

JOURNAL OF THE SENATE

Friday, April 7, 1939

The Senate convened at 11:00 o'clock A. M. pursuant to adjournment on Thursday, April 6, 1939.

The President in the Chair.

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

Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 6, 1939, was corrected as follows:

Page 3, column 1, between lines 21 and 22 from the bottom, insert: "Which was read the first time in full and referred to the Committee on Constitutional Amendments."

Also,

On page 3, column 2, line 13 from top, strike out the word "with" and insert in lieu thereof the word "within."

And as corrected was approved.

Senator Adams moved that a committee be appointed to escort the Honorable W. A. MacWilliams, a former member of the Senate from the 31st Senatorial District and a past President of the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Adams, Lewis and Savage as the committee.

REPORT AND RECOMMENDATIONS OF THE SPECIAL COMMITTEE OF THE LEGISLATURE ON REVISION AND CODIFICATION OF SCHOOL LAWS.

*Hon. J. Turner Butler,
President of the Senate.*

*Hon. G. Pierce Wood,
Speaker of House of Representatives.*

Florida State Legislative Session of 1939,
Tallahassee, Florida.

Sirs:

The Special Committee of the Legislature on Revision and Codification of School Laws was appointed and has functioned during the past biennium in accordance with the provisions and terms of Chapter 18,136, Acts of 1937, Laws of Florida, and herewith submits its Report and Recommendations to the Legislature of the State of Florida.

PERSONNEL AND ORGANIZATION OF THE COMMITTEE

The personnel of the Committee is as follows: The two members appointed by the President of the Senate are: Senators A. O. Kanner of Stuart and Spessard L. Holland of Bartow; the members appointed by the Speaker of the House are: Representatives LeRoy Collins of Tallahassee, Halley B. Lewis of Williston, and Russell O. Morrow of Lake Worth.

At its first meeting as a Committee, which was held at Ocala on May 9, 1938, the Special Committee of the Legislature on Revision and Codification of School Laws organized by electing Senator A. O. Kanner of Stuart as Chairman, Representative LeRoy Collins of Tallahassee as Vice-Chairman, and Representative Russell O. Morrow of Lake Worth as Secretary.

SCOPE OF WORK OF THE COMMITTEE

This Committee has attempted to carry out fully and completely the provisions of the Act creating the Committee and setting forth its responsibilities. The Committee recognizes, and has attempted to meet, the tremendous responsibility involved in preparing and submitting a Code of Laws for the schools of the State.

This proposed codification of the school laws of the State represents the first attempt in more than fifty years to develop a plan of organization for the public schools of the State of Florida as contemplated by Section I of Article 12 of the Constitution requiring provision for a uniform system of public free schools. It is the consensus of the Committee in developing and proposing the School Code that not only should existing school laws be revised and clarified but that certain additions should be made which are necessary for the improvement and proper functioning of the school system even though the Committee may have gone beyond the scope of the Act authorizing the School Code in proposing such additions.

The scope of the work of the Committee has included the preparation and development of a plan of organization, a proper description and definition of a real State System of Public Education, and the organization and proper statement of all laws relating to the public free schools of the State.

The Committee has not attempted in any way to organize or to revise laws relating to the institutions of Higher Learning of the State or to alter in any way the Act creating these institutions, commonly known as the Buckman Act or any acts supplementary thereto, but has definitely recognized the institutions of Higher Learning as a component part of the State System of Public Education.

PRINCIPLES OBSERVED

The Committee has assumed its major responsibility to be the envisioning of a real State System of Public Education and the development of a plan which will permit the satisfactory statement of laws relating to such a system. One of the major objectives of the Committee has, therefore, been, as contemplated by the Act, the organization and systemization of laws relating to the State System of Public Free Schools.

The Committee has attempted to see that the laws are not simply transferred or transcribed but that the phraseology has been altered when necessary "to eliminate and exclude all redundancy, prolixity, and obscurity of expression, to omit all sections which are clearly obsolete and inoperative, and if there are several acts relating to or embracing the same subject (to see that they are) assembled, combined, condensed, and so worded as to clearly and fully set forth the substance and meaning of the whole having regard to the judicial exposition thereof"

The Committee has, further, whenever it became apparent that "there are omissions or errors in the laws which would handicap the schools in their efficient operation (endeavor to) supply the omissions and rectify the errors so as to correct and perfect the Proposed Code and render its meaning clear and its operation complete." In other words, the Committee has attempted to supply omissions and make changes in laws only when such action is clearly needed and would unquestionably result in needed improvements to the school system.

Under the terms of the Act, the Committee might have waited to function as a committee until it had received on February 1 the Proposed School Code from the State Superintendent, together with his report of changes and other materials. However, it seemed best to the Committee and to all parties concerned that the Committee should begin as early as practicable to study all phases of the many problems involved. At the invitation of the State Superintendent Colin English and his staff, the Committee began to study with them the various problems involved early in the year of 1938. During the fall of 1938, numerous meetings were held by the Committee for the purpose of discussing with the State Superintendent and his staff, with other leaders in education, with an Assistant Attorney General representing the Office of the Attorney General, and with the attorney selected as legal advisor for the preparation of the School Code, the plan of organization of the Proposed Code, the method of preparing materials, and the various materials as prepared. These discussions resulted in a common understanding and point of view regarding the basic problems involved.

After the State Superintendent had submitted his formal report and the copies of the Proposed School Code, as required, on February 1, 1939, the Committee met frequently during the months of February and March in order to study fully all aspects of the Proposed School Code and to make such changes as in the opinion of the Committee were necessary or desirable. These changes have been incorporated in the School Code in the form in which it is being submitted to the Legislature.

