

JOURNAL OF THE SENATE

Tuesday, May 2, 1939

The Senate convened at 1:00 o'clock P. M., pursuant to adjournment on Monday, May 1, 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 May 1, 1939, was corrected and as corrected was approved.

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

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

House Memorial No. 3:

Memorial to Congress requesting that the Congress of the United States by some appropriate method give relief to the several counties of the State of Florida for the loss of taxes sustained by counties of Florida in which Federal Agencies have acquired lands, thereby striking same from the tax rolls of said respective counties.

House Memorial No. 5:

Requesting the Congress to Enact Appropriate Legislation to Prohibit the Exportation of Scrap Iron and other materials designed for Armaments to Aggressor Nations who are dominated by Dictators and Militaristic Leaders.

House Memorial No. 6:

Memorial to Congress requesting that the Congress of the United States by appropriate legislation authorize and empower the surplus commodities corporation to purchase, handle, and dispose of sea foods and the products thereof.

House Bill No. 19:

An Act for the Relief of Angelina Samarkos.

House Bill No. 37:

An Act for the relief of Glades County, Florida, and to cancel that certain debt due the State of Florida by the said Glades County for a loan executed under Chapter 11,842, Laws of Florida, Acts of 1927.

House Bill No. 66:

An Act for the relief of Elego Vasiliou Johns.

House Bill No. 67:

An Act for the Relief of Olga Andrea Christodoulou.

House Bill No. 194:

An Act amending Section 5 of Chapter 13761, Laws of Florida, Acts of 1929, entitled, "An Act Repealing Sections 370, 410, 412 of Compiled General Laws, 1927, being same as Sections 313, 353 and 355 of Revised General Statutes, 1920, and amending Sections 356, 359, 361, 386, 387, 400, 401, 405, 406, 407, 408, 409, 411 and 421, Compiled General Laws of Florida, 1927, being Sections 300, 303, 305, 329, 330, 343, 344, 348, 349, 350, 351, 352, 354, and 364, Revised General Statutes of Florida, 1920, relating to Primary Elections providing for a Second Primary Election, abolishing Second Choice voting and relating to the qualification of voters and the registration of voters, and other matters in connection therewith," being Section 387, Compiled General Laws, 1927, by changing to forty-five days the time for candidates for County offices to file their sworn statements and receipts for committee assessments.

House Bill No. 195:

An Act to amend Section 4 of Chapter 13761, Laws of

Florida, Acts of 1929, entitled, "An Act repealing Sections 370, 410, 412 of Compiled General Laws, 1927, being same as Sections 313, 353 and 355 of Revised General Statutes, 1920, and amending Sections 356, 359, 361, 386, 387, 400, 401, 405, 406, 407, 408, 409, 411 and 421, Compiled General Laws of Florida, 1927, being Sections 300, 303, 305, 329, 330, 343, 344, 348, 349, 350, 351, 352, 354 and 364, Revised General Statutes of Florida, 1920, relating to Primary Elections providing for a Second Primary Election, abolishing Second Choice Voting and relating to the qualifications of voters and the registration of voters, and other matters in connection therewith," as amended by Chapter 16990, Laws of Florida, Acts of 1935, entitled, "An Act to amend Section 329 Revised General Statutes as amended by Section 4 of Chapter 13761, Acts 1929, Laws of Florida, relating to time for paying fee and qualifying by candidates for State offices running in primary election," being Section 386, Compiled General Laws of 1927 (Supplement), by changing to Forty-five days the time for candidates for State offices to file their sworn statements and receipts for committee assessments.

House Bill No. 205:

An Act for the relief of M. E. Decker.

House Bill No. 207:

An Act for the relief of Oscar Osteen and Edgar R. Brown

House Bill No. 240:

An Act making an appropriation for the maintenance of the Judah P. Benjamin Memorial in Manatee County, Florida, and compensation of the custodian.

House Bill No. 241:

An Act appropriating moneys for the use and benefit of the Florida National Exhibits, Inc. in connection with the establishment and maintenance of the Florida Exhibit at the New York World Fair.

Have examined the same and find them correctly enrolled.

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

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

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

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

House Bill No. 20:

A bill to be entitled An Act providing for nominations for appointments to the offices of Circuit Judges by a political party in a primary election and providing for the qualifying of candidates therefor.

Have examined the same and find them correctly enrolled.

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

The Bill 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.

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

House Bill No. 20:

A bill to be entitled An Act providing for nominations for appointments to the offices of Circuit Judges by a political party in a primary election and providing for the qualifying of candidates therefor.

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

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

House Memorial No. 3:

Memorial to Congress requesting that the Congress of the United States by some appropriate method give relief to the several counties of the State of Florida for the loss of taxes sustained by Counties of Florida in which Federal Agencies have acquired lands, thereby striking same from the tax rolls of said respective counties.

House Memorial No. 5:

Requesting the Congress to enact appropriate legislation to prohibit the exportation of scrap iron and other materials designed for armaments to aggressor nations who are dominated by dictators and militaristic leaders.

House Memorial No. 6:

Memorial to Congress requesting that the Congress of the United States by appropriate legislation authorize and empower the surplus commodities corporation to purchase, handle, and dispose of Sea Foods and the products thereof.

House Bill No. 19:

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House Bill No. 37:

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House Bill No. 194:

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House Bill No. 195:

A bill to be entitled An Act to amend Section 4 of Chapter 13761, Laws of Florida, Acts of 1929, entitled, "An Act repealing Sections 370, 410, 412, of Compiled General Laws, 1927, being same as Sections 313, 353 and 355 of Revised General Statutes, 1920, and amending Sections 356, 359, 361, 386, 387, 400, 401, 405, 406, 407, 408, 409, 411 and 421, Compiled General Laws of Florida, 1927, being Sections 300, 303, 305, 329, 330, 343, 344, 348, 349, 350, 351, 352, 354 and 364, Revised General Statutes of Florida, 1920, relating to primary elections providing for a second primary election, abolishing second choice voting and relating to the qualification of voters and the registration of voters, and other matters in connection therewith," as amended by Chapter 16990, Laws of Florida, Acts of 1935, entitled, "An Act to amend Section 329 Revised General Statutes as amended by Section 4 of Chapter 13761, Acts of 1929, Laws of Florida, relating to time for paying fee and qualifying by candidates for State offices running in primary election," being Section 386. Com-

piled General Laws of 1927 (Supplement), by changing to forty-five days the time for candidates for state offices to file their sworn statements and receipts for committee assessments.

House Bill No. 205:

A bill to be entitled An Act for the relief of M. E. Decker.

House Bill No. 207:

A bill to be entitled An Act for the relief of Oscar Osteen and Edgar R. Brown.

House Bill No. 240:

A bill to be entitled An Act making an appropriation for the maintenance of the Judah P. Benjamin Memorial in Manatee County, Florida, and compensation of the custodian.

House Bill No. 241:

A bill to be entitled An Act appropriating moneys for the use and benefit of the Florida National Exhibits, Inc., in connection with the establishment and maintenance of the Florida exhibit at the New York World Fair.

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

Senator Adams, Chairman of the Committee on Agriculture and Livestock, reported that the Committee had carefully considered the following Concurrent Resolution, and recommends that the same do pass.

House Concurrent Resolution No. 5:

To form a joint committee to report to the Legislature concerning the necessity of legislation to encourage the use of Florida agricultural products in Florida tax-supported institutions.

And House Concurrent Resolution No. 5, contained in the above report, was placed on the Colendar of Bills on second reading.

Senator Adams, Chairman of the Committee on Agriculture and Livestock, reported that the Committee had carefully considered the following bills and recommends that they do pass.

Senate Bill No. 366:

A bill to be entitled An Act to require the State Board of Veterinary Examiners to issue without examinations the licenses provided for in Chapter 10289, Laws of Florida, Acts of 1925, as amended by Chapter 13891, Laws of Florida, Acts of 1929, to persons who have been veterinary practitioners for five years prior to June 8, 1925.

