 100-X:

A bill to be entitled An Act authorizing and empowering the City of Palatka, a municipal corporation under the laws of the State of Florida, to extend the time within which certain special assessments levied and made by said city for the purpose of paying the cost of constructing, grading, paving, repaving and otherwise improving certain streets within the corporate limits of the City of Palatka, shall be due and payable; and authorizing a rebate by said city to property owners who have heretofore paid certain of said special assessments; and authorizing said city to reduce the interest rate on said assessments from eight per cent per annum to six per cent per annum; and granting such other and further authority and powers as may be necessary and appropriate to the carrying into effect of the purposes above set forth.

Was taken up in its order.

Senator Hilburn moved that the rules be waived and House Bill No. 100-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 100-X was read a second time by its title only.

Senator Hilburn moved that the rules be further waived and House Bill No. 100-X be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 100-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.

House Bills No.'s 102-X, 143-X and 141-X were taken up in their order and the consideration of same was informally passed.

House Bill No. 136-X:

A bill to be entitled An Act to abolish the municipality of South Miami in Dade County, Florida, and to repeal Chapter 13425 of the Special Acts of the Legislature for the year 1927, "An Act to abolish the present municipal government of the Town of South Miami, Dade County, Florida, and to create, establish and recognize a municipality to be known and designated the City of South Miami, and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchise and privileges, and to authorize the issuance of municipal bonds and for all other purposes."

Was taken up in its order.

Senator Watson moved that the rules be waived and House Bill No. 136-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 136-X was read a second time by its title only.

Senator Watson moved that the rules be further waived and House Bill No. 136-X be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 136-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 Caro moved that the rules be waived and the Senate do now take up the consideration of Senate Bill No. 92-X out of its order.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 92-X:

A bill to be entitled An Act relating to the business of building and loan associations.

Was taken up and read a second time in full.

Senator Caro moved that the rules be further waived and Senate Bill No. 92-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. 92-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, Andrews, Bradshaw, Caro, Chowning, Clarke, Council, Dell, English, Gary, Gomez, Harris, Harrison, Hilburn, Hinely, Hodges, Howell, Irby, King, Parker, Stewart, Taylor, Turner, Wagg, Watson, Young—27.

Nays—Senator Knabb—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.

Senator Whitaker moved that the rules be waived and Senate Bill No. 97-X be recalled from the House of Representatives for further consideration.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senator Parker moved that the rules be waived and the Senate do now take up the consideration of House Bill No. 141-X out of its order.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 141-X:

A bill to be entitled An Act closing certain portions of Dixie County, Florida, to hunting and trapping for a period of four years.

Was taken up.

Senator Parker moved that the rules be further waived and House Bill No. 141-X be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 141-X was read a second time by its title only.

Senator Parker moved that the rules be further waived and House Bill No. 141-X be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 141-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 the rules be waived and the Senate do now take up the consideration of House Bill No. 138-X out of its order.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 138-X:

A bill to be entitled An Act granting authority by the State of Florida to any person, firm or corporation to construct, operate and maintain a toll bridge across the Apalachicola River between the counties of Calhoun and Liberty on State Road Number Nineteen; the location of such bridge to be designated by the State Road Department; plans and specifications of such bridge to be subject to approval by the State Road Department; such toll bridge to be subject to

purchase or lease by the State Road Department, and other matters pertinent to this subject.

Was taken up and read a second time in full.

The Committee on Miscellaneous Legislation offered the following amendment to House Bill No. 138-X:

Strike out that part of the title which reads as follows: "Plans and specifications of such bridge to be subject to approval by the State Road Department; such toll bridge to be subject to purchase or lease by the State Road Department, and other matters pertinent to this subject."

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committee on Miscellaneous Legislation offered the following amendment to House Bill No. 138-X:

Strike out Section 4.

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committee on Miscellaneous Legislation offered the following amendment to House Bill No. 138-X:

In Section 5 strike out the figure 5 and renumber the section as section 4.

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committee on Miscellaneous Legislation offered the following amendment to House Bill No. 138-X:

In Section 6 strike out figure 6 and renumber the section as section 5.

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

The Committee on Miscellaneous Legislation offered the following amendment to House Bill No. 138-X:

In Section 7 strike out figure 7 and renumber the section as section 6.

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Howell moved that the rules be further waived and House Bill No. 138-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 House Bill No. 138-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, 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, as amended, title as stated.