MEETINGS OF THE COMMITTEE

The Committee recognizes the fact that the School Code itself rather than the number of meetings will indicate the amount of work involved. Suffice it to say here that the Committee has found the preparation of a satisfactory School Code a tremendous but significant undertaking. The Committee has met a total of twenty or more times, not including the time devoted to individual study of the problems involved or to travel to and from meetings. During these meetings every word of the Proposed School Code has been read and re-read and analyzed from various points of view and many parts of the Code have been rewritten again and again.

THE PROPOSED SCHOOL CODE

The School Code which is being submitted herewith to the Legislature obviously has had to be prepared within the limits of the Constitution.

Those who would understand and evaluate the Proposed School Code should first study the plan of organization. The plan is simple. The School Code is divided into ten chapters, each dealing with a separate subject. Each of these chapters is further divided into articles, sections, subsections, and items. The titles of chapters and articles with brief explanations are given below:

CHAPTER I—SCOPE, ORGANIZATION AND DEFINITIONS

Article 1—*Construction and Scope of School Code*—

Designates name of the Act as The Florida School Code and states purpose.

Article 2—*Organization*—

States plan of organization and gives outline of chapters.

Article 3—*Definitions and Interpretations*—

Defines in terms of generally accepted interpretations all terms employed throughout the School Code.

CHAPTER II—STATE PLAN FOR PUBLIC EDUCATION

Article 1—*General Provisions*—

Comprises chiefly present provisions regarding minimum term of eight months, provision of separate schools for Whites and Negroes, display of flags, and clarifies use of voting machines in school elections.

Article 2—*Divisions of Public Education*—

Distinguishes between uniform system of public free schools which is required and comprising elementary and high schools, and other special schools and services, such as nursery schools and kindergartens, which may be provided.

Article 3—*Control and Support of Public Education*—

General control of the public schools is vested in the State and immediate control in the county as at present.

CHAPTER III—FUNCTIONS OF STATE EDUCATIONAL AGENCIES

Article 1—*State Responsibilities*—

Recognizes that public education is a responsibility of the State with the State authorized: to prescribe the minimum standards and with the counties having the responsibility for the actual operation and administration of schools.

Article 2—*State Board of Education*—

Largely restates and systematizes existing law as to State Board.

Article 3—*State Superintendent of Public Instruction*—

Prescribes same qualifications as for County Superintendent and largely restates, and systematizes existing law as to his duties.

Article 4—*State Department of Education*—

The Department recognized as an agency to function under direction of the State Superintendent in carrying his responsibilities.

CHAPTER IV—THE COUNTY SCHOOL SYSTEM

Article 1—*General Provisions*—

Includes present provisions setting up the County as the unit for the control, organization and administration of schools with districts recognized as subdivisions of the County for school purposes.

Article 2—*County Board of Public Instruction*—

Provides five member boards for counties having 80,000 or more population and three member boards for other counties as at present but provides for four year overlapping terms. Present law as to compensation of County Board members not affected. Powers and duties of County Board are those of control with existing provisions clarified.

Article 3—*County Superintendent of Public Instruction*—

Prescribes professional qualifications requiring college graduation but this requirement does not apply to County Superintendents in office at the time of the passage of the School Code. Prescribes duties of County Superintendent as secretary and executive officer of the County Board.

Article 4—*Special Tax School Districts*—

Recognizes responsibility of Trustees for exercising general supervision of schools in the district and defines that responsibility. Provides for elections to be held on a uniform date in November of odd years and for Trustees to take office in January.

CHAPTER V—PERSONNEL

Article 1—*General Provisions*—

Classifies personnel and fixes minimum age for teachers at 18 for present but provides that this is to be raised to 19 in 1940 and to 20 in 1941.

Article 2—*Privileges and Responsibilities*—

Largely restates present privileges and responsibilities of teachers.

Article 3—*Education and Training*—

Provides for regulation of curricula for training of teachers.

Article 4—*Certification of Administrative and Instructional Personnel*—

Modernizes present law relating to certification of teachers as follows: Provides for Professional, Graduate, and Undergraduate, and for Special Certificates based on examinations; also provides for emergency certificates. Provision is made for extension and renewal of present certificates under present laws. Existing life certificates are not affected by these provisions.

Article 5—*Licensing of Other Personnel*—

Provides for licensing of school bus drivers and health assistants.

Article 6—*Appointment, Contracts and Salary*—

Regulates employment and salaries of personnel.

Article 7—*Leave of Absence for Instructional Staff*—

Largely restates present law.

Article 8—*Provisions for Monthly Allowance to Certain Incapacitated Teachers*—

Includes only present provisions.

CHAPTER VI—CHILD WELFARE

Article 1—*Attendance and Attendance Service*—

Prescribed 7 to 16 years as compulsory attendance age limits as at present and provides for admission of pupils to annual promotion schools who are 5 years 9 months of age when school opens, and of pupils to semi-annual promotion schools who are 5 years 11 months of age by the opening of either semester. Authorizes employment certificates under certain conditions for children who have reached 14 years of age. Invests in County Superintendent responsibility for enforcement of attendance and authorizes employment of attendance assistants. Prescribes penalties for failure to observe compulsory attendance provisions.

Article 2—*Child Accounting*—

Provides for the keeping of records of pupils, including a continuing census of all children who should be in school.

Article 3—*Control of Pupils*—

Defines responsibilities of Principal, teachers, and bus drivers in the matter of control of pupils.

Article 4—*Health and Sanitation*.

Provides for cooperation between State Board of Education

and the State Board of Health in providing for the examination and treatment of physical and mental defects of pupils. Authorizes closing of schools on account of epidemics.

