

JOURNAL OF THE SENATE

Tuesday, April 30, 1935

The Senate convened at 10:30 o'clock A. M., pursuant to adjournment on Monday, April 29, 1935.

The President in the Chair.

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

Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner—37.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Monday, April 29th, was corrected, and as corrected was approved.

REPORTS OF COMMITTEES

Senator Nordman, Chairman of the Committee on Insurance, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Insurance, to whom was referred:

Senate Bill No. 135:

A bill to be entitled An Act to provide for the insurance of all public building of the State of Florida and of the several counties of the State of Florida and of the public school building; and to create a sinking fund commission, and to provide its duties.

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

Very respectfully,

F. B. NORDMAN,
Chairman of Committee.

And Senate Bill No. 135, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Mann, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Public Health, to whom was referred:

Senate Bill No. 524:

A bill to be entitled An Act amending Section 18 of Chapter 14708, Laws of Florida, Acts of 1931, entitled "An Act to regulate the practice of dentistry, dental surgery and dental hygiene in the State of Florida, and to provide penalties for the violation of any of the provisions of this Act."

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

Very respectfully,

J. M. MANN,
Chairman of Committee.

And Senate Bill No. 524, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Mann, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Public Health, to whom was referred:

Senate Bill No. 522:

A bill to be entitled An Act to amend Sections 4 and 8 of

Chapter 15911, Acts of 1933, Laws of Florida entitled: "An Act defining and regulating the practice of chiropody, providing for the examination and licensing of chiropodists, providing for exemptions from this Act, creating a Board of Chiropody Examiners, providing penalties for the violation of this Act, repealing laws in conflict herewith and fixing the date upon which this Act becomes effective." And to further amend said Chapter 15911 by adding 2 new sections thereto to be known and described as Section 12 and Section 13, thereof.

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

Very respectfully,

J. M. MANN,
Chairman of Committee.

And Senate Bill No. 522, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Mann, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Public Health, to whom was referred:

Senate Bill No. 271:

A bill to be entitled An Act to repeal Chapter 7830 Acts of 1919, Laws of Florida, relating to the making of certain analyses by the State Board of Health.

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

Very respectfully,

J. M. MANN,
Chairman of Committee.

And Senate Bill No. 271, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Mann, Chairman of the Committee on Public Health, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Public Health, to whom was referred:

House Bill No. 178:

A bill to be entitled An Act to amend Section 15, Section 17, (a) and 17 (b) Section 20 and Section 21 of Chapter 16087 of the Laws of Florida of 1933, relating to regulation of narcotic drugs and the enforcement thereof in the State of Florida.

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

Very respectfully,

J. M. MANN,
Chairman of Committee.

And House Bill No. 178, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator MacWilliams, Chairman of the Committee on Military Affairs, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Military Affairs, to whom was referred:

House Bill No. 168:

A bill to be entitled An Act to prevent the incorporation of spurious veteran associations.

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

Very respectfully,

W. A. MacWILLIAMS,
Chairman of Committee.

And House Bill No. 168, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator MacWilliams, Chairman of the Committee on Military Affairs, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Military Affairs, to whom was referred:

House Bill No. 206:

A bill to be entitled An Act to amend Section 12 of Chapter 14579, Laws of Florida, Acts of 1929, entitled "An Act concerning the guardianship of incompetent veterans and commitment of veterans and to make uniform the laws with reference thereto."

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

Very respectfully,

W. A. MacWILLIAMS,
Chairman of Committee.

And House Bill No. 206, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Sweger, Chairman of the Committee on State Institutions, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on State Institutions, to whom was referred:

Senate Bill No. 360:

A bill to be entitled An Act creating the State Employment Board fixing the number thereof and the manner of appointment, authorizing said board to employ certain personnel, providing for the compensation and expenses thereof and appropriating funds therefor and appointing said board as State agency to receive the benefits of the Wagner-Peyser Act and providing for reports to be made by said Board.

And—
Senate Bill No. 504:

A bill to be entitled An Act establishing an archeological survey of the State of Florida, to provide for the appointment of a State archeologist and to define his duties.

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

Very respectfully,

R. L. SWEGER,
Chairman of Committee.

And Senate Bills Nos. 360 and 504, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 508:

A Joint Resolution proposing to amend Section 4, Article IX, of the Constitution of the State of Florida, relating to appropriations.

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

Very respectfully,

J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 508, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 373:

A Joint Resolution proposing to amend Section VIII of Article V of the Constitution of the State of Florida, relating to the Judiciary.

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

Very respectfully,

J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 373, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 162:

A Joint Resolution proposing Amendment to Section 4 of Article V of the Constitution of the State of Florida, relating to the Supreme Court of the State of Florida, its powers and duties.

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

Very respectfully,

J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 162, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 381:

A Joint Resolution proposing to amend Section XV of Article V of the Constitution of the State of Florida, relating to the selection of State attorneys, sheriffs and clerks of the Circuit Courts.

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

Very respectfully,

J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 381, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Butler, Chairman of the Committee on Constitutional Amendments, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

Your Committee on Constitutional Amendments, to whom was referred:

Senate Joint Resolution No. 429:

A Joint Resolution proposing an amendment to Article VIII of the Constitution of the State of Florida relative to cities and counties.

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

Very respectfully,

J. TURNER BUTLER,
Chairman of Committee.

And Senate Joint Resolution No. 429, contained in the above report, was placed on the Calendar of Bills on second reading.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS
Senator Parker, Chairman of the Joint Committee on En-

rolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 29, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 180:

A bill to be entitled An Act to provide for the purchase, distribution and administration of Anti-Hog Cholera Serum and Hog Cholera Virus in the State of Florida by the State Live Stock Sanitary Board; making appropriation therefor and creating a fund to be known as the Serum Fund.

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

Very respectfully,

F. P. PARKER,

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Butler—

Senate Bill No. 538:

A bill to be entitled An Act for the relief of Bluett Anderson, and providing for the payment of compensation to him for land sold without legal title by the trustees of the Internal Improvement Fund.

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

By Senator Parker—

Senate Bill No. 539:

A bill to be entitled An Act granting a pension to W. S. Woodall of Taylor County, Florida.

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

By Senator Gillis—

Senate Bill No. 540:

A bill to be entitled An Act for the relief of E. M. Reynolds, WHEREAS, E. M. Reynolds, a County Commissioner of Holmes County, Florida, was suspended from office on August 4, 1933, and was reinstated on November 10, 1933, and

WHEREAS, The said E. M. Reynolds suffered loss of salary and compensation during the said period of suspension in the sum of Forty Five Dollars, therefore:

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

By Senator Sikes—

Senate Bill No. 541:

A bill to be entitled An Act to define, regulate and supervise the laundry industry of the State of Florida; to create a Florida board of laundry supervisors, defining its jurisdictions, powers and duties; to provide for the exemption of ordinary washwomen from the provisions thereof; to regulate itinerant, new, temporary, and transient laundrymen; to provide for license fees, and for other related purposes.