Senate Bill No. 268:

A bill to be entitled An Act to amend Sections 5 and 6 of Chapter 10289, Laws of Florida, Acts of 1925, as amended by Chapter 13891, Laws of Florida, Acts of 1929, and to amend Sections 4, 8, and 9, of Chapter 10289, Laws of Florida, Acts of 1925, entitled: "An Act to create a State Board of Veterinary Examiners, to prescribe its powers and duties, to prescribe the qualifications of the membership thereof, their compensation and term of office and providing for the giving of bonds by the treasurer thereof for the faithful performance of his duty; to define the practice of veterinary medicine and surgery in Florida; to vest in said board the authority to examine diplomas and credentials and affidavits of applicants and to hold examinations for applicants; to issue and revoke licenses to practice veterinary medicine and surgery; to collect fees for licenses and examinations; to disburse funds accruing to the board from the collection of fees; to provide penalties for the violation of this Act, and providing when this Act shall become effective."

And Senate Bills Nos. 366 and 268, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 390:

A bill to be entitled An Act relating to the reduction of fire hazards on buildings owned and controlled by the State Board of Education, Board of Commissioners of State Institutions or the State Board of Control, and authorizing the State Treasurer to advance surplus funds in the State Fire Insurance Fund for the accomplishment thereof and making appropriations therefor.

And Senate Bill No. 390, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do not pass.

Senate Bill No. 336:

A bill to be entitled An Act authorizing the Florida Board of Forestry to cooperate with the Herty Foundation of Georgia in conducting pulp and paper research and demonstration work applicable to the industrial utilization of softwood and hardwood timber produced in Florida; making an appropriation for such cooperation; and providing for the appointment of a member of the State Board of Directors of said foundation.

And Senate Bill No. 336, contained in the above report, was laid on the table.

Senator Westbrook, Chairman of the Committee on Appropriations, reported that the Committee had carefully considered the following bill and recommends that the same do pass, with Committee amendments:

Senate Bill No. 285:

A bill to be entitled An Act fixing the salary of the Superintendent of the State Prison Farm of the State of Florida.

Which amendment is as follows:

No. 1. In Section 1, line 5, typewritten bill, strike out the words and figures: "Five Thousand (\$5,000.00) Dollars" and insert in lieu thereof the following words and figures: "Thirty-six hundred (\$3600.00) Dollars."

And Senate Bill No. 285, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 189:

A bill to be entitled An Act to establish uniform affidavits for proof of publication of all official public notices or legal advertisements published in newspapers in the State of Florida.

And Senate Bill No. 189, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 500:

A bill to be entitled An Act to providing penalty for persons making and filing for recordation instruments concerning interest in real estate when person making and recording same does not have purported interest in said property evidenced by said instrument.

And Senate Bill No. 500, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass, with Committee amendments:

Senate Bill No. 126:

A bill to be entitled An Act to amend Section 52 of the Compiled General Laws of Florida 1927, relating to the boundaries of Pinellas County, Florida.

Which amendment reads as follows:

No. 1. Strike out Section 1 and in lieu thereof insert:

Section 1. That Section 52, of the Compiled General Laws of Florida 1927 relating to the boundaries of Pinellas County, Florida, be and the same is hereby amended to read as follows:

"52. (50) Pinellas—The County of Pinellas shall comprise and include all the territory described as follows: Commencing on the Gulf of Mexico at the line "dividing townships twenty-six and twenty-seven." south; thence running east along said line to the northeast corner of section one "in township twenty-seven, south, range sixteen east; thence south" to the Old Tampa Bay; thence in a southerly direction through the waters of Old Tampa and Tampa Bay, to a point in Tampa Bay due east of the north shore of Mullet Key; thence due west to a point due north of a point one hundred yards due east from the easternmost point of Mullet Key, thence in a line 100 yards from the shore line around the southern portion of Mullet Key to a point 100 yards west of the westernmost point of Mullet Key, thence due north to a point due west of

the northern shore of Mullet Key, thence west to the Gulf of Mexico and northward along the coast to point of beginning." Provided, however, that nothing herein contained shall now or at any time hereafter in any manner whatsoever repeal, amend, change or disturb in any manner whatsoever the apportionment, allotment, allocation, basis of computation, or other formula wherein and whereby the participation in the gas tax by both counties hereto under and by virtue of paragraph 1 of Section 8 of Chapter 15,859, Acts of Florida 1931, or any law hereafter enacted, is changed so that Hillsborough County would receive a lesser amount and Pinellas County would receive a greater amount of such gas funds or tax by reason of the change of the boundary line herein authorized.

And Senate Bill No. 126, contained in the above report, together with Committee amendment thereto, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 190:

A bill to be entitled An Act relating to taxation; defining special assessments for benefits; prohibiting the levying of taxes against homesteads except for special assessments for benefits; prohibiting the levying of taxes against homesteads for bonds issued prior to adoption of the Homestead Exemption Amendment, under certain conditions; and repealing all laws or parts of laws in conflict with this Act.

And Senate Bill No. 190, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 228:

A bill to be entitled An Act to amend Sections 2908 and 3172, Revised General Statutes of 1920, the same being Sections 4618 and 4964, Compiled General Laws of 1927, relating to writs of error in actions at law and notices of appeal in chancery.

And Senate Bill No. 228, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 243:

A bill to be entitled An Act amending Section 6122 Revised General Statutes of Florida, 1920, being Section 8427 Compiled General Laws of Florida, 1927, the same being the law providing for a ninety day fine and cost bond and for execution thereon upon default, by adding thereto a provision for arrest upon original commitment and for the payment of fees to sheriff.

And Senate Bill No. 243, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 240:

A bill to be entitled An Act repealing Section 2611, Revised General Statutes of Florida, 1920, being Section 4275, Compiled General Statutes of Florida, 1927, relating to service or execution on Sunday of any writ, process or warrant, order, judgment or decree.

And Senate Bill No. 240, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 238:

A bill to be entitled An Act to amend Section 6027 Revised General Statutes of Florida, 1920, being Section 8321, Compiled General Statutes of Florida, 1927, relating to the force and effect of criminal warrants in the various counties of the State by eliminating the requirement of endorsement by a judge or justice of the peace.

And Senate Bill No. 238, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 160:

A bill to be entitled An Act relating to damage to property by automobiles, trucks and other motor vehicles, requiring the owner or operator thereof to give notice of said luggage, together with his name and address and the name and address of the owner, and prescribing penalties for failure to do so.

And Senate Bill No. 160, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 34:

A bill to be entitled An Act to name a system of plane coordinates and to establish three divisions or zones of such coordinates in the State of Florida, and to legalize the use of these coordinate systems by the State of Florida and its political subdivisions.

And Senate Bill No. 34, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 353:

A bill to be entitled An Act relating to the grounds for divorce; adding additional grounds for divorce, and repealing all laws in conflict herewith.

And Senate Bill No. 353, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kelly (11th), Chairman of the Committee on Judiciary "A," reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 339:

A bill to be entitled An Act prohibiting the courts of this State from entering final judgments or decrees in cases where legal advertisements or publications have been necessary or employed therein, until proof of the payment for the publication of the same shall be furnished such courts; permitting newspapers to withhold proofs of publication of official notices and legal advertisement until the charge therefor is paid and providing that the filing thereof shall be proof that the charge therefor has been paid in full.

And Senate Bill No. 339, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bill and recommends that the same do pass, with Committee amendments:

Senate Bill No. 279:

A bill to be entitled An Act to provide for the regulation, supervision and control of the production, processing, bottling, transportation, storage, distribution and sale of milk, cream and milk products, including regulation of prices, and for this purpose to create a Milk Commission, defining its jurisdiction, powers and duties; to declare that an emergency exists and is continuing; to provide for the appointment, suspension, removal, compensation, costs and expenses of such commission and the members thereof, officers, agents, administrators and employees thereof; to provide for licensing of producers, producer-distributors, distributors and milk dealers; to provide for the raising of funds through license fees and other charges for the administration of this Act; to provide for the disposition of the revenue collected hereunder, and to impose penalties for violation of the provisions of this Act; to provide for the legal succession by this commission herein created of the milk board established by Chapter 18,022, Laws of Florida, Acts of 1937.

