

# JOURNAL OF THE SENATE

Monday, April 24, 1933

The Senate convened at 4:00 o'clock P. M. pursuant to adjournment on Friday, April 21, 1933.

The President in the Chair.

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

Mr. President; Senators Anderson, Andrews, Bass, Beacham, Black, Butler, Caro, Chowning, Clarke, Dell, English, Gary, Getzen, Gillis, Gomez, Hale, Harrison, Hilburn, Hodges, Holland, Larson, Lewis, Lundy, MacWilliams, Mann, Murphy, Parker, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Friday, April 21, was corrected, and as corrected was approved.

Senator S. L. Holland, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 20, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred: Senate Bill No. 27:

A bill to be entitled An Act fixing the salaries and traveling expenses of the several State Attorneys in the State of Florida.

And—

Senate Bill No. 65:

A bill to be entitled An Act relating to the foreclosure of liens, certificates and deeds existing or issued by virtue of laws relating to taxation and special assessments by the State, Counties, Municipalities and special taxing districts.

Have had the same under consideration and herewith return the said two bills to the Senate and recommend that they be referred to the Committee on Finance and Taxation.

Very respectfully,

S. L. HOLLAND,  
Chairman of Committee.

Senator Holland moved that Senate Bills Nos. 27 and 65, contained in the above report, be re-referred to the Committee on Finance and Taxation.

Which was agreed to.

And it was so ordered.

## REPORTS OF COMMITTEES

Senator W. T. Gary, Chairman of the Committee on Finance and Taxation, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

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

Senate Bill No. 229:

A bill to be entitled An Act relating to taxation; to extend the time of redemption from tax certificates, and to prohibit the vesting of title without the issuance of a deed.

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

Very respectfully,

W. T. GARY,  
Chairman of Committee.

And Senate Bill No. 229, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Wm. C. Hodges, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 21, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 326:

A bill to be entitled An Act to further provide for and maintain that certain property in Manatee County known as Gamble Mansion as a memorial to Judah P. Benjamin, Secretary of State of the Confederacy.

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

Very respectfully,

WM. C. HODGES,  
Chairman of Committee.

And Senate Bill No. 326, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator S. L. Holland, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 20, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 156:

A bill to be entitled An Act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this Act a misdemeanor and providing penalties.

And—

Senate Bill No. 238:

A bill to be entitled An Act to amend Section 2601, Revised General Statutes of Florida (Section 4248 Compiled General Laws of 1927), relating to service of process on co-partnerships and to provide for such service on unincorporated, voluntary associations.

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

Very respectfully,

S. L. HOLLAND,  
Chairman of Committee.

And Senate Bills Nos. 156 and 238, contained in the above report, were placed on the table under the rule.

Senator S. L. Holland, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 20, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 154:

A bill to be entitled An Act to provide for the reinstatement of attorneys disbarred from the practice of law and regulating the procedure for such reinstatement.

And—

Senate Bill No. 288:

A bill to be entitled An Act to amend Section 4340 of the Revised General Statutes of Florida of 1920, the same being Section 6303 of the Compiled General Laws of Florida, 1927, relating to final judgments against surety companies, and providing for the disposition of Florida assets of such surety companies and the securities deposited with the State Treasurer under Section 4339 of the Revised General Statutes of

Florida of 1920 in event of insolvency or liquidation of said companies.

And—

House Bill No. 404:

A bill to be entitled An Act authorizing the disposition of undisposed of funds raised or created for the purpose of applying toward the payment of principal or interest of refunding bonds when such refunding bonds are not issued.

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

Very respectfully,

S. L. HOLLAND,  
Chairman of Committee.

And Senate Bills Nos. 154, 288 and 404, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator M. O. Harrison, Chairman of the Committee on Agriculture and Live Stock, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Agriculture and Live Stock, to whom was referred:

Senate Bill No. 284:

A bill to be entitled An Act prescribing additional duties and powers of the inspectors or recorders of the marks and brands of cattle, sheep, or goats in Counties in which inspectors or recorders have been appointed; providing for, and prescribing the method of the recording of marks and brands of recently marked or recently branded cattle, sheep, goats, and sucking calves and their mothers; providing for the issuance of certificate by the inspector; prohibiting the slaughtering, movement or the transportation of any cattle, sheep, or goats, unless accompanied by said record; providing for the production for inspection of the inspector's record and providing for first and second offences.

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

Very respectfully,

M. O. HARRISON,  
Chairman of Committee.

And Senate Bill No. 284, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Arthur Gomez, Chairman of the Committee on Public Utilities, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Public Utilities, to whom was referred:

Senate Bill No. 197, introduced by Senators English, Whitaker and Andrews, same being entitled:

An Act to extend and enlarge the jurisdiction, powers, and duties of the Railroad Commission of the State of Florida, placing all public utilities in Florida, including Electric Light and Power Companies, under the jurisdiction, control and regulation of the Railroad Commission; providing certain exceptions of utilities from said Act; conferring and vesting in said Railroad Commission full and complete power to hold hearings, fix and establish rates to be charged by public utilities; fixing the salary of the Railroad Commissioners and providing for the employment of clerical assistance; providing for certain fees to be fixed and collected by said Railroad Commission, and to supervise, regulate, and control the issuance of stock or other evidence of indebtedness; fixing the basis for the ascertainment of value of any public utility for rate-making purposes; providing for emergency rates; providing for place of holding hearings; defining certain words and terms used in this Act; providing who may own or control any Franchise, License, Permit, or right to engage in any public utility business in Florida covered by the terms of this Act; providing for a system of accounts to be kept by Public Utilities; providing the place of office to be kept by public utilities; providing that the books, records, papers, accounts, and all other documents of public utilities shall be open to inspection at all times by said Railroad Commission; vesting in said Railroad Commission full power to promulgate rules and regulations to carry out and give force and effect to this Act as well as to enter orders therefor; vesting and extending the

jurisdiction, powers, and duties of said Railroad Commission over all businesses and enterprises which might be conducted by a Utility other than those embraced in this Act; providing for penalties for the violation of any of the provisions of this Act; providing for the manner and method of appeal from the orders or ruling of the Railroad Commission.

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

Very respectfully,

ARTHUR GOMEZ,  
Chairman of Committee.

And Senate Bill No. 197, contained in the above report, was placed on the table under the rule.