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

By Senators Gomez and Watson—

Senate Bill No. 542:

A bill to be entitled An Act to provide for the cancellation of delinquent State, County, Okeechobee Flood Control, Baker's Haulover, Biscayne Drainage, and any other taxes or assessments levied and assessed against real estate owned and used solely for educational purposes by Miami Military Academy, Inc., not for profit, organized and existing under the laws of the State of Florida, and to provide for future exemption so long as the property is owned and used solely for educational purposes by said Miami Military Academy, Inc.

Which was read the first time by title only.

The following proof of publication was attached to Senate Bill No. 542 when it was introduced in the Senate:

STATE OF FLORIDA,
COUNTY OF DADE.

Personally appeared before me the undersigned authority, G. A. COUP, to me well known, who being duly sworn, deposes and says that he is the Business Manager of The Review Printing Company, publishers of MIAMI REVIEW and DAILY

RECORD, a newspaper of General Circulation, published at Miami, Dade County, Florida. Affiant further says that the above named newspaper has been continuously published daily, except Sunday, in Dade County, Florida, for more than one year immediately preceding the first publication of said Legal Notice of Advertisement and was during all of such time and now is entered as second class mail matter in the United States Post Office in Miami, Dade County, Florida, and that the Legal Notice or Advertisement, a true copy of which is hereto attached, was published in the said Miami Review and Daily Record on the following days:
March 14, 1935.

G. A. COUP.

Sworn to and subscribed before me this 14 day of March, 1935, A. D.

(SEAL)

RUTH EBNEIER,

Notary Public State of Florida.

My Commission expires June 12, 1935.

NOTICE

To Whom Concerned:

Notice is hereby given that the Miami Military Academy, a corporation not for profit, intends to apply for the introduction, at the next meeting of the Florida Legislature in the year 1935, of a bill, the substance of which is as follows:

An Act to cancel delinquent State and County and Everglades Drainage, and Baker's Haulover, and Okeechobee Flood Control taxes, assessed against certain property now owned by the said Miami Military Academy, and located in Dade County, Florida, and more particularly described as follows: All of Biscayne Shores, Unit No. 3, a subdivision according to the plat thereof recorded in Plat Book 20, at page 11, of the Public Records of Dade County, Florida, Except:

Block 3, Lots 20, 22 and 24; Block 5, Lots 7, 8 and 9; Block 4, Lot 18; Block 6, Lot 9; Block 7, Lots 17, 18 and 20; Block 8, Lots 8, 9, 11 and 12; Block 9, Lots 3 and 4; Block 11, Lot 4; Block 12, Lots 1, 2, 3 and 4; Block 16, Lot 5.

COLONEL J. R. WILLIAMS.

WRIGHT W. PEABODY,

Attorney

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Senator Gomez asked unanimous consent of the Senate to take up and consider Senate Bill No. 542 at this time.

Which was agreed to.

Senator Gomez moved that the rules be waived and Senate Bill No. 542 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 542 was read the second time by title only.

Senator Gomez moved that the rules be further waived and Senate Bill No. 542 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 542 was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Bass, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner—36.

Nays—None.

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

Senate Bill No. 109:

A bill to be entitled An Act to provide for a refund or drawback of gasoline tax paid on gasoline used in certain motor boats and tractors, herein defined, and which tax is paid under Chapter 15659, Acts of 1931, Laws of Florida; providing for registration of such motor boats and tractors with the Comptroller of the State of Florida; providing for fees to be charged for such registration; methods of making such application for such refunds; method of making the payment of such refund; authorizing the Comptroller of the State of Florida and the Treasurer of the State of Florida to pay such refunds out of funds in the hands of the Treasurer of the State of Florida by virtue of Chapter 15659, Acts of 1931, Laws of Florida; and prescribing penalties for making any false statements in receipts given to any purchaser of gasoline by any dealer in gasoline; and to prescribe penalties for any person

making any false statement or affidavit to be used for the purpose of securing a refund on the gasoline tax in this Act provided for; repealing all laws in conflict with this Act and providing time of the taking effect of this Act.

Was taken up in its order as unfinished business having been read the second time in full on April 19, 1935, and consideration of the motion made by Senator Shelley, Chairman of the Committee on Public Roads & Highways, on April 24, 1935, to indefinitely postpone Senate Bill No. 109, was resumed.

Senator Gomez offered the following amendment to Senate Bill No. 109:

In Section 3, line 3 (typewritten bill), add the following: allocated to the State Road Department and.

Senator Gomez moved the adoption of the amendment. Which was not agreed to and the amendment failed of adoption.

Senator Gomez also offered the following amendment to Senate Bill No. 109:

In Section 1, line 6 (typewritten bill), insert between the words "of" and "taxes" the following: that portion of the gasoline tax allocated to the State Road Department.

Senator Gomez moved the adoption of the amendment. Upon which a roll call was demanded.

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

Yeas—Mr. President; Senators Beall, Black, Gomez, MacWilliams, Shivers, Sikes, Tervin, Tillman, Touchton—10.

Nays—Senators Adams, Bass, Butler, Clarke, Futch, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, Mann, Murphy, Nordman, Pannill, Parker, Raulerson, Rose, Savage, Shelley, Smith (14th), Smith (29th), Turner—23.

So the amendment failed of adoption. The question recurred on the adoption of the motion made by Senator Shelley to indefinitely postpone Senate Bill No. 109. Upon which a roll call was demanded.

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

Yeas—Senators Adams, Butler, Clarke, Futch, Gillis, Harper, Holland, Lewis, McArthur, McKenzie, Mann, Murphy, Nordman, Pannill, Parker, Raulerson, Savage, Shelley, Smith (14th), Smith (29th), Touchton, Turner—22.

Nays—Mr. President; Senators Bass, Beacham, Beall, Black, Gomez, Lundy, MacWilliams, Parrish, Rose, Shivers, Sikes, Sweger, Tervin, Tillman—15.

Which was agreed to. And Senate Bill No. 109 was indefinitely postponed.

Senate Bill No. 33:

A bill to be entitled An Act relating to and concerning taxation; providing for the redemption of tax sale certificates or delinquent homestead property now outstanding or hereafter to be issued or outstanding in one payment nor on an installment basis and for the annual assessment of the properties embraced therein during installment redemption; prescribing certain powers and duties of officers having charge of the redemption of tax sale certificates and delinquent homestead property taxes and for procedure in relation thereto; and providing for the making of certain rules and regulations by the Comptroller.

Was taken up in its order as unfinished business having been read the third time in full on April 29, 1935, pending roll call.

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

Yeas—Mr. President; Senators Bass, Beacham, Beall, Black, Butler, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Tervin, Tillman, Touchton, —32.

Nays—Senators Clarke, Turner—2.
So the bill passed, title as stated, and the action of the Senate was ordered to be immediately certified to the House of Representatives.

Senate Bills Nos. 256, 87 and 86 were taken up in their order and the consideration of same was informally passed.

The motion made by Senator Futch to reconsider the vote by which the Senate receded from its amendment to House

Bill No. 54 was taken up in its order and the consideration of same was informally passed.