CHAPTER VII—COURSES OF STUDY AND INSTRUCTIONAL AIDS

Note: This chapter is largely a restatement of Chapter 18,133, Acts of 1937, relating to courses of study and textbooks. Procedure for selecting, requisitioning, and purchasing textbooks remain as under present law. Minor changes are given below:

Article 1—*Courses of Study*—

Overlapping terms arranged to afford continuity in work of Committee. Committee is given added duty of preparing annually a list of books suitable for use in school libraries.

Article 2—*Appraisal of Textbooks and Other Instructional Materials*—

Article 3—*Purchase of Books*—

In addition to present requirements provides for agreement with publishers to provide books for school libraries at lowest wholesale price that such books are provided elsewhere.

Article 4—*Public School Libraries*—

Authorizes County Boards to maintain public school libraries.

Article 5—*Textbook Requisition, Distribution, Use, Storage and Conservation*—

Responsibilities of County Superintendents, principals and teachers more clearly defined and set forth.

CHAPTER VIII—TRANSPORTATION

Article 1—*General Provisions*—

States purpose and limitations of school transportation, and includes provisions for liability insurance and requirements for traffic to stop for school busses.

Article 2—*Transportation Equipment*—

Includes extracts from present State Board regulations and prescribes requirements for the type of equipment and busses to be used for transportation safety.

Article 3—*School Bus Routes*—

Gives principles to be observed in laying out school bus routes.

Article 4—*The School Bus Driver*—

Prescribes same qualifications for school bus driver as are now in effect under State Board regulations: good moral character, good vision and being able-bodied. Provides for special license for bus drivers.

Article 5—*Operation*—

Requires plan for periodic inspection to insure safety.

CHAPTER IX—THE SCHOOL PLANT

Article 1—*General Provisions*—

Make clear when school property may be condemned as dangerous for school use and requires fire drills and fire precautions.

Article 2—*Planning the School Plant Program*—

Provides for special studies to be made as the basis for determining locations for new school building.

Article 3—*School Sites*—

Gives minimum size and other standards to be observed in selecting school sites.

Article 4—*Standards for School Buildings*—

Prescribes minimum standards of safety for the construction of new school buildings.

Article 5—*Construction Procedures*—

In the interest of economy and safety requires plans for new school buildings to be submitted to State Department for suggestions and prescribes conditions for awarding contracts for school buildings.

CHAPTER X—FINANCE AND TAXATION

Article 1—*Apportionment and Disbursement of State Teachers Salary Fund*—

Present instruction unit plan is not affected but fund is separated into two parts, one of which must be used for teachers' salaries and no other purpose, and the other of which is available for transportation.

Article 2—*Textbook, Vocational, and Other State Funds for Public Schools*—

Present provisions rearranged.

Article 3—*Federal Funds*—

Present provisions rearranged with provision for State Board to accept other Federal funds which might be provided for education.

Article 4—*County Current School Fund*—

Present provisions rearranged with authority to receive funds from other sources for such fund.

Article 5—*District Current School Fund*—

Present provisions except special provision is made for elections involving reorganization proposals for small districts.

Article 6—*District Bond Construction Fund*—

Present provisions rearranged.

Article 7—*District Interest and Sinking Fund*—

Present provisions rearranged.

Article 8—*Apportioning State and County Current School Funds for Use Within the County*—

Sets forth financial procedure to be observed in carrying out the requirements of Section I, Article XII of the Constitution. Provides for Trustees to determine for what purpose the proceeds of any millage voted over and above that recommended by the County Board for the term adopted for the County, is to be spent.

Article 9—*Financial Accounts and Expenditures*—

Expands Section 21 of School Budget Law and requires bids for purchases costing more than \$300.00.

Article 10—*The School Budget*—

Follows without change except a few changes in wording of present school budget law.

Article 11—*School Indebtedness*—

Follows present law regulating borrowing for school purposes except interest rate to be limited to six per cent, and amount which may be borrowed against teachers' salaries fund is set at 90 per cent instead of 80 per cent. Authorizes under strict limitations creation of obligations for not to exceed four years for insurance, purchase of school busses and purchase of school sites. Provides for development of plans for retirement of existing indebtedness which is unfunded or in default.

Article 12—*Safeguarding School Funds*—

Includes requirements for bonding school officials and designation of school depositories.

Article 13—*School and Public Lands*—

Present provisions.

ACKNOWLEDGMENTS

The Committee could not render a satisfactory report to the Legislature of its work on the School Code without calling attention to the excellent work of the State Superintendent and his staff in preparing proposals and materials for a School Code and without expressing its appreciation for the splendid cooperation rendered by numerous other groups and individuals.

State Superintendent Colin English and his staff not only fulfilled all the requirements of the Act authorizing the preparation of the School Code but spent a vast amount of time and effort in perfecting the arrangement and wording of various parts of the Code. In his work with the Special Committee of the Legislature on Revision and Codification of the School Laws he has been assisted by a Committee from the State Department of Public Instruction comprised of Dr. Edgar L. Morphet, Director of Administration and Finance, Chairman; M. W. Carothers, Director of Instruction; Robert D. Dolley, Supervisor of Trade and Industrial Education; R. M. Evans, Finance Advisor and Statistician; Joe Hall, Supervisor of Certification and consultant in Health, Physical, and Safety Education; M. L. Stone, Assistant Director of Instruction and Curriculum Advisor; and also by T. George Walker, Textbook Manager; Paul Eddy, Supervisor of Transportation; J. L. Graham, Supervisor of the School Plant Planning Service; James A. Stripling, School Architect; Bryan Willis, Special Financial Consultant; and C. A. Neeley who have done special work on various chapters.