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

By permission the following bills were introduced:

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

Senate Bill No. 161-X:

A bill to be entitled An Act providing for the collection of taxes from itinerant merchants operating and doing business in this 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.

Senator Watson moved that the rules be waived and Senate Bill No. 161-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 161-X was read a second time in full.

Senator Watson moved that the rules be further waived and Senate Bill No. 161-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. 161-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 Andrews, Bradshaw, Caro, Chowning, Clarke, Council, Dell, English, Gary, Gomez, Hinely, Howell, Irby, King, Knabb, Lewis, Parker, Stewart, Taylor, Turner, Wagg, Watson, Young—24.

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.

By unanimous consent Senator Watson withdrew Senate Bill No. 109-X.

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

Senate Bill No. 162-X:

A bill to be entitled An Act to amend An Act entitled "An Act to define and regulate the sale of milk and milk products in the State of Florida, to regulate the manufacture of milk products in the State of Florida, to define and regulate the sale of materials used and sold as imitation butter and filled cheese in the State of Florida, to provide for the issuing of permits to persons in charge of milk-gathering stations, milk plants, manufacturing plants, milk depots and persons making milk fat tests and to all milk and milk products producers and provide for the enforcement of the regulations made under this Act" approved June 11, 1931.

Which was read the first time by its title only.

Senator English moved that the rules be waived and Senate Bill No. 162-X be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 162-X was read a second time in full.

Senator English moved that the rules be further waived and Senate Bill No. 162-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. 162-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, Andrews, Bradshaw, Caro, Chowning, Clarke, Council, Dell, English, Getzen, Hilburn, Howell, King, Lewis, Parker, Stewart, Swearingen, Watson, Young—20.

Nays—Senators Gary, Gomez, Harris, Hinely, Irby, Johns, Knabb, Turner, Wagg—9.

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 Hinely—

Senate Bill No. 163-X which the Chair ruled came within the purview of the Governor's call:

A bill to be entitled An Act providing a license tax on kerosene or other like products of petroleum sold, kept, stored, or used, in the State of Florida. To provide a State pension fund to be used in lieu of and to relieve the two mill ad valorem tax levied for that purpose. Providing for the distribution of all monies derived from such tax and fixing a penalty for the violation of the provisions of this Act. Providing that the gasoline inspection laws of the State shall apply to kerosene under the terms of this Act and repealing all laws in conflict herewith.

Which was read the first time by its title only.

Senator Hinely moved that the rules be waived and Senate Bill No. 163-X be read a second time in full.

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, Butler, Caro, Chowning, Clarke, Futch, Gary, Harris, Harrison, Hilburn, Hinely, Howell, Johns, King, Knabb, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—25.

Nays—Senators Anderson, Andrews, Bradshaw, Council, Dell, English, Getzen, Gomez, Irby, Lewis, Neel—11.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 163-X was read a second time in full.

Senator Hinely moved that the rules be further waived and Senate Bill No. 163-X be read a third time in full and put upon its passage.

Pending the adoption of the motion by Senator Hinely, Senator Parker moved that the Senate do now adjourn.

Which was not agreed to.

Pending the adoption of the motion by Senator Hinely, Sen-

ator Adams moved that the rules be waived and the hour of recess be extended fifteen minutes.

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

The question recurred on the motion by Senator Hinely.
Upon which a roll call was demanded.

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

Yeas—Mr. President; Senators Adams, Anderson, Butler, Caro, Chowning, Clarke, Council, Futch, Gary, Harrison, Hilburn, Hinely, Howell, King, Knabb, Neel, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—25.

Nays—Senators Andrews, Bradshaw, Dell, English, Getzen, Gomez, Harris, Irby, Johns, Lewis, Parker—11.

Which was agreed to by a two-thirds vote.
And Senate Bill No. 163-X was read a third time in full.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator English moved that the Senate do now recess.
Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator Dell moved that the rules be waived and the hour of recess be further extended 15 minutes.
Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator Butler moved that the rules be waived and the hour of recess be further extended 10 minutes.

Upon which a roll call was demanded.

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

Yeas—Mr. President; Senators Adams, Chowning, Clarke, Futch, Gary, Harrison, Hilburn, Hinely, Howell, King, Knabb, Neel, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—20.

Nays—Senators Anderson, Andrews, Bradshaw, Butler, Caro, Council, Dell, English, Getzen, Gomez, Harris, Hodges, Irby, Johns, Lewis, Parker, Parrish—17.

Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, the hour of recess having arrived, a point of order was called and the Senate stood recessed at 1:15 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate convened at 3:00 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 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.

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., June 19, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

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

(House Bill No. 99-X):

An Act to repeal House Bill No. 778, approved on the 1st day of June, A. D., 1931, entitled, "An Act relating to the City of West Palm Beach Beach, in Palm Beach County, Florida, and to amend Sections 5, 25, 36, 37, 41, 103, 104, 105, 109, 112, 113, 117, and 126 of Chapter of 9945 Acts of Florida, 1923, entitled: 'An Act to abolish the present municipality of the City of West Palm Beach in Palm Beach County, Florida; to create and establish a new municipality to be known as City of West Palm Beach, in Palm Beach County, Florida; to legalize and validate the ordinances of said City of West Palm

Beach and official acts thereunder, and to adopt the same as the ordinances of said City of West Palm Beach; to prescribe the time within which suits can be brought against said city and for notice thereof; and to fix and provide the territorial limits, jurisdiction and powers of said City of West Palm Beach, in Palm Beach County, Florida, and the jurisdiction and powers of its officers', as the same was amended by Chapter 11310 Laws of Florida, 1925; to repeal Section 68 of said Act; to create additional powers to the City of West Palm Beach in Palm Beach County, Florida; to provide for a referendum of each Section of this Act; and for other purposes."

Also—

(House Bill No. 101-X):

An Act relating to the City of Clermont, in Lake County, amending Section 1 of Chapter 10430, Acts of 1925, as amended by Section 1 of Chapter 12614, Acts of 1927; providing and establishing the boundary lines of the City of Clermont; providing for the exclusion of certain territory heretofore included within the territorial limits of said municipality; and providing for the enforcement of liens for taxes and special assessments heretofore levied against any of the property excluded under the provisions of this Act; and providing for a referendum election.

Also—

(House Bill No. 103-X):

An Act fixing the fees and/or compensation to be charged and received by the justices of the peace in counties of the State of Florida having a population of more than one hundred thousand, and less than one hundred fifty thousand, according to the last Federal census.

Also—

(House Bill No. 9-X):

An Act to provide for the relief of J. W. Kyser and Beanie Kyser by authorizing the State Road Department to pay for injuries sustained by them as the result of negligence by its employees.

Also—

(House Bill No. 68-X):

An Act to authorize and empower the City of Fernandina in the State of Florida to impose and enforce alternative sentences of fines or labor against persons convicted in the municipal court of said city, and to authorize said city to work its convicts on the streets of said city or lease them to any county in the State of Florida.

Also—

(House Bill No. 97-X):

An Act to provide for the substitution of judges of and for criminal courts of record, civil courts of record and courts of crime in certain cases, and in certain counties.

Also—

(House Bill No. 104-X):

An Act to declare, designate and establish a certain State road in Lake and Osceola Counties forming a part of the connecting system of State roads of the State of Florida.

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.

REPORTS OF COMMITTEES

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

Senate Chamber,
Tallahassee, Fla., June 19th, 1931.

Hon. Pat Whitaker,
President of the Senate.

Sir:

Your Committee on Judiciary, to whom was referred:

Senate Bill No. 141-X:

A bill to be entitled An Act to amend Subsection H Section 4 and Subsection C of Section 5 of an Act approved by the Governor June 3rd 1931, entitled: "An Act regulating the sale of securities and to make uniform the law relating thereto, and to repeal statutes which are inconsistent herewith."

Have had the same under consideration, and recommend that the same do not pass.

Very respectfully,

E. M. JOHNS,

Chairman of Committee.

And Senate Bill No. 141-X, contained in the above report, was placed on the table under the rule.

UNFINISHED BUSINESS

Senate Bill No. 163-X:

A bill to be entitled An Act providing a license tax on kerosene or other like products of petroleum sold, kept, stored, or used, in the State of Florida. To provide a state pension fund to be used in lieu of and to relieve the two mill ad valorem tax levied for that purpose. Providing for the distribution of all monies derived from such tax and fixing a penalty for the violation of the provisions of this act. Providing that the gasoline inspection laws of the State shall apply to kerosene under the terms of this act and repealing all laws in conflict herewith.

The consideration of the passage of which was pending at the hour of recess on this morning, was resumed.

Senator Dell moved that the rules be waived and Senate Bill No. 163-X be placed back on second reading for the purpose of amendment.

Which was not agreed to.