Senate Concurrent Resolution No. 15:

A CONCURRENT RESOLUTION PROVIDING FOR AN UNPAID COMMISSION ON INTERSTATE COOPERATION.

WHEREAS, There is constant confusion and there are frequent competitions and conflicts between the states of the Union in their laws and their administrative practices concerning taxation, labor, commerce, agriculture, liquor traffic, motor vehicles, crime prevention, public welfare, and many other subjects of government with which this State is vitally concerned; and

WHEREAS, it is desirable for the people of this state that such disharmony and chaos shall not continue, but that the governments shall strive together in accordance with enlightened standards and mutually acceptable policies; and

WHEREAS, The necessity for official cooperation between the state governments is recognized by the compact provision in Section 10 of Article I of the Constitution of the United States; and

WHEREAS, the President of the United States has recently declared that "both the Congress and the executive departments of the national government are constantly confronted with problems whose solutions require coordinated effort on the part of the States and of the Federal government," and that "it is apparent to all students of government that there is urgent need for better machinery of cooperation between Federal, state, and local governments in many fields;" and

WHEREAS, There have now been established agencies which provide such machinery of cooperation, namely the American Legislators' Association, which has been officially sanctioned and endorsed by one or both branches of forty-six legislatures, and the Council of State Governments, which has been organized by said association; and

WHEREAS, It is to the interest of the people of this State that their government officially participate with the governments of the other states in the formulation of their cooperative policies and in their other deliberations, in order that the interests of this state may not be disregarded and in order that this State may do its share, or more than its share, in the development of a more perfect Union; now therefore

BE IT RESOLVED by the Senate of the State of Florida, the House of Representatives concurring, that

1. There is hereby established the Florida Commission on Interstate Cooperation, whose function it shall be to perfect the participation of this state in the Council of State Governments, for the purpose of establishing and maintaining governmental machinery to facilitate communication, negotiation, understanding, and cooperation between the State of Florida and the other states of the Union, both regionally and nationally.

2. The Commission shall report to the Governor and to the Legislature on the first day of each regular legislative session, and at such other times as it deems proper. Its members shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this resolution. It may employ a secretary and such other assistants as are needed in the performance of its duties, or it may share the expense of such employment with similar commissions of other states.

3. The said Commission shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation of the Senate.

The five members of the Committee on Interstate Cooperation of the House of Representatives, and

Five officials of the state named by the Governor, one of whom shall be designated by him as the Chairman of the Commission.

4. The said Committees of the Senate and of the House of Representatives, hereby or heretofore established, shall be standing committees, and their members shall be designated as are the members of other standing committees. These committees shall function during the regular sessions of the legislature, and also during the interim periods between such sessions; their members shall serve until their successors are designated and they shall constitute the Florida Councils of the American Legislators' Association.

5. The Secretary of State of Florida shall forthwith communicate the text of this measure to the Governor and to the presiding officers of the Senate and of the House of Repre-

representatives of each of the other states of the Union, with the respectful request that each legislature shall enact a measure similar to this resolution, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon our citizens by governmental confusion, competition, and conflict.

Was taken up in its order, having been read the second time in full on April 29, 1935.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 15 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bills No. 266, 295 and 350 were taken up in their order and the consideration of same was informally passed.

Senate Bill No. 14:

A bill to be entitled An Act providing for the selection of election Clerks and Inspectors and their qualifications: Providing a list of not less than five hundred to be taken from the registered qualified electors: Providing, the drawing of names of such clerks and inspectors by the Circuit Judge who shall examine into their qualifications and administer oath to perform their duties faithfully as such clerks and inspectors; Providing a list of names of persons to be selected in January of each year by the Circuit Judge and the Recording of same in Minute Book of County Commissioners; Providing the summoning by the Sheriff of such Clerks and Inspectors and the method and manner of selection of such Clerks and Inspectors for the voting election precincts or districts of a primary, special or general election.

Was taken up in its order and read the third time in full.

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

Yeas—Senators Butler, Gomez, Tillman—3.

Nays—Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Clarke, Futch, Gillis, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Touchton, Turner—34.

So the bill failed to pass.

Senator Futch asked unanimous consent to take up and consider House Bill No. 180 out of its order at this time.

Which was agreed to.

House Bill No. 180:

A bill to be entitled An Act to prohibit the sale, shipment, purchase, barter, or exchange of large or small mouth black bass within the State of Florida, and providing penalties for the violation thereof.

Was taken up, having been read the third time in full on April 29, 1935, pending roll call.

Pending roll call, by unanimous consent, the following amendment was offered by Senator McKenzie to House Bill No. 180:

In Section 1, line 8 (typewritten bill), after the word "baggage" add the words "or transport".

Senator McKenzie moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent, Senators McKenzie, Gomez and Smith (29th), offered the following amendment to House Bill No. 180:

End of Section 1 add the following:

The section of this Act shall not apply to black bass caught in the waters of Lake Okeechobee or the St. John's River as far south as Volusia Bar; it is provided that black bass caught in Lake Okeechobee or the St. John's River as far south as Volusia Bar can only be shipped by common carriers from points on Lake Okeechobee or the St. John's River as far south as Volusia Bar consigned to points out side of the State of Florida; and further provided that only shippers of black bass who are licensed by the Conservation Commission shall be permitted to ship black bass out of the State of Florida and such shippers shall deliver to the agent of Common Carriers an oath that any black bass offered for sale were caught in the waters of Lake Okeechobee or the St. John's River as far south as Volusia Bar; it is further provided that if any such licensed shippers shall knowingly purchase any black bass from any one that were not caught in Lake Okeechobee or the

St. John's River as far south as Volusia Bar that is not licensed shall be revoked by Conservation Commission and upon conviction shall be fined not more than Two Hundred Fifty Dollars (\$250.00) for each such offense or sentence of ninety days or both. Such licensed black bass shipper shall pay to the Conservation Department an annual license of Twenty-Five Dollars (\$25.00), half of which said license shall be committed to the County General Revenue Fund in which the license is located and the remaining half go into Conservation funds as now provided by law. All shipments of black bass shall be made by certificate which has been issued by the Conservation Department of the State of Florida or the agents thereof permitting and authorizing the shipment of said fish by any person, firm or corporation, and providing further that the State Fish and Game Commission or Conservation Commission or any department of the Government of the State of Florida that has control and supervision over the protection of fish and game in the State of Florida are hereby authorized and directed to promulgate any and all rules and regulations necessary for the enforcement of the taking and offering for sale of fish from Lake Okeechobee or the St. John's River as far south as Volusia Bar.

Senator McKenzie moved the adoption of the amendment.

Which was not agreed to and the amendment failed of adoption.

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

Yeas—Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Harper, Holland, Lewis, Lundy, McArthur, MacWilliams, Mann, Murphy, Nordman, Pannill, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Tillman, Touchton, Turner—31.

Nays—Senators Gomez, McKenzie, Parker, Smith (29th)—4. So the bill passed, as amended, and was referred to the Committee on Engrossed Bills.

By unanimous consent Senator Futch withdrew Senate Bill No. 29.