Upon Dr. Edgar L. Morphet, as Chairman of the State Department Committee, has fallen much of the responsibility for the organization and details of the work on the School Code and to him is due special acknowledgment from the

Committee. In the arduous typing, retyping and checking of the bulky manuscript the stenographic staff of the State Department has served most faithfully and efficiently.

Velma Keen, as legal adviser on the School Code for the State Superintendent and his staff has ably assisted the Committee in the performance of its labors. John Graham, Assistant Attorney General, has attended many of the meetings and rendered much valuable assistance. T. D. Bailey, as President, and James S. Rickards, as Secretary of the Florida Education Association, have also given valuable suggestions and assistance.

The Florida School Code Committee, whose studies and report together with the recommendations of the Continuing Educational Council, were largely responsible for encouraging the enactment of the law, requiring the preparation of the School Code, have contributed proposals and guiding principles which have always been worthy of the careful consideration they have been given. Attention is invited to the fact that these organizations are comprised of representatives from the following groups: Florida Congress of Parents and Teachers; Florida Federation of Women's Clubs; Florida Department of American Legion, and the Legion Auxiliary; Florida Federation of Labor; State Chamber of Commerce; State Bar Association; Florida League of Women Voters; Junior Order United American Mechanics; Florida Branch, American Association of University Women; Florida Junior Chamber of Commerce; State Superintendent of Public Instruction; State Association of School Board Members; County Superintendents' Association; School District Trustees; School Principals; Classroom Teachers; Florida Educational Association; State Board of Control; Institutions of Higher Learning; Prominent Individual Laymen.

To all the many other individuals and groups who have assisted in other respects, too numerous to mention, the Committee wishes to acknowledge its deep appreciation.

The Committee desires particularly to call attention to the fact that the demand and encouragement for a new School Code for Florida and for many of the provisions in the School Code, as it is being proposed to the Legislature, have come largely from lay groups and individuals.

The Committee has also been impressed by the democratic procedure which has been followed in the development of proposals for inclusion in the School Code. The State Superintendent and his staff have apparently made every effort to get recommendations from every possible source and to have the evaluation of every interested group on proposals contained and included in the Code.

RECOMMENDATIONS

Your Committee deeply appreciates the honor of being permitted to submit to the 1939 Session of the Legislature a bill as profoundly significant as the Proposed New School Code.

For the purpose of clearly identifying the proposed School Code, submitted and recommended by your Committee, the Committee has directed its members, who are respectively members of the Senate and of the House of Representatives of this 1939 Legislature, to introduce to the respective Houses of the Legislature the said School Code, which action has been taken, the said School Code being Senate Bill No. 25 and House Bill No. 100 of this 1939 session of the Florida Legislature.

The Committee endorses the proposed School Code in its present form as a major improvement. The Committee sincerely recommends and hopes that the proposed School Code can speedily be enacted into law as the basis for making possible further improvements in the State System of Public Education of Florida.

Respectfully submitted.

A. O. KANNER.
S. L. HOLLAND.

LEROY COLLINS.
HALLEY B. LEWIS.
RUSSELL O. MORROW.

Senator Kanner moved that the foregoing Report of the Special Committee be spread upon the Journal.

Which was agreed to and it was so ordered.

Senator Wilson moved that a committee of three be appointed to escort the Honorable S. W. Anderson, a former member of the Senate from the 6th Senatorial District and a past President of the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Wilson, Hinely and Kelly (11th) as the committee.

Senator Gillis reported that the committee appointed pursuant to Senate Concurrent Resolution No. 2 to invite the President of the United States, now sojourning at Warm Springs, Georgia, to address the Florida Legislature before returning to Washington, had extended the invitation to the President and received an expression of regret from the President that he will be unable to accept the invitation.

The committee was discharged.

INTRODUCTION OF RESOLUTIONS

By Senator Kanner—

Senate Concurrent Resolution No. 7:

WHEREAS, the whole world, rent asunder by strife and contention, violence and intolerance, is today in a state of turmoil and uncertainty, marked by a titanic struggle between Democracy and Autocracy, while in this Country anti-American forces are striving to discredit and destroy the ideals and institutions symbolized by the American Flag, and social, political and economic forces are combating one another; and

WHEREAS, never before in the history of the Nation has there been greater need among our people for the unity, cooperation and tolerance for which our Country's Flag stands; and

WHEREAS, with the Stars and Stripes as its emblem the United States Flag Association, a non-profit, non-partisan and non-sectarian organization incorporated under Federal law and headed by the President of the United States as Honorary President General, is, with the cooperation of various groups, organizations and fields of activity in our National life, conducting a National Patriotic Revival, culminating in FLAG WEEK, June 8th to 14th next, for the two-fold purpose (1) of awakening our people to the dangers threatening our National life, thereby causing them to resolve as never before to uphold and preserve our Country's ideals and institutions, and (2) of promoting National Unity, Patriotic Cooperation and Racial and Religious Tolerance; therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Legislature of the State of Florida heartily indorses the plan for a great National Patriotic Revival, and that the Governor is hereby authorized and requested, first, to direct the State Superintendent of Public Instruction to arrange for the suitable observance of FLAG WEEK in all the public schools, and, secondly, to issue a proclamation calling upon the State officials to display the United States Flag on all State buildings during FLAG WEEK, and inviting the people of the State to fly the Flag at their homes and other suitable places as well as on their cars, and that in every community they hold special exercises at which means shall be taken to give significant expression to our thoughtful love of America, our pride in its glorious history, our faith in its destiny, our devotion to its ideals and institutions and our determination to uphold and preserve them now and forever.