Which amendments are as follows:

No. 1: That Section 24 be amended to read as follows:

SECTION 24. Upon this Act taking effect, the present Milk Board created under Chapter 18022 of the Acts of the Florida Legislature of 1937 shall be and the same is hereby abolished and such Act creating the same is hereby repealed. Provided, however, that notwithstanding any provisions herein to the contrary that no tax due and owing to the Board

under and by virtue of the provisions of Chapter 18022 of the Acts of the Florida Legislature of 1937 are abolished hereby, but such tax shall be due to and collected by the Commission created hereunder and such Commission shall have the same powers and duties in respect thereto as were contained in the said Chapter 18022 of the Acts of the Florida Legislature of 1937. And providing further that all obligations lawfully incurred and now due or to become due prior to the effective date of this Act shall be paid out of any funds now held, by the Board created under Chapter 18022 of the Acts of the Florida Legislature of 1937, and should there be insufficient funds with which to pay said obligations in full, the Commission created hereunder shall pay the same out of any funds coming into its hands either from taxes due to the said Board and collected by the Commission created hereunder or from any taxes collected under the provisions of this Act; and the executive officers of the Milk Control Board created under Chapter 18022 of the Acts of the Florida Legislature of 1937 are hereby directed to turn over all records, supplies and funds in the legal possession of said Board of the Milk Commission herein created for the use of such Commission in the administration of this Act. Any funds received herefrom shall be deposited to their credit in the same manner as license fees hereunder and are hereby appropriated for the use of the Commission hereof. All orders, rules and regulations of said Milk Control Board created by Chapter 18022 of the Acts of the Florida Legislature of 1937 shall continue until otherwise changed, modified or vacated by the Commission herein created.

No. 2. Section 3, line 20, page 5: After the word "Florida" insert the following:

Provided, that in order to insure rotation in office the first members named hereunder shall be appointed for the following terms of office:

One member engaged in the business of producer-distributor as described herein shall be appointed for the period of four years.

One member engaged in the business of distributor as described herein shall be appointed for a term of three years.

One member engaged in the business of producer as described herein shall be appointed for a term of two years.

One member, a citizen not connected with the milk industry other than as a consumer of milk products shall be appointed for a term of one year.

And the other member of the Board, the Administrator, shall be appointed for a term of two years.

No. 3: Section 3, page 5, line 8: Strike out all of line 8, and insert in lieu thereof the following:

And three members of the milk industry, (4) one a producer as

No. 4: Section 3, line 11, page 5: After the word "Commission" insert the following:

Except the Administrator

No. 5: Section 3, line 10, page 5: Strike out the word "Two," and insert in lieu thereof the following:

One

No. 6: Section 3 line 21, page 5: After the word "Florida" insert the following:

After all members of the Commission have been appointed and legally qualified, the members thereof shall promptly meet and organize by choosing a Chairman and Secretary from its members, to serve for terms of one year, and shall thereafter conduct its executive organization in a parliamentary manner.

No. 7: Section 3, line 6, page 5: After the word "Health" insert the following:

And the Commissioner of Agriculture or some employee of the Department of Agriculture.

And Senate Bill No. 279, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 149:

A bill to be entitled An Act providing for the incorporation, licensing and regulation of corporations not for profit for the purpose of operating non-profit hospital service plans, exempting such corporations from all other provisions of the insurance laws of the State of Florida, providing penalties

for the violation of the provisions of this Act, and repealing all laws in conflict therewith.

Senate Bill No. 455:

A bill to be entitled An Act to amend Chapter 5931 Acts of the Legislature of 1909, being "An Act to authorize the State Board of Health to adopt, promulgate and enforce rules and regulations for the betterment and protection of the public health of the State of Florida."

Senate Bill No. 456:

A bill to be entitled An Act to amend Section 1, Chapter 12289, Acts of the Legislature of 1927, being a bill entitled "An Act providing for the supervision and control of the State Board of Health over all water supply, sewerage, sewage, waste and refuse disposal system in the State, insofar as their sanitary and physical condition affect the public health and providing penalties for the violation of this Act."

And Senate Bills Nos. 149, 455 and 456, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Dame, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 355:

A bill to be entitled An Act to provide for the adoption and enforcement of agreements as to minimum prices and maximum hours in the practice of the occupation of barbering as now defined by law; to vest the barber's sanitary commission with jurisdiction to hear and adjust controversies arising among members and organizations of the barber occupation, and to approve and enforce agreements fixing minimum prices for barber service and establishing opening and closing hours for barber shops or barber schools or colleges, to prescribe territorial units for voting upon each agreement as to hours and prices; to prescribe additional powers and duties of the barber's sanitary commission; to declare the public safety of this state relating to the practice of the occupation of barbering and to declare such occupations as being affected with a public interest; to provide penalties for the violation of this Act; and for other purposes.

Senate Bill No. 356:

A bill to be entitled An Act defining the practice of barbering and requiring a license or certificate of registration as a condition precedent to any persons practicing barbering or acting as an apprentice barber and prescribing the terms and conditions upon which licenses or certificates of registration may be issued to any person to practice barbering or act as an apprentice barber in the State of Florida; creating the Barbers' Sanitary Commission and defining and declaring its powers and duties; regulating the practice of barbering or acting as apprentice barber by those licenses hereunder; regulating the operation of barber 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 barbering act as apprentice barber or teach in barber 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; repealing conflicting laws and transferring to the General Revenue Fund of the State of Florida all money in the special fund known as "State Board of Barber Examiners Fund" and appropriating certain monies for the administration of this Act.

And Senate Bills Nos. 355 and 356, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Parker, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following bills and recommends that they do pass:

Senate Bill No. 45:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Hillsborough and Pinellas Counties extending across Tampa Bay.

Senate Bill No. 225:

A bill to be entitled An Act to designate and establish certain roads in Orange County as State Roads.

Senate Bill No. 235:

A bill to be entitled An Act to designate and provide for the

completion and maintenance of a State Road from the point on Road (10), where intersected by Road No. (175), to the Apalachicola Bay and the Gulf of Mexico, said road to be and to be known as a part of Road No. (175), of the Highway System of the State of Florida.

Senate Bill No. 247:

A bill to be entitled An Act designating and establishing a State Road to be known as State Road 8-A, extending from State Road 2 at Leesburg via Haines City, Avon Park, Moore Haven to Clewiston

Senate Bill No. 293:

A bill to be entitled An Act authorizing and directing the State Road Department of the State of Florida to procure an all-Florida Moving Picture for showing as part of the Florida Exhibit at the New York World's Fair and at such other places and times as the State Road Department or any other department or agency of the Government of the State of Florida may provide, and authorizing the expenditure by the State Road Department of the monies necessary to secure such Moving Picture.

Senate Bill No. 310:

A bill to be entitled An Act to amend Section 11, Chapter 14764, Laws of Florida, Acts of 1931, being Section 1335 (11) Compiled General Laws of Florida, 1927 (Supplement thereto), relating to vehicles operated by auto transportation companies and prescribing the maximum size and weight of such vehicles and the distribution thereof and safety devices required.

Senate Bill No. 320:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Lafayette and Dixie Counties, Florida.

Senate Bill No. 363:

A bill to be entitled An Act to declare, designate and establish a certain State Road.

Senate Bill No. 365:

A bill to be entitled An Act to extend State Road No. 61 as designated in Chapter 10269 Laws of Florida of 1925.

And Senate Bills Nos. 45, 225, 235, 247, 293, 310, 320, 363 and 365, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Parker, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following bills and recommends that they do pass.

Senate Bill No. 382:

A bill to be entitled An Act to designate and establish Certain State Roads in Baker County.

Senate Bill No. 383:

A bill to be entitled An Act to amend Section 1 of Chapter 13826, Acts of 1929, entitled "An Act to Declare, designate and establish a certain State Road in Baker County, Florida."

Senate Bill No. 384:

A bill to be entitled An Act to extend State Road 154 in Baker County.

Senate Bill No. 464:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Alachua County.

Senate Bill No. 471:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Lake County.

Senate Bill No. 481:

A bill to be entitled An Act to declare, designate and establish a certain State Road.

Senate Bill No. 483:

A bill to be entitled An Act to amend Section 1 of Chapter 18233, Acts of 1937, entitled "An Act to re-designate State Road No. 165 as heretofore designated and to repeal Chapter 17330, Acts of 1935."

Senate Bill No. 493:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Lake County.

Senate Bill No. 494:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Lake County.

Senate Bill No. 495:

A bill to be entitled An Act to declare, designate and establish a certain State Road in Lake County.

And Senate Bills, Nos. 382, 383, 384, 464, 471, 481, 483, 493, 494 and 495, contained in the above report, were placed on the Calendar of Bills on second reading.

Senator Parker, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following bill:

Senate Bill No. 361:

A bill to be entitled "An Act to Declare and Establish a Certain State Road," and recommend that the following Committee Substitute therefor do pass: A bill to be entitled An Act to Declare and Establish a Certain a Road.