Senate Bill No. 284, Senate Joint Resolutions Nos. 7, 286, and 8 and Senate Bill No. 82 were taken up in their order and the consideration of same was informally passed.

SENATE JOINT RESOLUTION

Senate Joint Resolution No. 168:

A Joint Resolution proposing an amendment to Article V, Sections 21, 22 and 23, of the Constitution of the State of Florida, providing for abolishing Justice of the Peace Courts and the office of the Justice of Peace; providing that the jurisdiction of the Justice of the Peace Courts heretofore exercised shall be taken over and exercised by the County Judge of each County, and abolishing the office of Constable and repealing Section 23 of Article V of the State Constitution.

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

Section 1. That the following amendment to Section 21 of Article V of the Constitution of the State of Florida relating to Justice of Peace be and the same is hereby agreed to and shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 21. The office of Justice of the Peace is hereby abolished and the authority of the County Commissioners to create Justice of the Peace districts is hereby abrogated.

Section 2. That the following amendment to Section 22 of Article V of the Constitution of the State of Florida relating to Justice of Peace be and the same is hereby agreed to and shall be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 22. The jurisdiction heretofore had and exercised by Justices of the Peace and Justice of the Peace courts in this State, either in criminal or civil cases is hereby transferred to the County Judge of the several counties of this State and all powers heretofore conferred upon Justices of the Peace in exercising and in carrying out their jurisdiction powers and duties is hereby conferred on the County Judge of the county in which the Justice of Peace court was located.

Section 3. That the following amendment to Section 23 of Article V of the Constitution of the State of Florida relating to Constable be and the same is hereby agreed to and shall

be submitted to the qualified electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, A. D. 1936:

Section 23. The office of the Constable is hereby abolished and all of the powers, authority and duties heretofore vested in the office of Constable is hereby transferred to and conferred upon the sheriffs of the several counties of this State

Section 4. This Article shall become effective on the first Tuesday after the first Monday in January, A. D. 1937.

Was taken up in its order and read the third time in full.

Upon the passage of the Joint Resolution the roll was called and the vote was:

Yeas—Senators Adams, Bass, Beacham, Beall, Black, Clarke, Futch, Gillis, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tillman, Touchton, Turner—32.

Nays—Mr. President; Senators Butler, Tervin—3.

So Senate Joint Resolution No. 168 passed by the required Constitutional three-fifths vote of all members elected to the Senate for the 1935 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 147:

A bill to be entitled An Act to amend Section 14 of Chapter 8415, Laws of Florida, Acts of 1921, as amended by Section 6 of Chapter 12285, Laws of Florida, Acts of 1927, relating to the definition of the practice of medicine and exempting certain persons from the provisions of said Chapter 8415, Laws of Florida, Acts of 1921, as amended.

Was taken up in its order and read the third time in full.

Pending roll call, Senator Beall moved that the further consideration of Senate Bill No. 147 be informally passed.

Senator Murphy moved that when the Senate adjourns it adjourn to reconvene at 2:30 o'clock, P. M., and remain in session until 4:00 o'clock, P. M., this day.

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

Senate Bill No. 60:

A bill to be entitled An Act to amend Section 2 of Chapter 16085, Laws of Florida, Acts of 1933, entitled "An Act to amend Section 1007, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1281, Compiled General Laws of Florida, Acts of 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1010, Revised General Statutes, being Section 1284, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; to amend Section 1011, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1285, Compiled General Laws of Florida, 1927, as amended by Chapter 15625, Laws of Florida, Acts of 1931; and to amend Section 1012, Revised General Statutes, as amended by Chapter 8410, Laws of Florida, Acts of 1921, and by Chapter 10182, Laws of Florida, Acts of 1925, being Section 1286, Compiled General Laws of Florida, 1927, and to amend Chapter 14656, Acts of 1931, all of said sections relating to the operation, licensing and taxing of motor vehicles, trailers, semi-trailers and motorcycle sidecars and providing penalties for the violation thereof."

Was taken up in its order.

Senator Murphy, Chairman of the Committee on Motor Vehicles, as required by the rule, moved that Senate Bill No. 60 be indefinitely postponed.

Which was agreed to and Senate Bill No. 60 was indefinitely postponed.

Senate Bill No. 156:

A bill to be entitled An Act relating to limiting and regulating the use of all monies derived from gasoline taxes and credited to the account of each of the several counties, or road districts or road and bridge districts by the State Treasurer of the State of Florida, as ex officio County Treasurer of such county or counties.

Was taken up in its order and read the second time in full.

The Committee on Finance & Taxation offered the following amendment to Senate Bill No. 156:

21—S. B.

In Section 1, line 14 (typewritten bill), strike out the word: "or" where it appears between the word "dollar" and the word "of".

Senator Futch moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

Senator Tillman moved that the hour of adjournment be extended ten (10) minutes.

Which was agreed to and it was so ordered.

The Committee on Finance & Taxation also offered the following amendment to Senate Bill No. 156:

(Typewritten bill), strike out the words: "four and one half" wherever the words appear in the bill and insert in lieu thereof the following: "five".

Senator Futch moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

Senator Futch offered the following amendment to Senate Bill No. 156:

In Section 1, line 13, (tyewritten bill), strike out the words: "five mills", and insert in lieu thereof the following: "ten mills".

Senator Futch moved the adoption of the amendment. Which was agreed to and the amendment was adopted.

And Senate Bill No. 156, as amended, was referred to the Committee on Engrossed Bills.

Senator Parrish moved that the Senate do now adjourn. Which was agreed to.

And the Senate took a recess at 1:04 o'clock P. M., until 2:30 o'clock P. M. this day.

AFTERNOON SESSION

The Senate reconvened at 2:30 o'clock P. M. pursuant to recess order.

The President in the Chair.

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

Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—38.

A quorum present.

By permission the following reports were received:

REPORT OF ENROLLING COMMITTEE

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

Senate Chamber,
Tallahassee, Florida, April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 11:

Expressing sympathy to the friends and relatives of the Honorable Alfred I. Dupont, deceased.

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

Very respectfully,

F. P. PARKER,
Chairman of the Joint Committee on Enrolled Bills
on the Part of the Senate.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

Senate Chamber,
Tallahassee, Florida, April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

House Concurrent Resolution No. 11:

Expressing sympathy to the friends and relatives of the Honorable Alfred I. Dupont, deceased.

Have examined the same and find it 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,

F. P. PARKER,
Chairman of the Joint Committee on Enrolled Bills
on the Part of the Senate.

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

Senate Bill No. 188 was taken up in its order and the consideration of same was informally passed.

Senate Bill No. 222:

A bill to be entitled An Act to provide that no county of the State of Florida shall furnish to the sheriff or any peace officer thereof or pay for any automobile for such use, and to provide a penalty for the violation hereof.

Was taken up in its order and read the second time in full and placed on the Calendar of Bills on third reading.

Senate Bill No. 274 was taken up in its order and the consideration of same was informally passed.