REPORT OF COMMITTEE ON ENGROSSED BILLS

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

Senate Chamber,  
Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments) after second reading, House Amendment Concluded in:

Senate Concurrent Resolution No. 2:

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint committee, consisting of ten members of the Senate, to be appointed by the President of the Senate, and ten members of the House of Representatives, to be appointed by the Speaker thereof, constitute a joint committee for the purpose of considering all measures having for their purpose the abolishing, creation, or re-circuiting of the Circuit Courts of the State of Florida, and to which committee all such bills be referred.

Amendment:

Conference Committee Amendment to Senate Concurrent Resolution No. 2:

In line 2 of said Resolution, strike out the word "ten" and insert in lieu thereof the word "six," and in line 3 of said Resolution strike out the word "ten" and insert in lieu thereof the word "nine."

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

Very respectfully,

J. W. TURNER,  
Chairman of Committee.

And Concurrent Resolution No. 2, contained in the above report, was referred to the Committee on Enrolled Bills.

REPORT OF ENROLLING COMMITTEE

Senator S. W. Anderson, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,  
Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

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

House Bill No. 438:

A bill to be entitled An Act providing that all moneys due and to be apportioned to Counties of the State of Florida for the year ending 1933, having a population of not less than ten thousand five hundred seventy (10,570), and not more than ten thousand five hundred eighty (10,580), under Chapter 14832, Acts of 1931, shall be paid direct to the Boards of Public Instruction of said respective Counties, to take care of certain outstanding indebtedness.

Also—

House Bill No. 431:

A bill to be entitled An Act to prohibit and make it unlawful for live stock to run or roam at large within the territorial limits of Martin County, in the State of Florida; to provide for the enforcement of this Act and for the impounding and sale of live stock running or roaming at large in said County, and providing that persons damaged by such live stock running or roaming at large may recover damages and costs therefor, and providing penalties for the violation of the provisions of this Act.

Also—

House Bill No. 433:

A bill to be entitled An Act to repeal Chapter 12086 of the Laws of Florida, 1927, and to abolish the Martin Drainage District of Martin County, Florida, and to provide for the payment of its debts.

Also—

House Bill No. 420:

A bill to be entitled An Act to amend Sections 4, 6 and 8, and to repeal Section 5-a of Chapter 11870 of the Laws of Florida, Acts of 1927, being an Act entitled:

"An Act to establish Caloosahatchee Improvement District in this State and define its boundaries; to create a Board of Commissioners for said District and to define its powers; authorizing the improvement of the Caloosahatchee River and other natural waterways, the construction of canals, dikes, drains, reservoirs and other works for the reclamation, improvement and benefit of the lands and other property embraced in said District and to levy assessments of taxes upon the lands and other property embraced in said District and to provide for the collection of the same, and to enforce the collection of such assessments; and to authorize the Board of Commissioners of said District to borrow money and to issue bonds and dispose of the same to procure money to carry out the provisions of this Act; to prevent injury to any works constructed under this Act and to provide a penalty for violating such provision."

And providing for winding up of the affairs of the Caloosahatchee Improvement District; providing a means for retiring and discharging the existing obligations of Caloosahatchee Improvement District and creating a Board of Trustees of Caloosahatchee Improvement District to wind up the affairs thereof, and to provide for the collection of omitted or subsequent taxes on land sold for non-payment.

Also—

House Bill No. 432:

A bill to be entitled An Act making it unlawful to fish, or cause to be fished, or use, or cause to be used, any drag nets, haul seines, gill nets, or other nets, except common cast nets used for the purpose of catching bait, in that part of Martin County, Florida, located within the territory bounded by a circle four miles in diameter, the center of which circle is located in the middle of the St. Lucie Inlet, which center point lies due north of Chandler's Point and also at a point where the perimeter of said circle intersects the east shore of the St. Lucie River and the southwest corner of Sewell's Point Shore at this point; thence meander the west shore of said Sewall's Point northerly, to a point that is north sixty-six degrees east of Willoughby Point; thence run south sixty-six degrees west, crossing the St. Lucie River to Willoughby Point, on the west shore of the St. Lucie River, Town of Port Sewall, Martin County, Florida; thence meander southerly along the west shore of the St. Lucie River to its intersection with the north line of the Terminal Fill of the St. Lucie Inlet District; thence run easterly along the north line of said Terminal Fill to its intersection with the perimeter of the four mile diameter circle, at which point is the closing of the traverse; and/or to fish, or cause to be fished, or use, or cause to be used, such seines and nets in that part of the south fork of the St. Lucie River lying south of Palm City Bridge, and/or in any Creeks emptying into the north or south fork of the St. Lucie River in Martin County, Florida; and/or to fish, or caused to be fished, or use, or cause to be used, such seines and nets in any waters located in Martin County, Florida, within the territory beginning at the center of the west end of the Drawbridge Crossing of the waters of Hobe Sound to Jupiter Island; thence run southerly along the west shore of said waters of Hobe Sound, also known as Indian Narrows and Jupiter River, to the South line of Martin County, Florida; thence run due east across the waters of Hobe Sound, also known as Indian Narrows and Jupiter River, along the said south line of Martin County to the east shore of said waters which is the west shore of Jupiter Island; thence meander northerly to the east shore of said Hobe Sound, also known as Indian Narrows and Jupiter River, to the center of the east end of the drawbridge; thence run south sixty-six degrees west along the center line of said drawbridge to its westerly end, the point or place of beginning, providing that certain prohibited area be defined with posts, signs or markers by the Board of County Commissioners, but a failure to do so shall be no excuse or defense to any prosecution hereunder; making it unlawful to dump foul or refuse fish so as to cause a nuisance; making it lawful to fish, or cause to be fished in salt waters of Martin County by use of haul seines, drag nets or gill nets, except-

ing waters prohibited by this Act; regulating the size of mesh and length of such seines and nets, and providing penalty for violation of any of the provisions of this Act, and limiting the duration of this Act.

Also—

House Bill No. 523:

A bill to be entitled An Act to repeal Chapter 15738, Laws of Florida, Acts of 1931, entitled: "An Act providing for the compensation of County Tax Assessors, County Tax Collectors, County Judges and Clerks of Circuit Courts in all Counties of the State of Florida having a population of more than 23,150 and less than 23,165, according to the last State or Federal Census; providing that all fees collected by or paid to such officers be paid into a special fund to be known as County Officer's Fund and for all such officers to be compensated from such fund; and providing for the budgeting of the expense of all such offices and the duties of the Board of County Commissioners in such Counties."