And Senate Bill No. 361, together with Committee Substitute therefor, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Parker, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following bills and recommends that they do not pass.

Senate Bill No. 202:

A bill to be entitled An Act relating to streets and roads, or portions thereof, viaducts and bridges, located in cities and villages and which furnish connections between and extensions of State Roads in the State Highway System; declaring such as have been constructed at the cost of cities and villages serve a State purpose; providing for their designation by the State Road Department; authorizing and requiring the State Road Department to provide and take over under its supervision and control the maintenance, repair, construction and reconstruction of same, and empowering it to contract with cities and villages and federal agencies of the United States with reference to same, and authorizing it to exercise certain powers over same; and repealing all laws in conflict herewith.

Senate Bill No. 307:

A bill to be entitled An Act amending Chapter 10188, Laws of Florida, 1925 being "An Act to regulate the operation of motor driven and other vehicles on the Public Highways of the State of Florida and to provide for the enforcement and punishment for the violation of this Act" and providing a maximum speed for motor vehicles.

And Senate Bills Nos. 202 and 307, contained in the above report, were laid on the table.

Senator Hodges, Chairman of the Committee on Public Utilities, reported that the Committee had carefully considered the following bill and recommends that the same do pass, with Committee amendments—

Senate Bill No. 322:

A bill to be entitled An Act for safeguarding persons and property and promoting the welfare of the public; creating an electrical administrative board of the State of Florida and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for statewide inspection of installations of electrical equipment and providing for fees for such inspection; providing for the appointment of electrical inspectors for carrying out the provisions of this Act and prescribing their qualifications, duties, rights, and authority; making it unlawful to undertake or perform the installation, alteration or maintenance of electrical equipment without first securing a permit therefor, except as otherwise provided; making it unlawful to supply current to an installation of electrical equipment without a connection permit; providing for the examination and licensing by the electrical administrative board of persons engaged in the business of electrical contracting or electrical maintenance work, master electricians and journeyman electricians employed in the work of installing, maintaining, altering or repairing electrical equipment and providing for fees for such licenses; making it unlawful to undertake or perform the installation or maintenance of electrical equipment without a license except as otherwise provided; providing for the disposition of fees; providing penalties for the

violation of this Act; and repealing all statutes and parts of statutes in conflict with this Act.

Which amendments read as follows:

No. 1.

By Senator Whitaker—

Strike out section 24, and insert the following "Section 24. Continuance of Municipal Licensing Provisions. Municipalities desiring to continue existing ordinances for licensing of electrical contractors, master electricians, maintenance electricians or journeyman electricians to undertake or perform the work of installing, maintaining, altering or repairing of electrical equipment within the municipality, may do so by notifying the Board of such intention within ninety (90) days after this Act shall become effective. Such licensing requirements shall be in addition to those specified in this Act, and no municipality not having an existing licensing ordinance at the time when this Act goes into effect shall thereafter require any license in addition to the State licenses provided for in this Act."

No. 2.

By the Committee on Public Utilities—

In Section 1, line 10, after the word "distribution" add "or metering."

No. 3.

By the Committee on Public Utilities—

In Section 1, line 10, strike out the word "or."

No. 4.

By the Committee on Public Utilities—

In Section 1, line 14, strike out the word: "Sole."

No. 5.

By the Committee on Public Utilities—

In Section 1, line 13, strike out the word: "Exclusively."

No. 6.

By the Committee on Public Utilities—

In Section 1, add: Any owner or leasee of any property, building or equipment may make installations, or repairs or alterations to any electrical equipment or machines either himself or by his employees so long as the work complies with the minimum standards of the National Electrical Code as recommended by the National Fire Protection Association.

No. 7.

By the Committee on Public Utilities—

In Section 9, line 20: After the word "conductor", add "within such building or structure or upon such premises". Insert after word "any" the word "service".

No. 8.

By the Committee on Public Utilities—

In Section 2, line 9, strike out the period after the word "City", and insert in lieu thereof the following: And two members shall be appointed as representatives of the public, one of whom shall be a representative of the commercial consumers and one a representative of domestic consumers.

No. 9.

By the Committee on Public Utilities—

In Section 6, line 14, After the word "distribution" and "or metering."

No. 10.

By the Committee on Public Utilities—

In Section 6, line 14, strike out the first "or".

No. 11.

By the Committee on Public Utilities—

In Section 5, line 10, After word "association," strike the period and add a comma and add "provided, however, that the Board is authorized and empowered to prescribe and publish standards permitting trial installments of new wiring methods, materials and devices prior to their inclusion or being contained in the National Electrical Code."

And Senate Bill No. 322, contained in the above report, together with Committee Amendments thereto, was placed on the Calendar of Bills on second reading.

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

Your Committee on Engrossed Bills, to whom was referred (with amendments) after third reading.

Senate Bill No. 54:

A bill to be entitled An Act providing for the Creation of a Fireman's relief and pension fund in certain cities and towns of the State of Florida not now having an established similar fund; creating a Board of Trustees and such municipalities to administer the fund; designating the powers and duties of such boards; prescribing who shall receive a pension or relief out of the newly created pension funds; authorizing certain cities and towns to levy and impose an excise or license tax on the gross receipts of certain insurance companies on all premiums collected on fire and tornado insurance policies covering property within such cities and towns; requiring a certified copy of the ordinance imposing such tax to be deposited with the State Comptroller and Treasurer; providing that such tax when imposed and paid shall be credited on the State tax imposed on such insurance premiums; creating a special fund for the reception of such taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and prescribing the duties of certain officials, including the State Treasurer as treasurer and insurance commissioner, with reference thereto; requiring certain insurers to make annual reports to the State Treasurer and repealing all laws in conflict with this law.

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

And Senate Bill No. 54, contained in the above report, was certified to the House of Representatives.

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

Your Committee on Engrossed Bills, to whom was referred (with amendments) after third reading.

Senate Bill No. 100:

A bill to be entitled An Act granting permission of the State of Florida and all subdivisions and agencies thereof, and all tax districts, counties and municipalities to sue such governmental agencies for the recovery of illegally collected taxes, defining illegally collected taxes; providing the time within which such suits may be brought, declaring certain rules for the construction of this Act, and providing that illegally collected taxes may be by such tax payers recovered from such governmental agencies whenever the same, for any reason has been declared illegal within the meaning of this Act by the Supreme Court of the State of Florida and other courts of competent jurisdiction: limiting the defenses of such governmental agencies in such suits, and providing for a continuing appropriation to pay for all claims for such illegally collected taxes.

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

And Senate Bill No. 100, contained in the above report, was placed on the Calendar of Bills, pending roll call.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 528:

A bill to be entitled An Act amending Section 5987, Revised General Statutes of Florida, 1920, relating to the compensation of the Prosecuting Attorney of the County Court.

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

By Senator Beacham—

Senate Bill No. 529:

A bill to be entitled An Act to provide for registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in Counties in the State of Florida having a population of not less than 53100 and not more than 53,300 inhabitants according to the 1935 State census; fixing the time when registration books in each of said counties shall be kept open for purpose of such registration and prescribing the duties of registration officers in connection therewith.

The following proof of publication was attached to Senate Bill No. 529 when it was introduced in the Senate:

NOTICE OF INTENTION TO APPLY FOR LOCAL OR SPECIAL LEGISLATION

NOTICE IS HEREBY GIVEN that application will be made

to the Legislature of the State of Florida at its 1939 session for passage of a local or special act providing for re-registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in counties in the State of Florida having a population of not less than 53,100 and not more than 53,300 inhabitants according to the 1935 state census; fixing the time when registration books in each of said counties shall be kept open for purpose of such re-registration and prescribing the duties of registration officers in connection therewith.

This notice has been ordered published by the Board of County Commissioners of Palm Beach County, Florida, in the Palm Beach Post, West Palm Beach, Florida, one time at least thirty days before the introduction of the proposed law in the Legislature.

A. A. POSTON,

Chairman, Board of County Commissioners, Palm Beach County, Florida.

HARRY J. JOHNSTON,

County Attorney

Publish: March 18, 1939

COUNTY OF PALM BEACH—

BEFORE ME, the undersigned authority, personally appeared Don Morris, Editor of The Palm Beach Post, who, on oath, does solemnly swear (or affirm) that he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to: Re-registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in counties in the State of Florida having a population of not less than 53,100 and not more than 53,300 inhabitants according to the 1935 State Census: has been published at least thirty (30) days prior to this date by being printed in the issue of March 18, 1939, of the Palm Beach Post, a newspaper published in Palm Beach County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

DON MORRIS.