Senate Bill No. 16:

A bill to be entitled An Act to stabilize and protect the citrus industry of the State of Florida and to promote the general welfare of such industry and of the State of Florida; to create a State Citrus Commission of the State of Florida to be known as "Florida Citrus Commission"; to provide for the appointment and payment of expenses of the members of such commission and to prescribe the power, duties and functions of such commission and the qualifications and terms of office of members thereof; to create seven citrus districts to be numbered one to seven; to provide for the adoption by said commission of rules, regulations and orders necessary and proper for an effective administration and enforcement of this Act; to protect and enhance the reputation of Florida citrus fruit in domestic and foreign markets; to regulate the inspection, grading and marking of citrus fruit; to prohibit the shipping of citrus fruit in violation of this Act; to prescribe the powers and duties of the Commissioner of Agriculture of the State of Florida in the enforcement of this Act; to provide for judicial review of protests made in connection with any rules, regulations or orders adopted pursuant to this Act; to provide for the levy and collection of assessments and the disbursement thereof; to provide for inspection and inspection services; and to provide penalties for violations of the provisions of this Act and any rule, regulation or order promulgated thereunder.

Was taken up in its order and read the second time in full.

Senators Holland and Parrish offered the following amendment to Senate Bill No. 16:

In Section 9, page 7, lines 8 and 9 of said Section (typewritten bill), strike out the words: "Citrus District Number Three shall comprise the Counties of Alachua, Putnam, St. Johns, Flagler, Volusia, Marion, Levy and Seminole."

And insert in lieu thereof the following: "Citrus District Number Three shall comprise the Counties of Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Seminole, and County Commissioners' Districts Numbers One, Two and Three of Volusia County."

Senator Holland moved the adoption of the amendment.

Pending the adoption of the amendment, Senator Nordman moved that the amendment offered by Senators Holland and Parrish to Senate Bill No. 16 be laid on the table.

Which was agreed to and the amendment was laid on the table.

Senators Holland and Parrish also offered the following amendment to Senate Bill No. 16:

In Section 14, line four of said section (typewritten bill), after the word "thereof" insert the following: "which certificate or a duplicate thereof shall be filed with the carrier at the point of shipment."

Senator Holland moved the adoption of the amendment.
Which was agreed to and the amendment was adopted.

Senator Rose offered the following amendment to Senate Bill No. 16:

In Section 3, Page 4, line 4, (typewritten bill), after the word fruit insert the following: At least four members of said commission shall be growers not connected with any packing, shipping or marketing agency and at least two other members of said commission shall be growers who may be members of co-operative marketing association, but who are not connected with any profit-making packing, shipping or marketing agency.

Senator Rose moved the adoption of the amendment.
Which was agreed to and the amendment was adopted.

Senator Rose also offered the following amendment to Senate Bill No. 16:

In Section 23, line 7 (typewritten bill), add the following: "Provided, however, that this Act shall not be construed so as to conflict with the duties of Federal agencies, but be in harmony therewith."

Senator Rose moved the adoption of the amendment.
Which was agreed to and the amendment was adopted.

Senator Murphy offered the following amendment to Senate Bill No. 16:

Section "3-A" as follows:

"Section 3-A. The Governor of the State of Florida shall call a meeting of the citrus growers of each of the districts hereinafter referred to, within thirty (30) days after this Act becomes a law. Said notice shall state the place, day and hour that said meeting in each of said districts shall be held. At said meeting in each of said districts, citrus growers attending the same shall nominate three persons, with the qualifications provided for in this Act, as commissioners for the district in which they are nominated, and from the three nominated the Governor shall select the commissioner to serve in said district, provided that the Governor shall have the authority to call for additional nominations if he, for any reason, does not desire to appoint either of the three first nominated in either of said districts, and in event of calling for additional nominations, the Governor shall call a meeting of the growers in the district in which said additional nominations are requested, said notice calling said meeting shall specify the place, day and hour at which said meeting is to be held.

In the nomination of said commissioners, each grower shall be entitled to one (1) vote for each box of citrus fruit grown by such grower in 1934; the amount of fruit grown by each grower shall be determined by the estimate made through the United States Department of Agriculture, which estimate was made in order to enable the Control Committee that was appointed by the Secretary of Agriculture to better perform their duties. This estimate shall be used as aforesaid, if available. If not available, then the amount of fruit so grown by each grower shall be determined from a sworn statement to be made by each grower, which sworn statement shall be accepted by those conducting the meeting or election, nominating said commissioners, as being true.

When growers of each district assemble in pursuance of the call to be made by the Governor as aforesaid, they shall organize by electing a permanent Chairman and Secretary for said meeting, and they then shall adopt such rules as may be necessary to enable each citrus grower to vote his choice on the basis herein provided.

Immediately after said meeting or election, the names of those nominated shall immediately be certified by the Chairman and Secretary to the Governor of the State of Florida.

The Governor of the State of Florida, from time to time, shall have the power and authority, in the manner hereinbefore set forth, to call for nominations from the growers of the various districts for the purpose of filling any vacancy in the office of any district commissioner.

Senator Murphy moved the adoption of the amendmnet.
Upon which a roll call was demanded.

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

Yeas—Senators Adams, Bass, Beacham, Black, Gomez, Harper, Holland, Lewis, McKenzie, MacWilliams, Murphy, Nordman, Pannill, Raulerson, Savage, Shivers, Smith (29th), Tillman, Touchton, Turner—20.

Nays—Mr. President; Senators Beall, Butler, Clarke, Futch, Gillis, Lundy, McArthur, Mann, Parker, Parrish, Rose, Shelley, Sikes, Smith (14th), Tervin, Watson—17.

Which was agreed to and the amendment was adopted.

Senator Holland gave notice that he would move to reconsider the vote by which the foregoing amendment was adopted.

Senator Rose also offered the following amendment to Senate Bill No. 16:

In Section 25, line 3 (typewritten bill) strike out the words: "period" and add the following: "and shall remain in force and effect until June 1st, 1937, after which date this Act shall be of no further force or effect."

Senator Rose moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent, Senate Bill No. 16 was retained on the Calendar of Bills on second reading for further consideration.

Senate Bill No. 17:

A bill to be entitled An Act to prohibit the sale or offering for sale, the transportation, and the preparation, receipt or delivery for transportation or market of any citrus fruit that is immature or otherwise unfit for human consumption; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

Was taken up in its order and read the second time in full.

Senator Tillman offered the following amendment to Senate Bill No. 17:

In Section 11, line 5 (typewritten bill), strike out the words: "Provided, also, that in the event a standard of maturity of grapefruit for cannery purposes shall be fixed by law, and in the further event that grapefruit, upon inspection and testing may be found at packing houses which fails to pass the maturity standard prescribed by this Act for grapefruit but does pass the standard of maturity prescribed by law for cannery grapefruit, such grapefruit may (in lieu of destruction) be diverted to a cannery to be canned therein, such diversion to be safeguarded by rules and regulations prescribed by the Florida Citrus Commission."

Senator Tillman moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

And Senate Bill No. 17, as amended, was ordered referred to the Committee on Engrossed Bills.