Which was read the first time in full.

Senator Kanner moved that the rules be waived and Senate Concurrent Resolution No. 7 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 7 was read the second time in full.

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

Which was agreed to and Senate Concurrent Resolution No. 7 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Whitaker—

Senate Bill No. 71:

A bill to be entitled An Act relating to printing for the State of Florida and subdivisions thereof; to establish requirements of responsible bidders for printing work for the State of Florida and subdivisions thereof; requiring payment of prevailing wage scale relative to such work; to prescribe penalties for the violation hereof; to repeal all laws and parts of laws inconsistent herewith.

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

By Senator Dame—
Senate Bill No. 72:

A bill to be entitled An Act relating to the functions and duties of the State Bureau of Vital Statistics, and providing for the entry in the records of said Bureau of judgments and decrees relating to the paternity or providing for the adoption of persons whose birth shall have been previously registered in said Bureau, and authorizing the State Registrar of Vital Statistics to seal records in certain cases, to file new and substituted certificates of birth in cases of legitimization or adoption, and to issue copies thereof, and certificates relating thereto.

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

By Senator Dame—
Senate Bill No. 73:

A bill to be entitled An Act to regulate the sale, possession, prescribing and dispensing certain dangerous drugs, providing certain exceptions, providing for its enforcement and penalties for violations thereof.

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

By Senator Clarke—
Senate Bill No. 74:

A bill to be entitled An Act to authorize the filing, indexing and recording of certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States, decrees of adjudication in such proceedings, and orders approving bonds of trustees appointed in such proceedings; to make it the duty of the Clerks of the Circuit Courts to file, index and record such copies; and to provide fees for such filing, indexing and recording.

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

By Senator Dye—
Senate Bill No. 75:

A bill to be entitled An Act providing for the voluntary resignation and retirement of Circuit Judges under certain conditions; establishing a fund to be known as "The Circuit Judges Retirement Fund," and providing for contribution thereto by Circuit Judges under certain conditions; providing for the pay of such retired Circuit Judges; making appropriations to carry out the provisions of this Act; and prohibiting such retired Circuit Judges from practicing law.

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

By Senator Dye—
Senate Joint Resolution No. 76:

A Joint Resolution of the Legislature of the State of Florida proposing the amendment to Constitution of the State of Florida by adding a new Section to Article V, to be known as Section 46, relating to the judiciary:

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

That the following amendment to Article V of the Constitution of the State of Florida relating to the judiciary be and the same is hereby agreed to and shall be submitted to the electors of the State at the general election to be held in 1940 for approval or rejection, that is to say, that said Article V of the Constitution of the State of Florida be amended by adding thereto an additional section to be known as Section Forty-six (46), same to read as follows:

Section Forty-six. When the judge of any court of the State of Florida shall resign and retire from regular active service and receive a pension or retirement compensation pursuant to any act or acts of the Legislature permitting or requiring such resignation and retirement, such judge so resigning and retiring on pension or retirement compensation, may nevertheless be called upon and assigned by the Governor of the State of Florida, acting through executive order, to perform temporarily and during the period of time specified in said order, such judicial duties as said judge is able and willing to undertake and of which he would have had jurisdiction to perform on the date of his retirement, to the same extent, and in the same manner, as though said judge had

not resigned and retired, but were then, on the date of such order a duly commissioned judge, in regular active service, and, as such, assigned under authority of the laws and constitution permitting exchange of circuits, or permitting one judge to act for another under executive order in holding one or more terms or part or parts of any term.

While acting under such order he shall have all the powers and perform all the duties that are or may be prescribed by the Constitution or by statute for commissioned judges occupying the same bench. During his service under executive assignment, all statutes and constitutional provisions concerning such active judges shall apply to him, provided that after the expiration of such executive order, said judge shall have continuing authority to enter decrees, orders or judgments, adjudicate guilt, impose sentence, grant or deny motions for new trial or in arrest of judgment, grant or deny rehearings, settle bills of exceptions, make such orders or decrees, interlocutory or final or otherwise, as may be necessary to dispose of all matters, necessary or proper to the complete exercise of the jurisdiction and determination of any undisposed matter of which he assumed and acquired jurisdiction during the life of such order. When the resigned, retired judge assigned was a circuit judge at the date of his resignation, the business may be divided among the circuit judge or circuit judges having jurisdiction, and the assigned judge, as may be prescribed by law, and where no provision has been made by law, the distribution of the business of the circuit, and the allotment or assignment of matters and cases to be heard, decided, ordered, tried, decreed or adjudged, shall be controlled or made, when necessary, by the active circuit judge, or in case of two or more active circuit judges in said circuit, then by the circuit judge in the circuit or county to which said retired judge is assigned holding the commission earliest in date, provided, that during the performance of active duties the judge assigned to temporary active duty shall receive such additional amount, over and above his pension or retirement compensation, as will compensate him for the time so engaged at the same rate of compensation received by the judge resident in the territory where he is assigned occupying the judicial office he is assigned to serve, together with his actual expenses, as authorized by law, if in a county other than his county of residence.

In the event of disqualification of one or more members of the Supreme Court, and of active circuit judges to the extent that circuit judges are not available to occupy the Supreme bench as provided by law, then retired or resigned judges who were Supreme Court or Circuit Judges on the date of their retirement or resignation may be assigned to the Supreme Court by executive order, and in the event that no persons who are not disqualified may be found either among Supreme Court judges, circuit court judges or retired or resigned judges, the Governor of the State of Florida is hereby authorized by special commission to designate and appoint from among the bar of the State of Florida qualified lawyers as special judges for the purpose of exercising the jurisdiction of the Supreme Court or members thereof, in particular matters in which the Supreme Court or members thereof are disqualified, and in the event of the disqualification of all circuit judges the same procedure is hereby authorized, said special court or judge or judges, to have and exercise the same power and jurisdiction in the particular matter specified in the order or orders of appointment as could be exercised by the regularly commissioned judge or judges, were not the same disqualified.