Sworn to and subscribed before me this 25th day of April, A. D. 1939.

(SEAL)

W. A. HENDRY,

Notary Public State of Florida at Large.

My commission expires July 6, 1941.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 529 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 529 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 529 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. 529 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 Senator Sharit—

Senate Bill No. 530:

A bill to be entitled An Act authorizing and directing the State Motor Vehicle Commissioner to purchase and install a passenger elevator in the Martin Department Building, and making appropriation therefor.

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

By Senator Coulter—

Senate Bill No. 531:

A bill to be entitled An Act re-designating and re-establish-

ing a portion of State Road Number Seventy-seven in Levy and Gilchrist Counties.

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

By Senator Horne—
Senate Bill No. 532:

A bill to be entitled An Act fixing and determining the salaries, compensation and traveling expenses of the members of the Board of Public Instruction for counties of the State of Florida having a population of not less than 17,000, nor more than 17,500, according to the last State census.

Which was read the first time by title only.

Senator Horne moved that the rules be waived and Senate Bill No. 532 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 532 was read the second time by title only.

Senator Horne moved that the rules be further waived and Senate Bill No. 532 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. 532 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 Senator Horne (By Request)—
Senate Bill No. 533:

A bill to be entitled An Act providing penalty for persons making and filing for recordation instruments concerning interest in real estate when person making and recording same does not have purported interest in said property evidenced by said instrument.

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

By Senator Dame—
Senate Bill No. 534:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senator Dame—
Senate Bill No. 535:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senator Dame—
Senate Bill No. 536:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senator Dame—
Senate Bill No. 537:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senator Dame—
Senate Bill No. 538:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senator Dame—
Senate Bill No. 539:

A bill to be entitled An Act to declare, designate, and establish a certain State Road in Citrus County.

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

By Senators Kelly (16th), Horne and Dame—
Senate Bill No. 540:

A bill to be entitled An Act to repeal Chapter 8590, Laws of Florida, 1921, entitled: "An Act to restrict aliens and non-residents in taking or catching shrimp and prawn for commercial purposes in the waters of the Atlantic Coast within the jurisdiction of the State of Florida, and to prescribe penalties for violating or aiding in the violation or evasion of such restrictions," being Section 1854 to 1859 inclusive and Sections 8067 to 8069 inclusive, Compiled General Laws of 1927.

Which was read the first time by title only.

Senator Kelly (16th) moved that Senate Bill No. 540 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

By Senator Kelly (11th)—
Senate Bill No. 541:

A bill to be entitled An Act to amend Section 1 of Chapter 17976, Acts of 1937 entitled An Act relating to the guardianship of weak-minded and physically incapacitated persons by the appointment of a curator to take charge of their property, and, if necessary, a guardian to take charge of their person prescribing the form of petition, notice of hearing and procedure with reference to making said appointment, powers and duties of curator and guardian, discharge of curator and of guardian, appointed under the provisions of this Act, effect of the decree of appointment and provisions for safeguarding the property interests of said weak-minded or physically incapacitated persons.

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

By Senators Hodges, Whitaker, Adams, Horne and Westbrook—

Senate Bill No. 542:

A bill to be entitled An Act to repeal Chapter 18152, Laws of Florida, 1937, being An Act entitled, "An Act to authorize and empower the State Live Stock Sanitary Board to indemnify the owners of animals that have reacted to the tuberculin test or bang disease blood test and have been condemned or destroyed, and to make appropriation for the carrying out of the provisions of this Act."

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

By Senator Beacham—
Senate Bill No. 543:

A bill to be entitled An Act to amend second paragraph of Section 9, of Chapter 17276, Laws of Florida, Acts of 1935, being An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 9, 9B, 16, 18 and 21, of Chapter 14832, Laws of Florida, Acts of 1931, being "An Act to provide for a State Racing Commission; to prescribe its powers and duties and to fix the compensation of its members; to provide for the holding of referendum and recall elections in any County; to determine whether racing shall be permitted or continued therein; to provide for licensing and taxing such racing, and apportioning the monies derived therefrom among the several counties of the State; to provide for and regulate the making of parimutuel pools within the enclosure of licensed race track; providing certain penalties for the violation of this Act, and for other purposes relating thereto" by providing that eighty-five percent of the employees of racing plants, and of the concessions and businesses incidental thereto, shall be bona fide residents and citizens of the State of Florida.

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

By Senator Beacham—
Senate Bill No. 544:

A bill to be entitled An Act granting to the Board of Ad-

ministration created by Chapter 14486, Laws of Florida, Acts of 1929, additional authority and powers with reference to the sale and reinvestment of securities or other evidences of indebtedness held to the credit of funds being administered by said Board, to the credit of County or Counties having a population of not less than 53,000 nor more than 65,000, according to the last preceding State or Federal census, or any special road and bridge district therein; and granting to said Board of Administration authority and power to accept refunding obligations, with authority to make concessions and compromises in regard thereto and providing the conditions under which the same may be done; granting to said Board of Administration authority and power to transfer either by sale or exchange obligations in any fund to another fund so as to result in a particular fund's acquiring its own obligations; granting to said Board of Administration authority and power to transfer surplus from one fund to another; and providing for the advice, consent, and approval to the exercise of the authority and powers herein granted of the Board of County Commissioners or other governing authority of the unit affected.

The following proof of publication was attached to Senate Bill No. 544 when it was introduced in the Senate:

**NOTICE OF INTENTION TO APPLY FOR LOCAL
OR SPECIAL LEGISLATION**

Notice is hereby given that application will be made to the Legislature of the State of Florida at its 1939 session for passage of an act granting to the Board of Administration Created by Chapter 14486, Laws of Florida, Acts of 1929, additional authority and powers with reference to the sale and reinvestment of securities or other evidences of indebtedness held to the credit of funds being administered by said Board, to the credit of county or counties having a population of not less than 53,000 nor more than 65,000, according to the last preceding State or Federal census, or any special road and bridge district therein; and granting to said Board of Administration authority and power to accept refunding obligations, with authority to make concessions and compromises in regard thereto and providing the conditions under which the same may be done; granting to said Board of Administration authority and power to transfer either by sale or exchange obligations in any fund to another fund so as to result in a particular fund's acquiring its own obligations; granting to said Board of Administration authority and power to transfer surplus from one fund to another; and providing for the advice, consent, and approval to the exercise of the authority and powers herein granted of the Board of County Commissioners or other governing authority of the unit affected.

This notice has been ordered published by the Board of County Commissioners of Palm Beach County, Florida, in the Palm Beach Post, West Palm Beach, Florida, one time at least thirty days before the introduction of the proposed law in the Legislature.

A. A. POSTON,

Chairman, Board of County Commissioners,
Palm Beach County, Florida.

HARRY A. JOHNSTON,

County Attorney.
Publish: March 18, 1939.

STATE OF FLORIDA,
COUNTY OF PALM BEACH.

Before me, the undersigned authority, personally appeared Don Morris, Editor of The Palm Beach Post, who, on oath, does solemnly swear (or affirm) that he has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to: granting to the Board of Administration additional authority and powers with reference to exchange, etc. of bonds; has been published at least thirty (30) days prior to this date by being printed in the issue of March 18, 1939, of the Palm Beach Post, a newspaper published in Palm Beach County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

DON MORRIS.

Sworn to and subscribed before me this 25th day of April,
A. D. 1939.

(Seal)

W. A. HENDRY,
Notary Public, State of Florida at Large
My Commission Expires July 6, 1941.

Which was read the first time by title only.

Senator Beacham moved that the rules be waived and Senate Bill No. 544 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 544 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 544 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. 544 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 Senators Adams, Dame, Kelly (11th), Savage, Holland, Kanner, Beacham and Graham—

Senate Bill No. 545:

A bill to be entitled An Act to provide a reasonable employment preference in public employment for honorably discharged war veterans who are citizens of the State of Florida and who have served in the armed forces of the nation in any war in which the United States shall have been engaged.

Which was read the first time by title only and referred to the Committee on Military Affairs.

By Senator Kendrick—

Senate Bill No. 546:

A bill to be entitled An Act providing for the acceptance by the State Board of Education of title to tract of land near St. Augustine, St. Johns County, Florida, for the purpose of the establishment at a later date of a school for colored persons to be known as the East Florida Industrial School and setting forth the conditions of such acceptance of title.