Senate Bill No. 18:

A bill to be entitled An Act to conserve and promote the prosperity and welfare of the Florida citrus industry and of the State of Florida by promoting the sale of oranges produced in Florida through the conducting of a publicity advertising and sales promotion campaign to increase the consumption of such oranges; to levy and impose an excise tax on oranges produced in Florida and to provide for the collection thereof; to create an orange advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said Commission hereunder; and to provide penalties for violations of this Act.

Was taken up in its order and read the second time in full.

Senator Holland offered the following amendment to Senate Bill No. 18:

In Section 9 page 5, fourth line of said section, at the end of the sentence, typewritten bill, which sentence ends in the word "trade" insert the following complete sentence: "All such taxes shall be paid to the Commission by the person first handling the oranges covered by this Act in the primary channel of trade."

Senator Holland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Tillman offered the following amendment to Senate Bill No. 18:

In Section 5, (typewritten bill), at the end of Section 5 add sub-paragraph "J" to read as follows: "Provided, however, that the tax hereinafter imposed on oranges used by canners or processors shall be accounted for and all moneys derived therefrom (except the proportionate amount used for administrative expense) shall be expended for advertising in a manner and at a time directed by an advisory committee of five members of bona fide canners selected by the majority of individuals or firms engaged in canning or processing oranges; such majority shall represent at least 75% of the tonnage production of that industry represented by the last previous canning or processing season."

Senator Tillman moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senator Tillman, Senator Black moved that the hour of adjournment be extended to 5:30 o'clock, P. M.

Which was agreed to and it was so ordered.

The question was put upon the adoption of the amendment offered by Senator Tillman to Senate Bill No. 18.

Upon which a roll call was demanded.

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

Yeas—Senators Beall, Butler, Gomez, Harper, Lewis, McArthur, McKenzie, Murphy, Nordman, Sweger, Tervin, Tillman—12.

Nays—Mr. President; Senators Adams, Bass, Beacham, Futch, Holland, Lundy, MacWilliams, Mann, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Touchton, Turner, Watson—23.

So the amendment failed of adoption.

Senator Tillman also offered the following amendment to Senate Bill No. 18:

In Section 8, (typewritten bill), strike out the last sentence: "Such returns shall contain such further information as the Commission may require."

Senator Tillman moved the adoption of the amendment.

Which was not agreed to and the amendment failed of adoption.

Senator Tervin offered the following amendment to Senate Bill No. 18:

Add new Section 8A, The Provision of this Act shall not apply to Manatee, Sarasota and Charlotte Counties.

Senator Tervin moved the adoption of the amendment.

Which was not agreed to and the amendment failed of adoption.

Senators MacWilliams and Nordman offered the following amendment to Senate Bill No. 18:

(typewritten bill) strike out previous section providing for effective date, and insert in lieu thereof the following: "This Act shall not take effect or become effective unless and until it has been submitted to the qualified voters of the State of Florida, residing in the counties of Polk, Orange, Lake, Hillsborough, Volusia, Brevard, Highlands, Marion, Pinellas, Hardee, DeSoto, Indian River, Dade, Manatee, Seminole, St. Lucie, Putnam and St. Johns, at the next occurring Primary or General Election, and unless a majority of such qualified electors in said election, and unless a majority of such qualified electors in said counties at such election shall vote in favor of the adoption of this Act, provided, that this Act shall not apply to or be in effect in any of said counties unless at the aforesaid election a majority of the qualified voters in such counties vote in favor of its adoption. The ballot in such elections shall be in the following words and figures:"

Citrus Tax bill on Oranges.

YES.

NO.

Senator MacWilliams moved the adoption of the amendment.

Pending the adoption of the amendment offered by Senators MacWilliams and Nordman, Senator Tillman offered the following substitute amendment to Senate Bill No. 18:

Amend Section 25 so as to make the same read as follows: "Section 25. This Act shall not be effective in any County of the State of Florida until the same is approved by a majority of the qualified electors of all such counties affected. Within sixty (60) days after this Act becomes a law, the County Commissioners of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Lake, Hernando, Pasco, Alachua, Putnam, St. Johns, Flagler,

Volusia, Marion, Levy, Seminole, Orange, Osceola, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Sarasota, Hardee, Highlands, Okeechobee, Glades, DeSoto, Charlotte, Lee, Hendry, Collier, Monroe and Polk Counties, Florida, are hereby commanded to call an election in each of said counties for the purpose of permitting qualified electors in each of said counties to decide and pass upon whether or not this law shall be effective in all such counties affected, and the Board of County Commissioners of each of said counties shall cause the Clerk thereof to give notice of said election, by publishing same once each week for four consecutive weeks in one or more newspapers in circulation in said county. All elections ordered or held under this Act shall be held within ninety (90) days after the passage of this Act; and the inspectors and other officers holding said elections shall be appointed and qualified, as in cases of general elections, and they shall count the votes cast and make due return of the same to the County Commissioners of the respective counties without delay; and the County Commissioners shall canvass the returns and declare the result and cause the same to be recorded as provided in the general law concerning elections so far as applicable. That for such election the Registration Books in each county shall be opened on the 10th day (if said 10th day be Sunday or holiday, then on the next day not a Sunday or holiday) after said election is ordered and called, and shall remain open for a period of ten (10) days for additional registrations of persons qualified for registration not already registered; and the electors voting at such election shall have the same qualifications for and prerequisite to voting in elections as under the general election laws. The County Commissioners of the respective counties shall cause to be prepared a ballot substantially in the following form:

() FOR ratification and adoption of Senate Bill No. 18, known as the Florida Orange Advertising Act.

() AGAINST ratification and adoption of Senate Bill No. 18, known as the Florida Orange Advertising Act.

Each elector shall vote his choice, either for or against the adoption or ratification of this Act, by making a cross mark to the left of his choice. If at said election held in the counties aforesaid a majority of all the electors of all of said counties voting on the question of ratification or rejection of this Act, shall vote against such ratification and adoption, then this Act shall become null and void and shall not be effective; but if a majority of all the electors in all the counties voting on the question of the ratification or rejection of this Act, shall vote for such ratification and adoption, then in such event, such Act shall become effective in all the counties holding said elections. The County Commissioners within five (5) days after the date of said election, shall immediately certify the result of the same to the Secretary of State, and the said returns from the respective counties shall be canvassed and the result announced, as now provided for the canvassing and announcing of returns of general elections.

Senator Tillman moved the adoption of the substitute amendment.

Upon which a roll call was demanded.

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

Yeas—Senators Adams, Bass, Beacham, Black, Futch, Gomez, Harper, Lewis, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Parrish, Raulerson, Savage, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner—24.

Nays—Mr. President; Senators Beall, Butler, Gillis, Holland, Lundy, Pannill, Parker, Rose, Shelley, Shivers, Sikes, Watson—13.

Which was agreed to and the substitute amendment was adopted.

The following explanations of vote were filed with the Secretary:

I vote no because this is not a matter affecting the electorate, but of a particular industry, of which the electorate in the areas in which the industry is located are not all, or even in a large proportion, engaged in such industry nor acquainted with the needs of such industry, or the advisability of this Act to benefit the industry as a whole.

PHILIP D. BEALL.