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

By Senator Kanner—
Senate Bill No. 77:

A bill to be entitled An Act to require motor trucks and combinations thereof, when operating upon the Public highways in the State of Florida at night, to be equipped with portable flares, and providing for use of same; and prescribing penalties for violation of said Act.

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

By Senators Kanner and Holland—
Senate Bill No. 78:

A bill to be entitled An Act imposing an additional tax upon gasoline or other like products of petroleum; providing for reports of sales of such commodities to the comptroller of the State of Florida; providing for the disposition of the

moneys derived from such taxes, and the apportionment thereof to the General Revenue Fund of the State, and to the County School Fund; providing that the gasoline inspection laws of the State of Florida shall apply to this Act; prohibiting the levy and collection by municipalities and other political sub-divisions of gasoline taxes; providing for the enforcement of this Act, and penalties for violation hereof and providing that this Act is an emergency revenue measure and shall be of no force and effect from and after July 1, 1941.

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

By Senator Johns—

Senate Bill No. 79:

A bill to be entitled An Act to regulate and control the practice of photography, and defining the same and requiring a certificate of registration as a condition precedent to any party practicing photography, and prescribing the terms and conditions upon which certificates may be issued to any party to practice photography in the State of Florida, creating the State Board of Photographic Examiners, and defining and declaring its powers and duties, prescribing a course of study and requirements, imposing certain fees upon persons applying for certificates to practice photography in Florida, imposing certain annual license fees upon employers and photographers practicing photography in Florida, and appropriating the proceeds thereof to accomplish the purposes of this Act; and prescribing penalties for the violation of the provisions of this Act and regulations hereunder.

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

By Senators Ward, Adams, Black, Hinely, Horne, Mapoles, Murphy, Sharit, Walker, Hodges and Kelly (16th)—

Senate Bill No. 80:

A bill to be entitled An Act prescribing and regulating certain fees to be allowed and charged by County Judges; providing that fees for similar services by County Judges and Clerks of the Circuit Court shall in all respects conform and shall be the same as the fees now or hereafter allowed by law to the Clerks of the Circuit Court.

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

By Senator Kelly (16th)—

Senate Bill No. 81:

A bill to be entitled An Act authorizing the establishment and maintenance of separate State prisons for the confinement and punishment of female persons and first offenders under twenty-five years of age, convicted and sentenced to the State prison.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senators Hodges, Whitaker, Black, Kanner, Holland, Beall, Gillis, Lewis and Dugger—

Senate Bill No. 82:

A bill to be entitled An Act relating to State appropriations from the General Revenue Fund, declaring appropriations from the General Revenue Fund for the benefit of the uniform system of Public Free Schools and the State Institutions of Higher Learning, to be on a Parity with all other appropriations for all other purposes from the General Revenue Fund.

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

By Senators Beacham and Parrish—

Senate Bill No. 83:

A bill to be entitled An Act to amend Sections 4, 17, 18, 22 and 23 of Chapter 16800, Laws of Florida, Acts of 1935, the same being An Act entitled "An Act defining the practice of beauty culture and requiring a license or certificate of registration as a condition precedent to any person practicing beauty culture as hair dresser, cosmetologist, manicurist and pedicurist or acting as a junior operator beautician and prescribing the terms and conditions upon which licenses or certificates of registration may be issued to any person to practice beauty culture or act as a junior operator beautician or as a hairdresser or cosmetologist or manicurist and pedicurist in the State of Florida; creating the State Board of Beauty Culture Examiners and defining and declaring

its powers and duties; regulating the practice of beauty culture or acting as a junior operator beautician, by those licensed hereunder; regulating the operation of beauty schools, prescribing a course of study for such schools and the requirements for graduation therefrom; imposing certain fees upon persons applying for licenses, or certificates of registration to practice beauty culture, act as a junior operator beautician or teach in beauty culture schools in this State; and appropriating the proceeds thereof to accomplish the purposes of this Act; and prescribing penalties for the violation of the provisions of this Act and regulations hereunder."

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

By permission the following Concurrent Resolution was introduced:

By Senator Kelly (16th)—

Senate Concurrent Resolution No. 8:

WHEREAS, the pine belt of the South has been developed into one of the main sources of wood pulp in North America, and

WHEREAS, a great portion of the State of Florida is within the pine belt and there has been attracted to the region large investments for the purpose of processing Southern pine into wood pulp, and

WHEREAS, the wood pulp industry in Florida and the United States has been adversely affected by the recent change in the relation between the British, Swedish and Finnish moneys and the American dollar, and

WHEREAS, the foreign wood pulp producers have obtained thereby an advantage over American producers of wood pulp in the United States market, and

WHEREAS, by reason of the advantage of foreign producers of wood pulp over American producers of wood pulp the demand for American produced wood pulp has declined drastically for the past several months and workers in American wood pulp producing mills find their incomes either reduced or cut off entirely, and

WHEREAS, the Federal Government could rectify this unfortunate condition by means at their disposal;

THEREFORE BE IT RESOLVED by the Senate, the House concurring, that Congress be requested to invoke such monetary clauses in the British, Swedish and Finnish Trade Agreements as may be necessary to protect the American wood pulp industry as well as other industries in competition with goods imported from the said countries, and to take cognizance of the plight of American wood pulp producers.