Also—

House Bill No. 402:

A bill to be entitled An Act to provide for the apportionment, distribution and use of the moneys received by Dixie County, Florida, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any amendment or amendments thereto or other laws providing for revenue from licensed race tracks in this State, and providing that said moneys shall be paid by the State Treasurer on warrant drawn by the Comptroller to the Board of Public Instruction of Dixie County, Florida, and used exclusively by said Board of Public Instruction to pay certain bonded indebtedness outstanding against said Board of Public Instruction.

Also—

House Bill No. 405:

A bill to be entitled An Act to Amend Chapter 15661, Laws of Florida of 1931, the same being: "An Act to authorize the Board of County Commissioners of Counties having a population of not less than 4000 and not more than 4200, according to the Federal Census of the year 1930, to employ some individual or Attorney at Law, resident in that County to collect delinquent taxes on personal property, by suit or otherwise, and providing that suit may be brought in the name of the State of Florida for the collection of said taxes, and to authorize the said Board of County Commissioners to make adjustments and/or compromise the amount found to be due for such personal taxes for the year 1930 and/or prior years, and providing for the disposal of funds collected."

Have examined the same and find them correctly enrolled.

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

Very respectfully,

S. W. ANDERSON,  
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 Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Anderson, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,  
Tallahassee, Fla.

Hon. T. G. Futch,  
President of the Senate.

Sir:

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

Senate Bill No. 206:

A bill to be entitled An Act requiring the City of Bushnell, Florida, to accept bonds or other indebtedness of said City, whether matured or unmatured, and/or matured interest bond coupons of said City in payment of any general or special assessments made by said City prior to the year 1933, and in payment of any taxes levied or assessed by said City prior to the year 1933.

Also—

Senate Bill No. 208:

A bill to be entitled An Act requiring the City of Webster,

Florida, to accept bonds or other indebtedness of said City, whether matured or unmatured, and/or matured interest bond coupons of said City in payment of any general and special assessments made by said City prior to the year 1933, and in payment of any taxes levied or assessed by said City prior to the year 1933.

Also—

Senate Bill No. 209:

A bill to be entitled An Act requiring the City of Center Hill, Florida, to accept bonds or other indebtedness of said City, whether matured or unmatured, and/or matured interest bond coupons of said City in payment of any general or special assessments made by said City prior to the year 1933, and in payment of any taxes levied or assessed by said City prior to the year 1933.

Also—

Senate Bill No. 50:

A bill to be entitled An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the State of Florida by contractors and sub-contractors, and for other purposes.

Also—

Senate Bill No. 165:

A bill to be entitled An Act to repeal Chapter 15274 (No. 636) approved May 21st, 1931, same being An Act to provide for the nomination of members of the Board of County Commissioners and of the Board of Public Instruction of Jefferson County, Florida, by voters of the County at large and not by districts.

Also—

Senate Bill No. 272:

A bill to be entitled An Act providing for appointment and authorizing the County Commissioners to fix the compensation of a Probation Officer in and for St. Johns County, Florida.

Also—

Senate Bill No. 260:

A bill to be entitled An Act permitting the County Board of Public Instruction for Polk County to invest and reinvest sinking fund collected for the retirement of any bonds of any special tax school district in Polk County in United States Government Bonds or United States Government Certificates of indebtedness.

Also—

Senate Bill No. 255:

A bill to be entitled An Act providing for the time when city taxes for the City of New Smyrna, Florida, for the year A. D. 1932, shall become delinquent, and extending and enlarging the time for payment thereof.

Have examined the same and find them correctly enrolled.

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

Very respectfully,

S. W. ANDERSON,

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 Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Senator Sikes moved that the rules be waived and Senate Bills Nos. 147 and 47 be made special and continuing orders for Tuesday, April 25, 1933, at 11:00 o'clock A. M.

Which was agreed to by a two-thirds vote.

And it was so ordered.

Senator Getzen moved that a committee of three be appointed to escort Honorable Doyle E. Carlton, former Governor of the State of Florida, to the rostrum of the Senate.

Which was agreed to.

And the Chair appointed Senators Getzen, MacWilliams and Anderson as the Committee.

Senator English requested that Senate Bill No. 197, reported unfavorably by the Committee on Public Utilities, be restored to the Calendar of Bills on second reading, under the rule.

And it was so ordered.

#### INTRODUCTION OF RESOLUTIONS

By Senators English, Parker and Hodges—

Senate Resolution No. 12:

In Memory of Senator William W. Phillips by Senators English of the 14th, Parker of the 12th, and Hodges of the 8th.

WHEREAS, since the last session of this Senate death has laid its finger on William W. Phillips of Lake City, long a member of the House of Representatives, for years a Senator of Florida from his District and 1929 President-Pro Tempore of this body.

THEREFORE, BE IT RESOLVED BY THE SENATE, That an expression of its respect for the deceased be given to his widow by having the Secretary of the Senate under the seal of the Senate convey to her this Resolution. In the death of Senator Phillips this State lost a faithful public servant, one who for many years had been an outstanding figure of the State's law-making bodies, who was author of many of our important laws, had seen service on the Senate's most powerful committees, had held the second highest office in the Senate and who was faithful to the interests of his constituents and unswerving in his fidelity to friends.

The Grim Reaper knows no difference between the great and obscure, the high or the low, the rich or the poor when he comes to swing the scythe of death and all mankind begins life with the soon acquired knowledge that somewhere sometime, sooner or later, life's journey must end. So it was with the Senator and when after years of illness he died at peace with the world, it was but paying the unalterable debt to Nature and in his death those Senators who served with him felt the loss of a devoted friend and a wise and conservative counselor.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to.

And Senate Resolution No. 12 was adopted.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Hilburn—

Senate Bill No. 332:

A bill to be entitled An Act to amend Section No. 6013, Compiled General Laws of Florida, 1927, relating to the duty of officers and agents of a corporation to its minority stockholders.

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

By Senator Beacham—

Senate Bill No. 333:

A bill to be entitled An Act authorizing Towns and Cities to levy and impose an excise tax on gasoline and other like products of petroleum sold within the incorporated limits of such Town or City; requiring a certified copy of the ordinance imposing such tax to be deposited with the State Comptroller; providing that such tax when imposed and paid shall be credited on the state gas tax; providing for the report of sale of such commodities, and the collection and payment of such taxes; creating a special fund for the reception of such taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and prescribing the duties of certain officials with reference thereto; providing the purposes of such taxes; providing for the disposition of the balance of the state gas tax after the tax hereby authorized has been credited thereon; providing for the enforcement of this Act and penalties for violation hereof; and repealing all laws in conflict with this Act.