Voted against the amendment because it does not submit the question to growers who the bill seeks to tax; it permits all qualified voters whether interested in growing of fruit or not, to vote to tax the grower.

WALTER W. ROSE.

Senator Parrish gave notice that he would move to reconsider the vote by which the foregoing amendment was adopted.

Senator Adams moved that the Senate do now proceed to the consideration of Executive Communications.

Which was agreed to.

And the Senate went into Executive Session at 5:02 o'clock P. M.

The Senate emerged from Executive Session at 5:22 o'clock P. M. and resumed its Session.

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

Mr. President; Senators Adams, Bass, Beacham, Beall, Black, Butler, Clarke, Futch, Gillis, Gomez, Harper, Holland, Lewis, Lundy, McArthur, McKenzie, MacWilliams, Mann, Murphy, Nordman, Pannill, Parker, Parrish, Raulerson, Rose, Savage, Shelley, Shivers, Sikes, Smith (14th), Smith (29th), Sweger, Tervin, Tillman, Touchton, Turner, Watson—38.

A quorum present.

The following message from the Governor was received:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 30th, 1935.

Honorable W. C. Hodges,
President of the Senate,
Tallahassee, Florida.

Sir:

I have the honor to inform you that I have today approved the following Act, which originated in your honorable body, and have caused the same to be filed in the office of the Secretary of State:

Senate Bill No. 180. Relating to Hog Cholera Serum and Virus.

Respectfully yours,
DAVE SHOLTZ,
Governor.

Senator Beacham asked unanimous consent of the Senate to take up Messages from the House of Representatives at this time.

Which was agreed to.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 433:

A bill to be entitled An Act authorizing the County Boards of Public Instruction of the several Counties of the State of Florida to borrow money for the purpose of paying past due salaries of teachers; providing a maximum rate of interest; permitting the pledging of moneys received from the redemption of delinquent taxes or tax sale certificates covering taxes levied for operating expenses, as security for such borrowed money.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

And House Bill No. 433, contained in the above message, was read the first time by title only and referred to the Committees on County Organizations and Education, jointly.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform

the Senate that the House of Representatives has granted the request of the Senate to return:

Senate Bill No. 139:

A bill to be entitled An Act providing for an allowance in the form of a pension to W. M. Holloway, and making an appropriation to take care of such an allowance or pension.

For further consideration by that body and herewith returns same.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 84:

A bill to be entitled An Act to amend Section 20 of Chapter 12026, Acts of Florida, 1927, relating to the publishing of statements containing receipts, disbursements and conditions of the Florida Inland Navigation District.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

And Senate Bill No. 84, contained in the above message, was referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 268:

A bill to be entitled An Act to regulate the sale of live and dressed poultry; to classify the same; to define the term "dealer"; to require registration of dealers; to require filing of invoices by dealers; to authorize the Commissioner of Agriculture to promulgate grades and standards and to make rules and regulations for the enforcement of this Act; to provide for proper enforcement of this Act; to prohibit the sale of poultry which is unsound, unhealthful, unwholesome, diseased or otherwise unfit for human consumption; and to provide penalties for the violation of this Act.

Also has passed—

Committee Substitute for Senate Bill No. 160 by Judiciary "C".

A bill to be entitled An Act empowering and requiring the several boards of County Commissioners, and the governing authority or board of the several towns, cities and taxing districts, to adopt budget making separate and several appropriations for necessary operating expenses and for debt service requirements; to make separate levies on the taxable property to meet such appropriations and to keep the monies raised by each levy separate and apart from the other; to accept from the taxpayer and to issue receipts for monies received from the taxpayer in payment of either or both of such separate levies; and repealing all laws in conflict herewith.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

And Senate Bill No. 268, and Committee Substitute for Senate Bill No. 160, contained in the above message, were referred to the Committee on Enrolled Bills.

Also—

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

Tallahassee, Florida, April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the

Senate that the House of Representatives has passed with House amendments—

Committee Substitute for Senate Bill No. 269:

A bill to be entitled An Act to regulate the sale of eggs; to classify eggs; to define the term "dealer"; to require registration by dealers; to require filing of invoices by dealers; to impose inspection fee; to authorize the Commissioner of Agriculture to promulgate grades and standards and to make rules and regulations for the enforcement of this Act; to provide for proper enforcement thereof and to provide penalties for violation of this Act; and to repeal Chapter 16012, Laws of Florida, Acts of 1933.

Which amendment reads as follows:

Amendment No. 1:

Strike out Section 2 and insert the following:

"Section 2. That within the intent and purpose of this Act eggs are classified as: (a) Cold Storage Eggs, (inserting the State of origin) construed to mean eggs which have been in cold storage and which meet the grades and standards of qualification set up by the Commissioner of Agriculture. (b) Shipped (inserting State of origin) Eggs, construed to mean eggs produced outside the State of Florida that meet the grades and standards of qualification set up by the Commissioner of Agriculture. (c) Unclassified (inserting State of origin) Eggs, construed to mean all eggs which have not been in cold storage, but which do not meet the grades and standards of qualifications set up by the Commissioner of Agriculture. (d) Processed (inserting State of origin) Eggs, construed to mean eggs which have been shell treated. (e) Florida Eggs, construed to mean eggs produced in the State of Florida entitled to use the term "Florida" in connection with the advertising or sale of same as such, under the standards therefor set up by the Commissioner of Agriculture."

Concur April 30, 1935.

Amendment No. 2:

In Section 3 strike out paragraph (c) and insert the following:

"(c) Or to offer for sale or sell eggs in bulk (not in cases or cartons) from any open case, box, basket, or other receptacle holding said eggs in bulk without displaying conspicuously on every such case, box, basket, or other receptacle a placard or heavy cardboard not smaller than seven (7) inches by seven (7) inches in size, on which shall be legibly and plainly printed in letters not smaller than one (1) inch in height, wording showing whether said eggs offered for sale or sold are "Cold Storage Eggs" (inserting the State of origin), "Shipped (inserting the State of Origin) Eggs", "Florida Eggs", "Unclassified Eggs" (inserting the State of Origin) or "Processed Eggs" (inserting the State of origin), and also stating the grade and standard to which the eggs contained therein conform."

Concur April 30, 1935.

Amendment No. 3:

In Section 7, line 3, after the word "Section", strike out the figure "5" and insert the figure "6".

Concur April 30, 1935.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

And Committee Substitute for Senate Bill No. 299, contained in the above message, was read by title, together with House Amendments thereto.

Senator Touchton moved that the Senate do concur in House Amendment No. 1 to Committee Substitute for Senate Bill No. 299.

Which was agreed to.

And the Senate concurred in House Amendment No. 1 to Committee Substitute for Senate Bill No. 299.

Senator Touchton moved that the Senate do concur in House Amendment No. 2 to Committee Substitute for Senate Bill No. 299.

Which was agreed to.

And the Senate concurred in House Amendment No. 2 to Committee Substitute for Senate Bill No. 299.

Senator Touchton moved that the Senate do concur in House Amendment No. 3 to Committee Substitute for Senate Bill No. 299.