BE IT FURTHER RESOLVED that a copy of this resolution be dispatched immediately upon its passage to each member of the Florida Delegation in Congress for their earnest consideration.

Which was read the first time in full.

Senator Kelly moved that the rules be waived and Senate Concurrent Resolution No. 8 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 8 was read the second time in full.

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

Which was agreed to and Senate Concurrent Resolution No. 8 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By Senator Kendrick—

Senate Bill No. 84:

A bill to be entitled An Act to amend Section 18 of the Charter of the City of St. Augustine (being Chapter 11148, Laws of Florida, Acts of 1925, and Acts amendatory thereof) as amended by Section 77 of Chapter 14375, Laws of Florida, Acts of 1929, relating to the making of contracts by said city with individuals, companies or corporations for furnishing electric power and energy; and repealing all laws or parts of laws in conflict therewith.

The following proof of publication was attached to Senate Bill No. 84 when it was introduced in the Senate:

STATE OF FLORIDA,)
COUNTY OF ST. JOHNS.) ss:

Personally appeared before me a Notary Public for the

State of Florida at Large, A. H. Tebault, who deposes and says that he is Business Manager of the St. Augustine Record, a daily newspaper printed in the English language and of general circulation, published in the City of St. Augustine, in said County and State; and that the attached order, notice, publication and/or advertisement of Notice to the Public of the Proposed Law to be Introduced at the Coming Session of the Legislature of the State of Florida A. D., 1939, was published in said newspaper weekly for a period of two weeks consecutively, beginning February 1 and ending February 8 said publication being made on the following dates: February 1 and 8, 1939.

And deponent further says that the St. Augustine Record has been continuously published as a daily newspaper except Saturdays, and has been entered as second class mail matter at the post office in the City of St. Augustine, St. Johns County, Florida, each for a period of more than one year next preceding the date of the first publication of the above described order, notice, publication and/or advertisement.

A. H. TEBAULT, Business Manager.

Subscribed and sworn to before me this 9th day of February, A. D. 1939.

GLADYS STEVENS, Notary Public,
State of Florida at Large.

(Seal)

My commission expires February 15, 1941.

COPY OF ADVERTISEMENT

NOTICE TO THE PUBLIC OF THE PROPOSED LAW TO BE INTRODUCED AT THE COMING SESSION OF THE LEGISLATURE OF THE STATE OF FLORIDA, A. D. 1939.

NOTICE is hereby given that the County of St. Johns, by and through its Board of County Commissioners, intends to apply to the Legislature of the State of Florida at the regular session to be held in the year 1939, at Tallahassee, Florida, for, and proposes to introduce, legislation authorizing and directing the Board of County Commissioners of St. Johns County, Florida, to cancel all General School and School District bonds, and interest coupons, of St. Johns County, and other bonds, interest coupons and evidences of indebtedness heretofore received by St. Johns County officials for the payment of taxes and prescribing the procedure for such cancellation.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA.

(Seal)

By H. H. BAILEY, Chairman.

Attest:

HIRAM FAVER,
Clerk Circuit Court, St. Johns
County, Florida.

F1-8-Adv.

Which was read the first time by title only.

Senator Kendrick moved that the rules be waived and Senate Bill No. 84 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 84 was read the second time by title only.

Senator Kendrick moved that the rules be further waived and Senate Bill No. 84 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. 84 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, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—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 permission the following Concurrent Resolution was introduced:

By Senators Horne, Adams, Ward, Hinely, Gideons, McKenzie, Wilson, Clarke, Lindler, Coulter and Dame—

Senate Concurrent Resolution No. 9:

WHEREAS, the Legislature of the State of Florida at the 1931 session passed certain legislation which is commonly referred to as the race track legislation, and

WHEREAS, it was provided in such legislation that the tax derived from the operation of race tracks under the provisions of said bill should be equally divided among the various counties of the State of Florida, and

WHEREAS, it was a common and mutual understanding among the then members of the Legislature that no change would be made in the distribution of such funds, and

WHEREAS, it is believed that said legislation could not have been passed had such provision not been incorporated in said Act, and

WHEREAS, the Counties in the State of Florida in which no racing was contemplated were assured by representatives of counties in which racing was contemplated that their honor was pledged to abide by the provisions of said bill and particularly with reference to the distribution of the tax moneys derived therefrom, and

WHEREAS, a recent attempt has been made to change such distribution by contesting the constitutionality of the provision of said Act with reference to the distribution of said funds and that such attack amounts to a breach of faith with the Counties in which there is no racing and that such attack if successful will disrupt the financial budgets and greatly hamper the operation of a large number of the counties in the State,

NOW, THEREFORE, Be It Resolved by the Senate, the House of Representatives concurring, that a committee of three members of the Senate and three members of the House of Representatives be appointed by the President of the Senate and Speaker of the House, respectively, to form a joint committee for the purpose of solving the problem precipitated by the attack made on the distribution of the funds hereinabove referred to and to determine the source, cause and reason for the institution of the pending litigation and that such committee make such recommendations to the Legislature of the State of Florida with reference to race track legislation as it may deem proper.

Which was read the first time in full.

Senator Horne moved that the rules be waived and Senate Concurrent Resolution No. 9 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 9 was read the second time in full.

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

Which was agreed to and Senate Concurrent Resolution No. 9 was adopted, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to the motion made by Senator Hodges on April 6, 1939, and the hour having arrived for the consideration of Senate Concurrent Resolution No. 6 as a Special and Continuing Order.