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

By Senator Beacham—

Senate Bill No. 334:

A bill to be entitled An Act providing that the dealer in gasoline or other like products of petroleum in this State shall be exempt from payment of excise tax thereon now or hereafter imposed on sales of such products to Towns and Cities for use in the performance of municipal duties and functions, and providing for a report of such tax exempt sales by the dealer, and requiring a certificate by a municipal officer as to such exemption; providing penalties for the violation hereof, and repealing all laws in conflict with this Act.

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

By Senator Getzen—  
Senate Bill No. 335:

A bill to be entitled An Act declaring, designating, and establishing a State Road running from Dade City, Florida, to Zephyr Hills, Florida.

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

By Senator Getzen:  
Senate Bill No. 336:

A bill to be entitled An Act to amend Chapter 14971, Laws of Florida in the Acts of 1931, entitled An Act to amend Chapter 13824 and 13826, Acts of 1929, as amending Chapter 12322, Laws of Florida, Acts of 1927, as amending Chapters 10136, 10279, 10269, and 10276, Acts of 1925, as amending Chapter 9310, Acts of 1923, Laws of Florida, being entitled: "An Act to declare, designate and establish certain State roads in the State of Florida, and to provide for the construction of such system of roads by the State Road Department; and authorizing and empowering the State Road Department to construct and maintain said road in such system, An Act to declare, designate and establish a State Road in the State Road System of Florida and to provide for the construction in such system of highways."

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

By Senator Harrison—  
Senate Bill No. 337:

A bill to be entitled An Act amending Section 1, of Chapter 13809, Laws of Florida, Acts of 1929, relating to the creation of the State Agricultural Marketing Board, defining its powers and duties and making appropriation therefor.

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

By Senator Getzen—  
Senate Bill No. 338:

A bill to be entitled An Act to amend Chapter 14971, Laws of Florida in the Acts of 1931, entitled An Act to amend Chapter 13824 and 13826, Acts of 1929, as amending Chapter 12322, Laws of Florida, Acts of 1927, as amending Chapter 10136, 10279, 10269 and 10276, Acts of 1925, as amending Chapter 9310, Acts of 1923, Laws of Florida, being entitled: "An Act to declare, designate and establish certain State roads in the State of Florida, and to provide for the construction of such system of roads by the State Road Department, and authorizing and empowering the State Road Department to construct and maintain said road in such system, an act to declare, designate and establish a State Road in the State Road System of Florida and to provide for the construction in such system of highways"

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

By Senator Caro—  
Senate Bill No. 339:

A bill to be entitled An Act prohibiting the payment of fees to the fee officers in criminal cases unless there has been a final judgment by a court of competent jurisdiction, and providing for the exceptions thereto.

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

By Senator Caro—  
Senate Bill No. 340:

A bill to be entitled An Act to require the filing of reports of all County officials in the State of Florida now paid in whole or in part by fees, commissions or by one or more of said methods of payment; to provide for the preparation and filing of a budget of expenses by said officials and to provide for the audit of the accounts of said officials; to provide the method of handling and accounting for and reporting of all fees collected by said officials; to provide for the distribution of such moneys collected hereunder.

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

By Senator Caro—  
Senate Bill No. 341:

A bill to be entitled An Act making it unlawful to cut or fell or cause or procure to be cut or felled, or to remove or haul or transport or procure or cause to be removed or hauled or transported on or from any lands in this State any cedar, juniper, cypress, oak, pine, bay, poplar, ash, gum or other timber, trees or wood without a license first had and obtained, and making it unlawful to buy or receive any such timber,

trees or wood except from a license; and providing for the issuance of licenses by the Clerk of the Circuit Courts and requiring the production to the Clerks of the Circuit Courts of a written permit from the land owner before any license shall issue; and requiring that the licenses and permits shall contain a description of the lands and of the timber, trees or wood with respect to which the same are issued; and requiring that the said licenses or authenticated copies thereof shall be in the personal possession of any person engaging in or doing any of the acts for which a license is required by this Act; and prescribing penalties for the violation of any of the provisions of this Act.

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

By Senator Caro—  
Senate Bill No. 342:

A bill to be entitled An Act providing for and regulating the business of making installment loans of money or credit; and providing the rate of interest and discount to be charged therefor.

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

By Senator Whitaker—  
Senate Bill No. 343:

A bill to be entitled An Act providing for a pension to be paid by the City of Tampa to F. P. King.

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

By Senator Whitaker—  
Senate Bill No. 344:

A bill to be entitled An Act to provide for the relief of the needy blind.

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

By Senator Beacham—  
Senate Bill No. 345:

A bill to be entitled An Act creating a Bureau of Boiler Inspection, and record for the State of Florida, and to provide for the appointment of a Chief Boiler Inspector with full charge of and supervision over said Bureau of Boiler Inspection, and for the appointment of assistant inspectors, also providing the qualifications to be required of such chief boiler inspector and the assistant boiler inspectors, and providing the fees to be charged for inspection, and for the licensing of persons, firms and corporations engaged in manufacturing steam boilers and providing for certain inspection reports and certificates to allow boiler operation; providing for the enforcement of this Act.

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

By Senator Stewart—  
Senate Bill No. 346:

A bill to be entitled An Act to amend Section 3580 of the Revised General Statutes of Florida of 1920, the same being Section 5444 of the Compiled General Laws of Florida, 1927, relating to writs of error to judgments in habeas corpus.

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

By Senator Stewart—  
Senate Joint Resolution No. 347:

A JOINT RESOLUTION Proposing an Amendment to Section 10 of the Declaration of Rights of the Constitution of the State of Florida Relating to the Trial for Capital Crime or Other Felony.

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

That the following amendment of Section 10 of the Declaration of Rights of the Constitution of the State of Florida, relating to the trial of capital crime or other felony, is hereby agreed to and shall be submitted to the electors of the State of Florida for adoption or rejection at the next general election, to-wit: the general election to be held on the first Tuesday after the first Monday in November, A. D. 1934, that is to say:

That Section 10 of the Declaration of Rights of the Constitution of Florida be amended to read as follows:

SECTION 10. No person shall be tried for a capital crime or other felony, unless on presentment or indictment by a grand jury, except as is otherwise provided in this Constitution, and except in cases of impeachment, and in cases in the

militia when in active service in time of war, of which the State, with the consent of Congress, may keep, in time of peace; provided, however, that in every county in the State in which there is not a Court of Record or a Criminal Court of Record, any person may be tried for any criminal offense of which the Circuit Court has trial jurisdiction, other than capital crime, either upon indictment by a grand jury, or upon information under oath filed by the regular or acting State Attorney.