Which was agreed to.

And the Senate concurred in House Amendment No. 3 to Committee Substitute for Senate Bill No. 299.

And Committee Substitute for Senate Bill No. 299, as amended, was referred to the Committee on Engrossed Bills and the action of the Senate was ordered certified to the House of Representatives.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
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. Mincer of Dade, Early of Sarasota, Denison of St. Lucie, Hazen of Palm Beach, Driver of Polk, Warren of Putnam, Folks of Marion, Simmons of Santa Rosa, Miller of Volusia, Cowart of Madison and Butler of Charlotte—

House Bill No. 426:

A bill to be entitled An Act providing for the clearing of inactive, dormant and dead corporations from the corporation files in the office of the Secretary of State, and for the dissolution or cancelling permits of those inactive, dormant and delinquent corporations delinquent for a period of three years under Chapter 14677, Acts of 1931, providing for how notice shall be given and for a proclamation dissolving or cancelling permits of the same.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And House Bill No. 426, contained in the above message, was read the first time by title only and referred to the Committee on Corporations.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

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

Senate Bill No. 158:

A bill to be entitled An Act requiring the filing of a verified statement as to names, and addresses of equitable owners of bonds or debts, and amounts of claims held by each, in suits brought by Bondholder Protective Committees, or other agencies, against any political subdivision or taxing district of this State.

Which amendments read as follows:

Amendment No. 1: In title, line 2, after the word "of" and before the word "equitable" insert the words "legal and".
Concur April 30, 1935.

Amendment No. 2: In section 1, line 14, after the word "are" and before the word "equitable," insert the words "legal and".
Concur April 30, 1935.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And Senate Bill No. 158, contained in the above message, was read by title, together with House Amendments thereto.

Senator Beacham moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 158.

Which was agreed to.

And the Senate concurred in House Amendment No. 1 to Senate Bill No. 158.

Senator Beacham moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 158.

Which was agreed to.

And the Senate concurred in House Amendment No. 2 to Senate Bill No. 158.

And Senate Bill No. 158, as amended, was referred to the Committee on Engrossed Bills and the action of the Senate was ordered certified to the House of Representatives.

Also—

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

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
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. Sandler, Bruton and Woodward of Hillsborough—
House Bill No. 332:

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

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And House Bill No. 332, contained in the above message, was read the first time by title only and referred to the Committee on Pensions & Claims.

Also—

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

Tallahassee, Fla., April 27, 1935.

Hon. Wm. C. Hodges,
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. Sandler, Bruton and Woodward, of Hillsborough—

House Bill No. 534:

A bill to be entitled An Act to cancel that certain judgment entered in the County Court of Hillsborough County, Florida, May 23, 1927, in favor of the State of Florida for the use and benefit of Hillsborough County, Florida, against W. H. Roberts as Principal and Sarah Jackson and James Roberts as Sureties and to authorize and require the refund to Sarah Jackson from the fine and forfeiture fund of Hillsborough County, Florida, of moneys paid by her to procure satisfaction of said judgment.

Proof of publication attached.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WELDON G. STARRY,

Chief Clerk House of Representatives.

And House Bill No. 534, contained in the above message, was read the first time by title 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:

Tallahassee, Fla., April 30, 1935.

Hon. Wm. C. Hodges,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has indefinitely postponed.

By Senators Holland, Bass, Futch, MacWilliams, Mann, Murphy, Pannill, Parrish, Sikes, Tervin, Tillman, Touchton, Watson, Gomez, McKenzie, Lewis, Nordman McArthur, Turner, Smith (14th), Parker—

Senate Bill No. 130:

A bill to be entitled An Act to amend Sections 2407, 178, 5712, 5711, Revised General Statutes of the State of Florida, 1920, being also published respectively as Sections 3816, 214, 7935, 7934, Compiled General Laws of Florida, 1927; and further to amend Section 2401 Revised General Statutes of the State of Florida, 1920, as amended by Section 1, Chapter 10128, Acts of 1925, being also published as Section 3810, Compiled General Laws of Florida, 1927; and further to amend Section 2405 Revised General Statutes of the State of Florida, 1920, as amended by Section 1, Chapter 9128, Acts 1923, and as further amended by Section 3, Chapter 10128, Acts 1925, being also published as Section 3814, Compiled General Laws of Florida, 1927; and further to amend Section 2406 Revised General Statutes of the State of Florida, 1920, as amended by

Section 4, Chapter 10128, Acts 1925, being also published as Section 3815, Compiled General Laws of Florida, 1927; and further to amend Sections 2416, 2417, 2418, 2419, Revised General Statutes of the State of Florida, 1920, being also published respectively, as Sections 3826, 3827, 3828 and 3829, Compiled General Laws of Florida, 1927; and further to amend Section 2398, Revised General Statutes of the State of Florida, 1920, as amended by Section 1, Chapter 9127, Acts 1923, and further amended by Section 2, Chapter 10128, Acts 1925, and Section 1, Chapter 14510, Acts 1929, Extra Session, being also published as Section 3807, Compiled General Laws of Florida 1927; and further to amend Sections 2402 and 5710, Revised General Statutes of the State of Florida, 1920, also published respectively as Sections 3811 and 7933, Compiled General Laws of Florida, 1927; relating to and defining commercial fertilizer, mixed fertilizer and fertilizer materials; defining various fertilizer elements and ingredients and forms of commercial fertilizer, defining certain terms and words used in the Act; providing for registration and analysis of commercial fertilizer, as in the Act defined, and the duty of the State Chemist and others with reference thereto; providing for the taking of special samples by purchasers and official samples by or under the direction of the State Chemist or the Commissioner of Agriculture; providing the formula for and the method and procedure of analyzing and reporting the analysis of commercial fertilizer, as herein defined, by the State Chemist; prohibiting the sale or offer of sale of pulverized leather, hair or wool waste as a commercial fertilizer or as an ingredient thereof, except under certain conditions, and prescribing a penalty for the violation of the provisions thereof; providing for a lawful variation from the guaranteed analysis and de-

fining deficiency analysis and excess analysis; requiring reports designating agents; providing for guaranteed analysis of commercial fertilizer, as in this Act defined, and the requirements as to form and contents of the statement of the guaranteed analysis; providing for the classification, and guaranteed analysis of cottonseed meal and penalty for the violation of the provision thereof; providing for the labeling of commercial fertilizer as in this Act defined, and for registration of brands and changes thereof and for the payment of registration fees and penalties for failure to comply therewith; defining major and minor penalties, prescribing the degree or extent of the penalty in each case and prescribing the method of collection; providing penalties for misrepresentation of commercial fertilizer and the elements and ingredients thereof.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WELDON G. STARRY,
Chief Clerk House of Representatives.

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 5:33 o'clock P. M., until 11:00 o'clock A. M., Wednesday, May 1, 1935.

EXECUTIVE SESSION

The Senate, in Executive session on April 30, 1935, consented to the suspension and removal from office by the Governor of the following named officers:

Bob Simpson, Tax Collector, Dade County, Florida.
Dan Hardie, Sheriff, Dade County, Florida.