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

By Senators Johns and Horne—

Senate Bill No. 547:

A bill to be entitled An Act prohibiting any fraternal benefit society, from entering into any contract of insurance or issuing any benefit certificates to its members in which its membership is divided in divisions and classes and in which provision is made for the payment of benefits to any members of a division and class upon the death of a member in the same division and class.

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

By Senator Dame—

Senate Bill No. 548:

A bill to be entitled An Act regulating the sale and distribution of certain poisons and poisonous substances, and prescribing penalties for the violation thereof.

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

By Senator Beacham—

Senate Bill No. 549:

A bill to be entitled An Act to provide for the sale of unclaimed articles and other chattel property covered by liens of hotelkeepers and others.

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

By Senator Beacham—

Senate Bill No. 550:

A bill to be entitled An Act to punish frauds on hotelkeepers and others.

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

By Senator Beacham—
Senate Bill No. 551:

A bill to be entitled An Act to punish standing or walking, or hiring another to stand or walk, in a public street or highway to distribute advertising information to any vehicle or occupant thereof, or to solicit from or sell to any such occupant, and to provide a penalty for the violation of this Act.

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

By Senator Beacham—
Senate Bill No. 552:

A bill to be entitled An Act to provide for the punishment of anyone who makes any false statement or false representation concerning any hotel, apartment hotel, inn, apartment house, boarding house, or lodging house with the intention of inducing any other person to become a guest of the same. Providing further any person operating a hotel who shall pay a person any compensation for the diverting and fraud or other misrepresentation to respective patrons of given hotel, apartment hotel, inn, apartment house, boarding house, or lodging house to any other hotel, apartment hotel, inn, apartment house, boarding house, or lodging house and providing for penalties for the violation of this Act.

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

By Senator Beacham—
Senate Bill No. 553:

A bill to be entitled An Act to amend Section 33 of Chapter 16042, Laws of Florida, Acts of 1933, entitled, "An Act relating to hotels, inns, restaurants, apartment houses and public lodging houses, defining the same and prescribing rules for their operation and maintenance, so as to insure the safety and health of employees and patrons of the same: providing for the inspection thereof, fees for same, and fixing fine and penalties for violation of such rules and regulations: and repealing all laws and parts of laws in conflict herewith."

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

By Senator Beacham—
Senate Bill No. 554:

A bill to be entitled An Act to define and regulate the lien of hotelkeepers and others.

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

By Senator Beacham—
Senate Bill No. 555:

A bill to be entitled An Act to provide for the eviction of guests from hotels, boarding houses and lodging houses because of the non-payment of money due, and to provide the procedure therefor, and further to provide for the computation and assessment of the costs of such procedure.

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

By Senator Beacham—
Senate Bill No. 556:

A bill to be entitled An Act to regulate the liability of hotelkeepers to guests for loss of property.

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

By Senator Beacham—
Senate Bill No. 557:

A bill to be entitled An Act to punish the passing of checks or drafts on any bank or other depository herein the person making such check or draft shall not have sufficient funds or a credit for the payment of the same, and to provide for certain rules of evidence relating thereto, and to provide a penalty for the violation of this Act.

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

By Senator Savage—
Senate Bill No. 558:

A bill to be entitled An Act providing that no person shall be elected to the office of Mayor of the City of Ocala or to the office of City Councilmen of the City of Ocala who shall not have received a majority of the qualified votes cast at any election for such office; providing for the holding of such additional election or elections as may be necessary in the event that any such candidate or candidates do not receive such majority votes at any election; providing that in the case elections for City Councilmen there shall be as many groups as there are vacancies to be filled, and each candidate shall designate or in the event of nomination by petition or otherwise the nominating petition or other method of nomination shall designate the group in which such candidate for such office shall run; providing that in the event no such candidate receives a majority at any such election, that then and in that event the two candidates who received the highest number of votes of the qualified electors cast at such election for such office shall be voted upon at any ensuing election or elections to be called by the Mayor until a candidate for such office does receive a majority of the qualified votes cast at any such subsequent election or elections; providing that if any such candidate who is entitled to be voted upon at such ensuing election shall withdraw, die, or become disqualified prior to the holding thereof, that then the candidate who received the third highest number of qualified votes at the first election for such office shall be substituted for such candidate so dying, withdrawing or becoming disqualified and shall be voted upon at such subsequent election or elections; and providing that all electors who were qualified to vote at the first election shall be qualified to vote at such subsequent election or elections; that the inspectors and clerks for such first election shall be the inspectors and clerks for all such subsequent elections, but that if any such inspector or clerk fail or refuse to act at such subsequent election the Mayor of the City of Ocala shall be authorized to appoint such inspectors or clerks for such subsequent election or elections as may be necessary due to such failure or refusal to act; and providing that all subsequent elections shall be held and conducted in substantially the same manner as the first election and the returns thereof canvassed in the same manner as the returns of the first election; and providing that ballots for such subsequent elections shall be printed and shall bear the name of the two candidates for such office who received the highest number of qualified votes therefor at the first election, and that in the event of the death, disqualification or withdrawal of any one of such candidates, notice to that effect shall be posted conspicuously at the voting places, and the name of the candidate for any such office who received the third largest number of votes therefor at the first election may be written in and voted for by those of the electors who choose to do so; and providing that should it develop that only one of the three candidates for any such office who received the highest number of qualified votes therefor at the first election therefor, will be a candidate therefor at any subsequent election herein provided, then such subsequent election shall not be held but a special election shall be held for the purpose of electing such officer; which said special election shall be called, held and conducted in all respects as if a vacancy had occurred in such office and any qualified persons desiring to become a candidate for such office and who shall comply with all valid city ordinances and laws in regard thereto may become a candidate therefor at such special election; repealing all laws and parts of laws in conflict with the provisions of this Act; and providing that this Act shall go into effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

The following proof of publication was attached to Senate Bill No. 558 when it was introduced in the Senate:

PROOF OF PUBLICATION

STATE OF FLORIDA,
COUNTY OF MARION) S.S.

Affidavit of Adele Bittinger of Star Publishing Company, Publishers of the Ocala Evening Star.

On this day personally appeared before me Adele Bittinger, to me well known, who, being by me first duly sworn, deposes and says: That she is the Business Manager of the Star Publishing Company, Publishers of the Ocala Evening Star, a daily newspaper published in said County of Marion, State of Florida, at Ocala, Florida:

That the attached Notice of Legislative Action for election of councilmen of M. C. Izlar—Mayor City of Ocala was published in said newspaper, to-wit: The Ocala Evening Star, in its issues March 9, 16, 23, 30, April 6, 1939: that the said Ocala Evening Star is a daily newspaper published at Ocala, Marion County, Florida; that the said newspaper has heretofore been continuously published in said Marion County, Florida, once each day, Sundays excepted, and has been entered and mailed as second class matter at the post office in Ocala, Florida, for a period of one year next preceding the first insertion of the attached notice of publication; that the said Ocala Evening Star is a newspaper of general circulation in Marion County, Florida.

(Signed) ADELE BITTINGER.

Sworn to and subscribed before me this 26th day of April, A. D. 1939.

(Signed) L. T. IZLAR,
Notary Public.
My Commission expires 1/2/42.

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the undersigned will apply to the Legislature of the State of Florida at Tallahassee, Florida, at the 1939 session thereof for the passage of the local and special Act applying to the City of Ocala in Marion County, Florida; which said Act is in the words and figures following:

A bill to be entitled An Act providing that no person shall be elected to the office of Mayor of the City of Ocala or to the office of City Councilman of the City of Ocala who shall not have received a majority of the qualified votes cast at any election for such office; providing for the holding of such additional election or elections as may be necessary in the event that any such candidate or candidates do not receive such majority votes at any election; providing that in the event no such candidate receives a majority at any such election, that then and in that event the two candidates who received the highest number of votes of the qualified electors cast at such election for such office shall be voted upon at an ensuing election or elections to be called by the Mayor until a candidate for such office does receive a majority of the qualified votes cast at any such subsequent election or elections; providing that if any such candidate who is entitled to be voted upon at such ensuing election shall withdraw, die, or become disqualified prior to the holding thereof, that then the candidate who received the third highest number of qualified votes at the first election for such office shall be substituted for such candidate so dying, withdrawing or becoming disqualified and shall be voted upon at such subsequent election or elections.