Which was read the first time in full and referred to the Committee on Constitutional Amendments.

By Senator Stewart—  
Senate Bill No. 348:

A bill to be entitled An Act to amend Chapter 14899, Laws of Florida, Acts of 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."

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

By Senator Gillis—  
Senate Bill No. 349:

A bill to be entitled An Act authorizing and empowering the Town of DeFuniak Springs, Florida, a Municipal Corporation, to assess, levy and collect license taxes upon businesses, occupations and professions engaged in and carried on therein, without regard to the nature, limitations or amounts levied for State and County Licenses, and ratifying, approving and confirming all licenses heretofore levied by said Municipality.

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

By Senator Holland—  
Senate Bill No. 350:

A bill to be entitled An Act to amend Section 4269, Revised General Statutes of Florida, 1920, (same being Section 6228 Compiled General Laws of Florida, 1927), relating to proceedings by State Treasurer against insolvent and defaulting insurance companies.

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

By Senator Hodges—  
Senate Bill No. 351:

A bill to be entitled An Act to amend Section 6 of Chapter 13578 Acts of 1929 entitled: "An Act to create a Florida State Commission for the Blind to prepare and maintain a register of those adult blind persons living in the State for sometime previous; to set up a bureau of information and industrial aid for the blind; to assist other agencies in developing home industries; to aid in furnishing books, materials, and tools for rehabilitation for the blind; to devise means of helping them; to adopt such measures as may be deemed expedient for the prevention and cure of blindness; to provide for an annual report of the commission for the blind in connection herewith; and to make an appropriation for the carrying out of the provision of the Act."

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

By Senator Hodges—  
Senate Bill No. 352:

A bill to be entitled An Act empowering the return of certain moneys from the General Revenue Fund to the permanent building fund of Florida State College for Women and authorizing the use of the same as if appropriated specifically therefor for this certain purpose.

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

By Senator Anderson—  
Senate Bill No. 353:

A bill to be entitled An Act relating to lands sold to the State for taxes.

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

By Senator Murphy—  
Senate Bill No. 354:

A bill to be entitled An Act authorizing Agricultural and Horticultural Associations heretofore or hereafter incorporated under the Laws of Florida, to amend the Charter of such corporation.

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

By Senator Larson—  
Senate Bill No. 355:

A bill to be entitled An Act to designate and establish a State Road in Clay County, Florida.

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

By Senator Larson—  
Senate Bill No. 356:

A bill to be entitled An Act to designate and establish a State Road in Clay County, Florida.

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

By Senator Larson—  
Senate Bill No. 357:

A bill to be entitled An Act to designate and establish a State Road in Clay County, Florida.

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

By Senator Watson—  
Senate Bill No. 358:

A bill to be entitled An Act to abolish the jurisdiction of the City of Miami, Dade County, Florida, a municipal corporation, over certain lands in Dade County, Florida, and to exclude the same from its corporate limits and to repeal all laws or parts of laws in conflict therewith.

Which was read the first time by its title only.

Senator Watson moved that the rules be waived and Senate Bill No. 358 be read a second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 358 was read a second time by title only.

Senator Watson moved that the rules be further waived and Senate Bill No. 358 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. 358 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 Anderson, Andrews, Bass, Beacham, Black, Butler, Caro, Chowning, Clarke, Dell, English, Gary, Getzen, Gillis, Gomez, Hale, Harrison, Hilburn, Hodges, Holland, Larson, Lewis, Lundy, MacWilliams, Mann, Murphy, Parker, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker—38.

Nays—None.

So the bill passed title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Andrews—  
Senate Bill No. 359:

A bill to be entitled An Act relating to Motor Vehicle License Inspectors and to repeal Section 7 of Chapter 10182, Laws of Florida, Acts of 1925, being Section 1305, Compiled General Laws of Florida, 1927, relating to Motor Vehicle License Inspectors.

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

By Senator Watson—  
Senate Bill No. 360:

A bill to be entitled An Act amending the Charter of Miami Shores Village, known as Chapter 15690, Laws of 1931, and relating further to the jurisdiction, Acts, powers and Government of said Village, and to the construction of this Act; ratifying things done; and repealing inconsistent laws and Chapter 15689.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted:

By Senator Watson—  
Senate Concurrent Resolution No. 7:  
WHEREAS, the Fresh Winter Vegetable industry brings

into the State of Florida, annually approximately \$40,000.-000.00, and

WHEREAS, the industry cannot continue to exist unless the cost of production in this Country is equalized with that of Foreign Countries employing Peon labor, and

WHEREAS, the destruction of this industry would be disastrous to the financial structure of the entire State of Florida, and

WHEREAS, these Foreign producers also have the advantage of cheaper freight rates, depreciated currency, low standard of living and low wage scale, and

WHEREAS, there are within the boundaries of the State of Florida, ample areas of land on which there is now being produced, and can be produced, more than sufficient supplies of winter vegetables to supply the consuming markets of the United States, and

WHEREAS, exhaustive field research has shown the vital economic necessity of this equalized tariff, and such tariff is now in existence, and

WHEREAS, this tariff schedule has been attacked in numerous instances by representatives of these foreign producers, and,

WHEREAS, investigations and hearings by both Houses of Congress and the United States Tariff Commission have shown that the present rates in existence are justified, therefore,

BE IT RESOLVED by the Legislature of the State of Florida; that this Body urgently requests the President of the United States, members of Congress, and Secretary of State, Secretary of Agriculture, the United States Tariff Commission, and our Ambassadors to Cuba and Mexico to guard against any possible reduction in the equalized tariff rates now in existence, which would imperil the American standard of living now enjoyed by the American farmer.

WE FURTHER REQUEST that if, and when, investigation shows that the tariff rate now prevailing does not equalize the cost of production that every effort be made toward an increase.

WE RESPECTFULLY OFFER you the service of the Commissioner of Agriculture of the State of Florida and of the Florida Agricultural Tariff Association, a non-partisan growers organization, whenever these matters pertaining to the duties affecting winter vegetables come before you. They have on file and will gladly submit any information desired. We commend their work already accomplished.

Very respectfully,

FRANK WEBB,

Chief Clerk House of Representatives.