Senate Concurrent Resolution No. 6:

Relating to allocation and/or ear-marking of funds for the purpose of paying the school teachers' salary.

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

WHEREAS, the Legislature has provided by proper appropriation Act that any deficiency in the sources of revenue provided for the teachers salary fund distribution on a basis of \$800.00 per teacher unit shall be paid out of the General Revenue Fund of the State of Florida; and

WHEREAS, there remains two monthly allocations of 1,264,766.32 each to the Teachers' Salary Fund to be made in the current fiscal year, said allocations due May 1st and June 1st; and

WHEREAS, it appears there will be insufficient funds available from sources earmarked for schools to meet these two allocations; and

WHEREAS, such anticipated deficit totals approximately \$1,250,000.00; and

WHEREAS, the State has just received the tax payment of nearly \$3,000,000.00 from the estate of one of its distinguished citizens, which payment going into the General Revenue Fund will take care of all outstanding bills payable from the General Revenue Fund of the State of Florida and leave a book balance of more than \$2,000,000.00; and

WHEREAS, the schools of the State of Florida are in a serious financial plight and because of shortage of funds many of them will not be able to complete the term; and

WHEREAS, hundreds of school teachers are faced with the necessity of going without their salaries,

NOW, THEREFORE, be it resolved that the sum of \$1,250,000.00 of General Revenue Fund monies be and the same is hereby earmarked for distribution to the Teachers' Salary Fund and the Comptroller of the State of Florida be and is hereby directed to so earmark such sums and to hold same inviolate for the benefit of the said Teachers' Salary Fund and to pay the same out only in making up any deficit in the two remaining allocations due the School Teachers' Salary Fund for the years 1938-39 provided, however, that any balance of the above earmarked money which is not necessary to meet these two remaining payments shall be restored to an un-earmarked status in the General Revenue Fund.

Was taken up and read the second time in full.

Senators Hodges, Black and Whitaker offered the following amendment to Senate Concurrent Resolution No. 6:

In paragraph 4, line 2, strike out the figures: \$1,250,000.00, and insert in lieu thereof the following: \$1,500,000.00.

Senator Hodges moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Hodges, Black and Whitaker also offered the following amendment to Senate Concurrent Resolution No. 6:

In paragraph 3, line 1, strike out the figures: \$1,250,000.00 and insert in lieu thereof the following: \$1,500,000.00.

Senator Hodges moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question was put on the adoption of Senate Concurrent Resolution No. 6, as amended.

Which was agreed to and Senate Concurrent Resolution No. 6, as amended, was adopted and referred to the Committee on Engrossed Bills.

Senator Hodges moved that the rules be waived and the Senate do now take up and consider, out of its order, Senate Bill No. 82.

Which was agreed to.

Senate Bill No. 82:

A bill to be entitled An Act relating to State Appropriations from the General Revenue Fund, declaring appropriations from the General Revenue Fund for the benefit of the uniform system of public free schools and the State Institutions of Higher Learning, to be on a parity with all other appropriations for all other purposes from the General Revenue Fund.

Was taken up.

Senator Hodges moved that the rules be waived and Senate Bill No. 82 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 82 was read the second time by title only.

Senator Hodges moved that the rules be further waived and Senate Bill No. 82 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. 82 was read the third time in full.

By unanimous consent Senators Lewis and Kanner offered the following amendment to Senate Bill No. 82:

In Section 4, line 1, (typewritten bill) after the word "effect" insert the word "immediately."

Senator Lewis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Graham, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Lewis, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Savage, Sharit, Walker, Ward, Whitaker, Wilson—30.

Nays—None.

So the bill passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Beacham moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 4:00 o'clock P. M., Monday, April 10, 1939.

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

By unanimous consent the following bills were introduced:
By Senator Kelly (11th)—

Senate Bill No. 85:

A bill to be entitled An Act for the relief of Elego Vasilou Johns.

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

By Senator Kelly (11th)—

Senate Bill No. 86:

A bill to be entitled An Act for the relief of Angelina Samarkos.

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

By Senator Kelly (11th)—

Senate Bill No. 87:

A bill to be entitled An Act for the relief of Olga Andrea Christodoulou.

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

By Senator Mapoles—

Senate Bill No. 88:

A bill to be entitled An Act to require payment of poll taxes as a legal requirement for voting at any primary, special, general, or other election hereafter held under the Constitution of this State or statutes passed in pursuance thereof, and to repeal Chapter 18,061, Laws of Florida, Acts of 1937, dispensing with the payment of a poll tax as a legal requirement for voting at said elections.

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

Senator Hodges moved that the rules be waived and the Senate do now take up and consider messages from the House of Representatives.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 6, 1939.

Hon. J. Turner Butler,
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 Building Committee of the 1939 House of Representatives—

House Bill No. 107:

A bill to be entitled An Act transferring and appropriating Funds to pay the cost of completing and furnishing the North Wing of the Senate Capitol and providing for the payment thereof.

And respectfully requests the concurrence of the Senate therein.

Very Respectfully,
BEN H. FUQUA.

Chief Clerk House of Representatives.

And House Bill No. 107 contained in the above message, was read the first time by title only.

Senator Hodges moved that the rules be waived and House Bill No. 107 be read the second time by title only.

Which was agreed to by a two-third vote.

And House Bill No. 107 was read the second time by title only.

Senator Hodges moved that the rules be further waived and House Bill No. 107 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 107 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, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Parrish, Price, Savage, Sharit, Walker, Ward, Whitaker, Wilson—33.

Nays—None.

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

Senator Hodges moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:33 o'clock P. M., until 4:00 o'clock P. M., Monday, April 10, 1939.