Providing that all electors who were qualified to vote at the first election shall be qualified to vote at such subsequent election or elections; that the inspectors and clerks for such first election shall be the inspectors and clerks for all such subsequent elections, but that if any such inspector or clerk fail or refuse to act at such subsequent election the Mayor of the City of Ocala shall be authorized to appoint such inspector or clerks for such subsequent election or elections as may be necessary due to such failure or refusal to act. That all subsequent elections shall be held and conducted in substantially the same manner as the first election and the returns thereof canvassed in the same manner as the returns of the first election. That ballots for such subsequent elections shall be printed and shall bear the name of the two candidates for such office who received the highest number of qualified votes therefor at the first election, and that in the event of the death, disqualification or withdrawal of any one of such candidates, notice to that effect shall be posted conspicuously at the voting places, and the name of the candidate for any such office who received the third largest number of votes therefor at the first election may be written in and voted for by those of the electors who choose to do so. Should it develop that only one of the three candidates for any such office who received the highest number of qualified votes therefor at the first election therefor, will be a candidate therefor at any subsequent election herein provided, then such subsequent election shall not be held but a special election shall be held for the purpose of electing such officer; which said special election shall be called, held and conducted in all respects as if a vacancy had occurred in such office and any qualified persons desiring to become a candidate for such office and who shall comply with all valid City Ordinances and laws in regard thereto may become a candidate therefor at such special election.

Repealing all laws and parts of laws in conflict with the provisions of this law.

Providing that this law shall go into effect immediately upon its passage and approval by the Governor, or upon its becoming a law without such approval.

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

Section 1. That from and after the passage of this Act no person shall be elected to the office of Mayor of the City of Ocala or to the office of City Councilman of the City of Ocala who shall not have received a majority of the qualified votes cast at any election for such office. That if upon the canvass of the returns of any election for any such office in and for the City of Ocala it shall appear that no candidate for any such office shall have received a majority of the votes of the qualified electors cast at such election for such office, then and in that event it shall be the duty of the Mayor of the City of Ocala to call another election in and for said City of Ocala; at which subsequent election the two candidates for any such office who received the highest number of qualified votes cast at such first election for such office shall be voted upon and the one receiving the largest number of qualified votes at such subsequent election shall be elected to such office. That this procedure shall be substantially repeated as often as may be necessary for a candidate for any such office to obtain a majority of the votes cast at any such election for such office.

That in the event of death, disqualification or withdrawal of either of the two high candidates prior to the holding of any subsequent election, that then the candidate who at the first election received the third largest number of votes for such office shall be substituted for the candidate so withdrawing, dying or becoming disqualified. That in any such event suitable notice of such fact shall be posted conspicuously at the polling place or places for any such election and the voters in such notice instructed to write in the name of such substituted candidate on the ballot in the event they desire to vote for him or her in the event that there has not been sufficient time to print such name upon the official ballot.

Section 2. That any additional election or elections which may become necessary under the provisions of Section One hereof shall be called by the Mayor of the City of Ocala. As soon as such Mayor is notified or informed that the canvass of the returns of any election discloses the fact that no candidate for any office mentioned in Section One have received a majority of the qualified votes cast for such office at any election therefor, that then such Mayor shall call another election as required by Section One hereof, the same to be held not less than ten days or more than 14 days from the day on which the returns of the first election were canvassed, and at such subsequent election the same inspectors and clerks who acted at the first election shall act, but that in the event that any one or more of them refuse or decline to act, that the Mayor of the City of Ocala shall appoint someone to discharge such duties.

That the City Council of the City of Ocala shall canvass the returns of any such subsequent election at the next regular meeting of the City Council of the City of Ocala held after any such election, and that the procedure herein provided shall be substantially followed in the event that by reason of a tie vote or any other cause the candidate is not elected by a majority vote of the qualified votes cast at any such subsequent election for any such office.

That the City Council of the City of Ocala be and it is hereby authorized to pass any and all ordinances which may be necessary or expedient to assist in carrying into effect the provisions of this Act, and that wherever any duty herein is conferred upon the Mayor of the City of Ocala, such duty may be performed by such official thereof duly acting as such Mayor. Should it develop that only one of the three candidates for any such office who received the highest number of qualified votes therefor at the first election therefor, will be a candidate therefor at any subsequent election herein provided, then such subsequent election shall not be held but a special election shall be held for the purpose of electing such officer; which said special election shall be called, held and conducted in all respects as if a vacancy had occurred in such office and any qualified persons desiring to become a candidate for such office and who shall comply with all valid City Ordinances and laws in regard thereto, may become a candidate therefor at such special election.

Section 3. That all laws and parts of laws in conflict with this Act are hereby repealed.

Section 4. That this Act shall take effect immediately upon

its passage and approval by the Governor or upon its becoming a law without such approval.

Respectfully,

M. C. IZLAR,
Mayor of the City of Ocala.

No. 972 Mar. 9, 16, 23, 30, Apr. 6.

Which was read the first time by title only.

Senator Savage moved that the rules be waived and Senate Bill No. 558 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 558 was read the second time by title only.

Senator Savage moved that the rules be further waived and Senate Bill No. 558 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. 558 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 Senator Mapoles—

Senate Bill No. 559:

A bill to be entitled An Act relating to livestock; regulating the buying, transporting or slaughtering of livestock; defining dealers of livestock and prescribing a license for such dealers and the fee therefor; requiring the obtaining and possession of bills of sale for livestock; prescribing the duties of the Commissioner of Agriculture, sheriffs and deputies in carrying out and enforcing the provisions of this Act, and providing penalties for violation thereof.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senator Mapoles—

Senate Bill No. 560:

A bill to be entitled An Act for the relief of Mrs. Rebecca Green, and providing appropriation for injuries and damages sustained by the loss of her husband, J. Bascom Green, whose death on February 20, 1928, was caused by the caving in of the walls of a clay pit while he was at work for the State Road Department of the State of Florida.

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

By Senator Kelly (16th)—

Senate Bill No. 561:

A bill to be entitled An Act regulating the distribution and sale of domestic malt or brewed beverages as defined in Chapter 16774, Laws of Florida, Acts of 1935, entitled "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing penalties for the violation of this Act and repealing existing laws concerning said beverages," providing for a minimum cash deposit on each case of twenty-four bottles of such beverage, and providing for the enforcement of and penalties for the violation of this Act.

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

By Senator Kelly (16th)—

Senate Bill No. 562:

A bill to be entitled An Act to amend Subsection A, of Section 9, Chapter 16774, Laws of Florida, Acts of 1935, entitled "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages," as amended by Subsection A, of Section 10, Chapter 18015, Laws of Florida, Acts of 1937, providing for a tax on malt beverages.

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

By Senator Kelly (16th)—

Senate Bill No. 563:

A bill to be entitled An Act regulating the distribution and sale of vinous beverages as defined in Chapter 16774, Laws of Florida, Acts of 1935, entitled "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing penalties for the violation of this Act and repealing existing laws concerning said beverages," providing for sale in sealed containers of such beverages and fixing the maximum capacity of any container and providing for the enforcement of and penalties for the violation of this Act.

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

By Senator Kelly (16th)—

Senate Bill No. 564:

A bill to be entitled An Act regulating the distribution and sale of domestic malt, brewed or vinous beverages as defined in Chapter 16774, Laws of Florida, Acts of 1935, entitled "An Act regulating and taxing the manufacture, distribution and sale of beverages containing more than one per centum of alcohol, creating and providing for a State Beverage Department, providing penalties for the violation of this Act and repealing existing laws concerning said beverages," providing that all sales of said beverages be for cash only, and providing for the enforcement of and penalties for the violation of this Act.

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

By Senator Johns—

Senate Bill No. 565:

A bill to be entitled An Act providing for a registration fee for motorcycles, private passenger automobiles and private motor trucks.

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

MESSAGES FROM THE GOVERNOR

The following Message from the Governor was received and read:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 2nd, 1939

Hon. J. Turner Butler,
President of the Senate,
Tallahassee, Florida.

Sir:

I have the honor to inform you that on May 1st, 1939, I approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S B No. 300, relating to University of Florida.

And—

S B No. 32, relating to Hog Cholera Serum and Virus.

SCR No. 14, relating to Pensions,

Respectfully,
FRED P. CONE,
Governor.