Senate Concurrent Resolution No. 7, contained in the above Message, was ordered referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives concurs in Senate amendments to:

By Mr. Tomasello, of Okeechobee—

House Bill No. 405:

A bill to be entitled An Act to amend Chapter 15661, Laws of Florida of 1931, the same being: "An Act to authorize the Board of County Commissioners of Counties having a population of not less than 4,000 and not more than 4,200, according to the Federal Census of the Year 1930, to employ some individual or attorney at law, resident in that county to collect delinquent taxes on personal property, by suit or otherwise, and providing that suit may be brought in the name of the State of Florida for the collection of said taxes, and to authorize the said Board of County Commissioners to make adjustments and/or compromise the amount found to be due for such personal taxes for the year 1930 and/or prior years, and providing for the disposal of funds collected."

Which amendments are:

Amendment No. 1:

In Section 1, line 4 (printed bill) strike out the words "4000" and insert in lieu thereof the following: "4100."

Amendment No. 2:

In Section 1, line 5 (printed bill,) strike out the word "4200" and insert in lieu thereof the following: "4130."

Very respectfully,

FRANK WEBB,  
Chief Clerk House of Representatives.

Also—

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

Tallahassee, Fla., April 24, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives concurs in Senate amendments to:

By Mr. Dickey, of Dixie—  
House Bill No. 402:

A bill to be entitled An Act to provide for the apportionment, distribution and use of the moneys received by Dixie County, Florida, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any amendment or amendments thereto or other laws providing for revenue from licensed race tracks in this State, and providing that said moneys shall be paid by the State Treasurer on warrant drawn by the Comptroller to the Board of Public Instruction of Dixie County, Florida, and used exclusively by said Board of Public Instruction to pay certain bonded indebtedness outstanding against said Board of Public Instruction.

Which amendments read as follows:

Senate Amendment No. 1:

Strike out Section 1, of said House Bill No. 402, and insert in lieu thereof the following:

"Section 1. That all moneys apportioned and distributable to Dixie County, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any amendment or amendments thereto, or other laws providing revenue from licensed race tracks in this State, shall be paid to the Board of Public Instruction of the County of Dixie, State of Florida, on warrant drawn by the Comptroller of the State of Florida in favor of said Board of Public Instruction for said County of Dixie, State of Florida, to be used and distributed by the said Board of Public Instruction for the County of Dixie, State of Florida, exclusively to pay off indebtedness of said Board of Public Instruction for the County of Dixie, State of Florida, as herein set forth."

Senate Amendment No. 2:

Strike out Section 5, and insert in lieu thereof the following:

"Section 5. Upon becoming a law, this Act shall be effective as of April 15th, 1933, and include all moneys distributable on or before April 15th, 1933, which have not been distributed by the State Treasurer."

Senate Amendment No. 3:

Strike out Section 2, and insert in lieu thereof the following:

"Section 2. The Board of Public Instruction for the County of Dixie, State of Florida, upon receipt of said moneys under the provisions of this Act shall disburse the same only for the payment of principal and interest against said Board of Public Instruction, as may be evidenced by high school building warrants heretofore issued by said Board of Public Instruction under the authority of Chapter 12689, Special Acts of 1927."

Senate Amendment No. 4:

Strike out the title of the Act and insert in lieu thereof the following title:

"An Act to provide for the apportionment, distribution and use of the moneys received by Dixie County, Florida, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any amendment or amendments thereto or other laws providing for revenue from licensed race tracks in this State, and providing that said moneys shall be paid by the State Treasurer on warrants drawn by the Comptroller to the Board of Public Instruction of Dixie County, Florida, and used exclusively by said Board of Public Instruction to pay certain bonded indebtedness outstanding against said Board of Public Instruction."

Very respectfully,

FRANK WEBB,  
Chief Clerk House of Representatives.

Also—

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

Tallahessee, Fla., April 21, 1933.

Hon. T. G. Futch,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has reconsidered and amended and passed again:

By Mr. Anderson, of Nassau—  
House Bill No. 293:  
A bill to be entitled An Act to amend the City Charter of the City of Callahan.

Also—  
By Mr. Stone, of Gulf—  
House Bill No. 261:  
A bill to be entitled An Act prescribing a closed season against fishing or attempting to fish, in the fresh waters of Gulf County, Florida, and making it a misdemeanor for any person to fish, attempt to fish, take fish, or attempt to take fish, during said closed season.

And respectfully request the concurrence of the Senate therein:

Very respectfully,  
FRANK WEBB,

Chief Clerk House of Representatives.

House Bills Nos. 293 and 261, contained in the above Message, were read the first time by their titles only and placed on the Calendar of Local Bills on second reading.

Also—  
The following Message from the House of Representatives was received and read:

Tallahessee, Fla., April 21, 1933.

Hon. T. G. Futch,  
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 Mr. Edney, of Okaloosa—  
House Bill No. 460:

A bill to be entitled An Act to authorize the Boards of County Commissioners of all Counties of this State having a population of between ninety-eight hundred and ten thousand eight hundred, according to the 1930 Federal Census, to provide by resolution for the acceptance by such Counties, in payment of all taxes due such Counties, any past due and unpaid current obligations of the said Counties at par plus accrued interest; and for the acceptance to the extent of the amount of such taxes levied for school purposes, and in payment of the taxes to such extent, of any past due and unpaid current obligations of the Board of Public Instruction of such County, at par, plus accrued interest; and for the acceptance in payment of Special Tax School District taxes of any past due and unpaid current obligation of such Special Tax School District, at par plus accrued interest.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,  
FRANK WEBB,

Chief Clerk House of Representatives.

House Bill No. 460, contained in the above Message, was read the first time by its title only and placed on the Calendar of Local Bills on second reading.

The hour having arrived for the consideration of House Bill No. 114, Senate Bill No. 151, and House Bill No. 265, as Special Orders:

House Bill No. 114:  
A bill to be entitled An Act to amend Section 5469 of the Revised General Statutes of the State of Florida, 1920, defining intoxicating liquors and the alcoholic content thereof; to declare certain beer, ale, porter, wine or similar malt or vinous liquor or fruit juice non-intoxicating; to declare and presume the transportation, sale, barter, gift or exchange of alcohol in certain quantities contained in certain drinks and beverages as being for medical purposes; to prohibit the prosecution for the manufacture, transportation, possession, sale, barter, gift or exchange of certain non-intoxicating beverages and to prevent the same being considered as nuisances per se; to construe this Act as not precluding municipalities from restricting or regulating the sale of certain non-intoxicating liquors or beverages or from imposing a tax upon manufacturers and sellers thereof and to repeal all laws or parts of laws in conflict with this Act.

Was taken up.

Senator Whitaker moved that the rules be waived and House Bill No. 114 be read a second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 114 was read a second time by title only.