By unanimous consent Senator Getzen offered the following amendment to Senate Bill No. 163-X:

End of Section 3, strike out the period and add a semicolon, with the following wording: Provided herein that there shall not be assessed any millage tax or ad valorem tax of any nature after this Act becomes a law, and that no other tax shall be collected for such funds except as herein provided; and it is further provided that all revenues derived under this Act or that are now in the State Pension Fund shall not be transferred from the said pension fund to any other fund whatsoever; and it is further provided that all funds that have been transferred from the said pension fund shall be repaid back into the said pension fund from fund or funds that the said fund or funds that have heretofore been credited with funds out of the pension fund at the hands of state officials.

Senator Getzen moved the adoption of the amendment.

Upon which a roll call was demanded.

Upon the adoption of the amendment offered by Senator Getzen the roll was called and the vote was:

Yeas—Senators Anderson, Andrews, Bell, Bradshaw, Caro, Council, Dell, English, Getzen, Gomez, Harris, Irby, Johns, Knabb, Lewis, Neel—16.

Nays—Mr. President; Senators Adams, Butler, Chowning, Clarke, Futch, Gary, Harrison, Hinely, Howell, King, Parker, Parrish, Stewart, Swearingen, Taylor, Turner, Wagg, Watson, Young—20.

Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator Anderson moved that the Senate do now adjourn.

Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator Young moved that the rules be waived and the hour of adjournment be extended one hour.

Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator English moved that the rules be waived and when the Senate do adjourn it adjourn until 11:00 o'clock A. M., Monday, June 22, 1931.

Which was not agreed to.

Pending the consideration of the passage of Senate Bill No. 163-X, Senator Adams moved that the rules be waived and the hour of adjournment be extended 30 minutes.

Which was not agreed to.

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

Yeas—Mr. President; Senators Butler, Chowning, Clarke, Futch, Gary, Harrison, Hinely, Hodges, Howell, King, Neel, Stewart, Swearingen, Taylor, Turner, Wagg, Young—18.

Nays—Senators Anderson, Andrews, Bell, Bradshaw, Caro, Council, Dell, English, Getzen, Gomez, Harris, Irby, Johns, Lewis, Parker, Parrish, Watson—17.

The following pair was received:

I am paired with Senator Knabb. If he were here he would vote Nay and I vote Aye.

PURL G. ADAMS.

The following explanation of vote was received:

I vote Aye for this bill, 1st because it now appears that unless this measure becomes a law there will be no money available to pay State veteran pensions after July 1st, 1931; 2nd, because special pensions have been, in my opinion, more or less of a "pork barrel" and I feel that this tax will tend to curb that practice.

RAY NEEL,

3rd District.

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 the rules be waived and the hour of adjournment be extended 5 minutes.

Which was agreed to by a two-thirds vote.

And it was so ordered.

By the Committee on Appropriations—

Senate Bill No. 164-X, which the Chair ruled came within the purview of the Governor's call:

A bill to be entitled An Act to fix the annual salaries of certain State officers and employees.

Which was read the first time by its title only and placed on the Calendar of Bills on second reading without reference.

Senator Neel moved that the rules be waived and Senate Bill No. 164-X be made a Special and Continuing Order for 11:00 o'clock A. M., Monday, June 22, 1931.

Which was agreed to by a two-thirds vote.

And it was so ordered.

By the Committee on Appropriations—

Senate Bill No. 165-X, which the Chair ruled came within the purview of the Governor's call:

A bill to be entitled An Act providing that from and after July 1st, 1931, 25% of all the gross income from the Shell Fish Industry in the State of Florida shall be paid into the Treasury of the State of Florida to the credit of the General Revenue Fund.

Which was read the first time by its title only and placed on the Calendar of Bills on second reading without reference.

Senator Butler moved that the rules be waived and Senate Bill No. 46-X be recalled from the Committee on Judiciary and 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 the Committee on Appropriations—

Senate Bill No. 166-X which the Chair ruled came within the purview of the Governor's call:

A bill to be entitled An Act providing that from and after July 1st, 1931, 25% of all of the license fees collected by, through and for the Department of Game and Fresh Water Fish of the State of Florida shall be paid into the Treasury of the State of Florida to the credit of the General Revenue Fund.

Which was read the first time by its title only and placed on the Calendar of Bills on second reading without reference.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 5:06 o'clock, P. M., until 10:00 o'clock A. M., Saturday, June 20, 1931.