The following Senate Joint Committee Substitute for House Bill No. 114:

A bill to be entitled An Act to repeal Section 5469 of the Revised General Statutes of Florida, (otherwise referred to as Section 7613 of the Compiled General Laws of Florida,) defining drinks, beverages or alcoholic liquors, for beverage purposes, as those containing one-half of one per cent of alcohol, or more, and all intoxicating liquors and beverages, whether spirituous, vinous or malt, as within the meaning of the prohibition statutes of this State.

Was taken up and read the first time by its title only.

Senator Whitaker moved that the rules be waived and the Senate Joint Committee Substitute for House Bill No. 114 be read a second time in full.

Which was agreed to by a two-thirds vote.

And the Senate Joint Committee Substitute for House Bill No. 114 was read a second time in full.

Senator Stewart moved the adoption of the Senate Joint Committee Substitute for House Bill No. 114.

Which was agreed to.

And the Senate Joint Committee Substitute for House Bill No. 114 was adopted.

Senator Stewart moved that the rules be further waived and Senate Joint Committee Substitute for House Bill No. 114 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Committee Substitute for House Bill No. 114 was read a third time in full.

Upon the passage of the Senate Joint Committee Substitute for House Bill No. 114 the roll was called and the vote was:

Yeas—Mr. President; Senators Bass, Beacham, Butler, Caro, Chowning, Clarke, English, Getzen, Gomez, Hale, Harrison, Larson, Lewis, MacWilliams, Mann, Parker, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker—27.

Nays—Senators Anderson, Andrews, Black, Dell, Gary, Gillis, Hilburn, Hodges, Holland, Lundy, Murphy—11.

So the Senate Joint Committee Substitute for House Bill No. 114 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

EXPLANATION OF VOTE

I vote "no" because I believe the same to be in violation of the Constitution.

WM. C. HODGES, 8th District.

Senate Bill No. 151:

A bill to be entitled An Act to provide revenue by taxation of certain non-intoxicating liquor and amending Section 7 of Chapter 7736, Laws of Florida, Acts of 1918, defining intoxicating liquor, and for other purposes.

Was then taken up.

Senator Whitaker moved that the rules be waived and Senate Bill No. 151 be read a second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 151 was read a second time by title only. The following Senate Joint Committee Substitute for Senate Bill No. 151:

A bill to be entitled An Act to define alcoholic or intoxicating liquors and beverages, whether spirituous, vinous or malt, within the meaning of the Statutes of this State; but not to alter existing Statutes regulating the sale of alcohol for medicinal, scientific or mechanical purposes, and wine for sacramental purposes.

Was taken up and read the first time by its title only.

Senator Stewart moved that the rules be waived and the Senate Joint Committee Substitute for Senate Bill No. 151 be read a second time in full.

Which was agreed to by a two-thirds vote.

And the Senate Joint Committee Substitute for Senate Bill No. 151 was read a second time in full.

Senator Whitaker moved the adoption of the Senate Joint Committee Substitute for Senate Bill No. 151.

Which was agreed to.

And the Senate Joint Committee Substitute for Senate Bill No. 151 was adopted.

Senator Whitaker moved that the rules be further waived, and Senate Joint Committee Substitute for Senate Bill No. 151 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Committee Substitute for Senate Bill No. 151 was read a third time in full.

Upon the passage of the Senate Joint Committee Substitute for Senate Bill No. 151 the roll was called and the vote was:

Yeas—Mr. President; Senators Bass, Beacham, Butler, Caro, Chowning, Clarke, English, Getzen, Gomez, Hale, Harrison, Hilburn, Larson, Lewis, MacWilliams, Mann, Parker, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker—28.

Nays—Senators Anderson, Andrews, Black, Dell, Gary, Gillis, Hodges, Holland, Lundy, Murphy—10.

So the Senate Joint Committee Substitute for Senate Bill No. 151 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

#### EXPLANATION OF VOTE

I vote "No" on this Bill because I believe the Act is in violation of the State Constitution.

WM. C. HODGES, 8th District.

House Bill No. 265:

A bill to be entitled An Act providing for the inspection, branding, labeling and stamping of certain beverages defined in Section 5469 of the Revised General Statutes of Florida, as amended by the Acts of Florida, 1933, providing for the payment of certain fees to be paid for the inspection of such beverages and the manner in which stamps therefor shall be sold; providing for tags or labels and the forms thereof; providing for the appointment, duties, powers, compensation and bonds of inspectors; providing for the duties of the sheriffs in connection with the enforcement of this Act; providing for statements to be filed by manufacturers or importers of such beverages; providing for the seizure of same and for violations of the provisions hereof; providing for the duties of the Governor and the Comptroller of the State in the operation and enforcement of this Act; providing for the annual license tax to be levied and collected by the State of Florida, its counties and municipalities upon all manufacturers, wholesale dealers and retail dealers as defined herein doing business in the State of Florida; defining certain crimes in violation of this Act and prescribing penalties therefor and for other incidental matters thereunto pertaining.

Was then taken up.

Senator Stewart moved that the rules be waived and House Bill No. 265 be read a second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 265 was read a second time by title only.

The following Senate Joint Committee Substitute for House Bill No. 265:

A bill to be entitled An Act regulating and controlling the manufacture, transportation and sale of malt and vinous beverages commonly known as Beer, porter, Ale or Wine and such similar beverages as are not prohibited by the Laws of this State; designating the Comptroller of the State of Florida, as a supervisor to supervise the business of persons, associations of persons, or corporations engaged in such business and prescribing the powers and duties of said supervisor; prescribing a tax to be levied and assessed upon all such beverages manufactured or sold within this State and prescribing the method of assessing and collecting said tax and the distribution thereof; prescribing license fees and the collection and distribution thereof, and prescribing penalties for the violation of the provisions of this Act, and providing for referendums.

Was taken up and read the first time by its title only.

Senator Stewart moved that the rules be waived and the Senate Joint Committee Substitute for House Bill No. 265 be read a second time in full.

Which was agreed to by a two-thirds vote.

And the Senate Joint Committee Substitute for House Bill No. 265 was read a second time in full.

Senators Larson and Harrison offered the following amendment to the Senate Joint Committee Substitute for House Bill No. 265:

In Section 9, line 4 (typewritten bill,) strike out the words: "Public Free School Fund" and insert in lieu thereof the following: "General Revenue Fund."

Senator Larson moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Getzen offered the following amendment to the Senate Joint Committee Substitute for House Bill No. 265:

In Section 13, line 3, (printed bill), (typewritten bill), strike out the words: "Nor shall any food be served free of charge with such beverages as are herein referred to."

Senator Getzen moved the adoption of the amendment.

Which was not agreed to.

Senator Bass offered the following amendment to the Senate Joint Committee Substitute for House Bill No. 265:

At end of Section 14, change the period to a semicolon and insert in lieu thereof the following: "That the sale of any malt or vinous beverages commonly known as Beer, Porter, Ale or Wine, as are not prohibited by the laws of this State, shall not be sold within one hundred yards of any Public School or one hundred feet of any church or house of Public Worship; and provided further that same shall not be sold during the time of eleven A. M. until 12:30 P. M. on Sunday within one hundred yards of any church or house of Public Worship during the designated hours."

Senator Bass moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Gomez offered the following amendment to the Senate Joint Committee Substitute for House Bill No. 265:

Strike out the words "2 inspectors" wherever they appear, and insert in lieu thereof the following: not less than 2 nor more than 5 inspectors as may be deemed necessary from time to time by the Comptroller."

Senator Gomez moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Whitaker moved the adoption of the Senate Joint Committee Substitute for House Bill No. 265, as amended.

Which was agreed to.

And the Senate Joint Committee Substitute for House Bill No. 265, as amended, was adopted.

Senator Stewart moved that the rules be further waived and Senate Joint Committee Substitute for House Bill No. 265, as amended, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Committee Substitute for House Bill No. 265, as amended, was read a third time in full.

Upon the passage of Senate Joint Committee Substitute for House Bill No. 265, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Bass, Beacham, Butler, Caro, Chowning, Clarke, English, Getzen, Gomez, Hale, Harrison, Hodges, Larson, Lewis, MacWilliams, Mann, Parker, Parrish, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker—28.

Nays—Senators Anderson, Andrews, Black, Dell, Gary, Gillis, Hilburn, Holland, Lundy, Murphy—10.

So the Senate Joint Committee Substitute for House Bill No. 265, passed, as amended, and was ordered referred to the Committee on Engrossed Bills.

#### EXPLANATIONS OF VOTE

The Senate having voted today to permit the sale of beer in this State, I now vote "Aye" because if it should prove legal to sell or manufacture it, it should be sold or manufactured under due regulation and inspection and proper tax should be levied on the vendors and manufacturers.

Wm. C. HODGES, 8th District.

In explanation of my position on the Committee Substitute for House Bill No. 265, I wish to say that I have been especially interested in a local option provision thereto. As this is provided and I believe a large majority of my constituents desire the enactment of such a law, I am voting in favor of the bill.

W. C. CHOWNING, 28th District.

By permission the following bill was introduced:

By the Joint Senate Committees on Judiciary "A" and Temperance—

Senate Bill No. 361:

A bill to be entitled An Act to repeal Chapter 9265, Acts of 1923, Laws of Florida, (otherwise referred to as Section 7614 of the Compiled General Laws of Florida), the same being an Act amendatory of Section 5470 of the Revised General Statutes of Florida, relating to the proof of the alcoholic content and intoxicating nature of intoxicating liquors and beverages; and to repeal the original section 5470 of the Revised General Statutes of Florida relating to the proof of the alcoholic content and intoxicating nature of intoxicating liquors and beverages.

Which was read the first time by its title only.

Senator Stewart moved that the rules be waived and Senate Bill No. 361 be read a second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 361 was read a second time in full.

Senator Stewart moved that the rules be further waived and Senate Bill No. 361 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. 361 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 Bass, Beacham, Butler, Caro, Chowning, Clarke, English, Getzen, Gomez, Hale, Harrison, Hodges, Larson, Lewis, MacWilliams, Mann, Parker, Raulerson, Rose, Shelley, Shivers, Sikes, Stewart, Turner, Watson, Whitaker.—27.

Nays—Senators Anderson, Andrews, Black, Dell, Gary, Gillis, Hilburn, Holland, Lundy, Murphy, Parrish.—11.

So the bill passed title as stated, and the action of the Senate was ordered certified to the House of Representatives.

#### EXPLANATION OF VOTE

The 19th Amendment to the State Constitution prohibits the manufacture and sale of intoxicating liquor, wine and beer.

I have no doubt this bill is in direct conflict with that Amendment to our Constitution.

My oath of office obligated me to support and defend our Constitution. I feel that I can not vote for this bill without violating my convictions and my oath of office. I therefore vote "no".

S. J. HILBURN, 26th District.

I cast my vote in favor of the Beer Bills for the following reasons:

1. It is a settled fact that the people of Florida will have beer regardless of how I vote and regardless of whether the bill becomes a law or not. The question involved is, will they have it served by gangsters and racketeers, unregulated and untaxed, or, will they have it regulated by the proper officials and taxed, producing some two or three million dollars for the relief of the burdened tax-payers?

I do not consider the question of prohibition involved but I do consider it highly important that this matter be regulated in the interest of good government and that it be taxed in the interest of the tax-payer.

2. I am a Democrat and hold office at the hands of the Democratic party. In the last election the people of this State and Nation endorsed the democratic platform for it contained a plank calling for the immediate enactment of beer legislation. Upon this platform the democratic party rode to an overwhelming victory in the Nation as well as in Florida.

I have received innumerable requests from my constituents requesting that I vote for this bill. With the proper stringent regulations and the tax revenue producing feature, believing in the rule of the majority, and wishing to carry out what I believe to be my duty as a Democrat and that it is my duty to abide by the wishes of my people, I cast my vote in behalf of these measures.

F. P. PARKER, 12th District.

Senator Hodges moved that when the Senate do adjourn it adjourn until 11:00 o'clock A. M., Tuesday, April 25, 1933.

Which was agreed to.

And it was so ordered.

Senator MacWilliams moved that the rules be waived and the action of the Senate on the Committee Substitutes for House Bills Nos. 114 and 265 and Senate Bill No. 151 be immediately certified to the House of Representatives after House Bill No. 265 is engrossed.

Which was agreed to by a two-thirds vote.

And it was so ordered.

By permission the following bill was introduced:

By Senator Parker—

Senate Bill No. 362:

A bill to be entitled An Act to amend Section 551 of the Compiled General Laws of the State of Florida of the 1927 annotated and to repeal Chapter 15033, Laws of the State of Florida, Acts of 1931, and repealing all other laws of the State of Florida in conflict herewith, relating to the salaries of County Superintendents of Public Instruction.

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

Senator MacWilliams moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 7:16 o'clock P. M. until 11:00 o'clock A. M., Tuesday, April 25, 1933.