Senator Holland 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 1:29 o'clock P. M.

The Senate emerged from Executive Session at 2:16 o'clock P. M., and resumed its Session.

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.

Senator Whitaker requested that Senate Bill No. 17 be withdrawn from the Committee on Labor and Industry and placed on the Calendar of Bills on second reading, having been in the Committee for more than seven days.

And it was so ordered, under the rules.

By permission the following bills were introduced:

By Senator Murphy—
Senate Bill No. 566:

A bill to be entitled An Act to make an appropriation for the establishment by the Board of Control of the State of Florida of a branch experimental station in Hardee County, Florida, under the provisions of Chapter 18,562, Laws of Florida, Acts of 1937.

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

By Senator Westbrook—
Senate Bill No. 567:

A bill to be entitled An Act levying a severance tax upon all persons, firms, and/or corporations engaged in the business of severing any of the natural resources of the State of Florida; defining natural resources; providing for the administration of this Act; providing certain exceptions from the provisions of this Act; and providing penalties for violations of the provisions of this Act.

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

By Senator Dye—
Senate Bill No. 568:

A bill to be entitled An Act providing cumulative and additional remedies, including suspension and revocation of license and right to do business, in the enforcement of all laws of State of Florida now or hereafter in force having for their purpose the protection of trade-mark owners, producers, distributors and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand or name; authorizing the use of contracts establishing minimum resale prices and refusal to sell unless such minimum resale prices are observed, and making such contracts obligatory on all persons having knowledge of them, whether or not such persons are parties thereto and providing the procedure and payment of costs and fees in connection therewith.

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

By Senator Dugger—
Senate Bill No. 569:

A bill to be entitled An Act levying and imposing additional taxes on persons, firms, associations or corporations engaged in conducting horse or dog race meetings under authority of law and providing that such taxes shall be paid into the General Fund of the State.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., May 1, 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 concurred in Senate Amendment to:

House Bill No. 20:

A bill to be entitled An Act providing for nominations for appointments to the offices of Circuit Judges by a political party in a primary election and providing for the qualifying of candidates therefor.

Which amendment reads as follows:

Strike out Section 2 and renumber Section 3 as Section 2.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

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

Tallahassee, Fla., May 2, 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:

Senate Bill No. 270:

A bill to be entitled An Act creating a Department of Labor, providing for the personnel; providing for designation of the Secretary of Labor; defining the jurisdiction of said Department; providing for certain records and reports, and repealing all laws in conflict.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And Senate Bill No. 270, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Fla., May 1, 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—

Committee Substitute for House Bills Nos. 6, 41 and 281:

A bill to be entitled An Act to repeal Section 14, Chapter 18285, Laws of Florida, Acts of 1937, entitled: "An Act creating a State Welfare Board and District Welfare Boards and providing for their appointment, qualifications, powers and duties; providing that said State Board shall be the agent for the United States, State, County and Municipal Governments in the administration of funds for the relief of unfortunates; and authorizing the said boards to act as agent for the United States, State, County and Municipal Governments in the administration of any funds for investigations, social welfare work, or any other work incident to the public welfare of the United States, State, County and Municipal Governments; authorizing the State Welfare Board to promulgate rules and regulations necessary to carry out the intent and purposes of this Act; providing for the supervision of state and local institutions for destitute or dependent children and providing for the disposition, care, protection, support and maintenance of dependent children; authorizing the State Welfare Board to establish minimum standards of care for all local public and private institutions or agencies; creating the office of State Welfare Commissioner and providing for his appointment, providing that this Act shall not affect the enforcement of Chapter 9274, Acts of 1923, of Chapter 11834, and 13384, Acts of 1927, of Chapter 13620, Acts of 1929, and Acts amendatory thereof; repealing all other laws or Acts of laws in conflict herewith; and making appropriations to carry out the purposes of said Act; and fixing the qualifications of persons entitled to monetary benefits or assistance under this Act.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

BEN H. FUQUA,
Chief Clerk House of Representatives.

And Committee Substitute for House Bills Nos. 6, 41 and 281, contained in the above message, was read the first time by title only and referred to the Special Committee appointed by the President pursuant to Senate Resolution No. 16.

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

Tallahassee, Fla., May 2, 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—

House Memorial No. 7:

A Memorial and petition to the Congress of the United States of America to cause a survey to be made of the Everglades Drainage District for the purpose of supplying information as to the best method or plans to be adopted for the permanent protection of the lands within said district, from obstruction by fire.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Memorial No. 7, contained in the above message, was read the first time in full.

Senator Westbrook moved that the rules be waived and House Memorial No. 7 be read the second time in full.

Which was agreed to by a two-thirds vote.

And House Memorial No. 7 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to.

And House Memorial No. 7 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

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

Tallahassee, Florida, May 2, 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 adopted the report of the Special Committee on Georgia-Florida Reciprocal Trade Relations.

Very respectfully,
BEN H. FUQUA,
Chief Clerk House of Representatives.

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

Tallahassee, Florida, May 2, 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 adopted: By the Joint Committee on Georgia-Florida Reciprocal Trade Relations, composed of by Messrs. McLeod of Franklin, Sikes of Okaloosa, Fraser of Baker, Versaggi of St. Johns, and Wotitzky of Charlotte—

House Concurrent Resolution No. 8:

BE IT RESOLVED BY THE JOINT COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON GEORGIA-FLORIDA RECIPROCAL TRADE RELATIONS, as follows:

WHEREAS, this Legislature, by its unanimous passage, in both the House and the Senate, of a Resolution creating a reciprocal trade committee to encourage free trade between Florida and Georgia, has, in effect, indicated its desire for the elimination of trade barriers between States, and

WHEREAS, these trade barriers are erected through the enactment of laws providing for special fees from non-residents, inspection fees on out of state products, and special taxes on goods imported to the state from other states, and

WHEREAS, the unofficial committee's action in pledging its cooperation with the Georgia Legislature was, in effect, approved when this legislature passed the resolution creating this committee, and

WHEREAS, this committee has already invited Governor E. D. Rivers and others to visit Tallahassee for the purpose of officially recognizing movements already made by these states for the free and untrammelled trade relations between these states, and

WHEREAS, this Legislature is now considering a resolution proposing a constitutional amendment which would create a permanent trade relations commission for the purpose of pioneering in the elimination of trade barriers between this and all other states,

THEREFORE, BE IT RESOLVED:

That this Legislature go on record, here and now, as opposed to the enactment at this session of any measure which will directly or indirectly establish any trade barrier between this and any other state, by discriminating against the products of any other State, or by interfering in any way with the free and unhampered movements of the products of any State into Florida.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,
Chief Clerk House of Representatives.

And House Concurrent Resolution No. 8, contained in the above message, was read the first time in full.

Senator Kelly (16th) moved that the rules be waived and House Concurrent Resolution No. 8 be read the second time in full.

Which was agreed to by a two-thirds vote.

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

The question was put on the adoption of the Resolution.

Which was agreed to.

And House Concurrent Resolution No. 8 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Pursuant to the motion made by Senator Beacham on April 28, 1939, and the hour having arrived for the consideration of Senate Bill No. 54 as a Special and Continuing Order—

Senate Bill No. 54:

A bill to be entitled An Act providing for the creation of a fireman's relief and pension fund in certain cities and towns of the State of Florida not now having an established similar fund; creating a board of trustees in such municipalities to administer the fund; designating the powers and duties of such boards; prescribing who shall receive a pension or relief out of the newly created pension funds; authorizing certain cities and towns to levy and impose an excise or license tax on the gross receipts of certain insurance companies on all premiums collected on fire and tornado insurance policies covering property within such cities and towns; requiring a certified copy of the ordinance imposing such tax to be deposited with the State Comptroller and Treasury; providing that such tax when imposed and paid shall be credited on the State tax imposed on such insurance premiums; creating a special fund for the reception of such taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and prescribing the duties of certain officials, including the State Treasurer as Treasurer and Insurance Commissioner, with reference thereto; requiring certain insurers to make annual reports to the State Treasurer and repealing all laws in conflict with this law.

Which was pending roll call, having been read the third time in full on April 28, 1939, was taken up in its order as a Special and Continuing Order.

By unanimous consent, Senators Parrish and Beacham offered the following amendment to Senate Bill No. 54:

In Section 5, lines 20-22 (typed), strike out the words Section 911 of the Revised General Statutes of Florida as the same is amended by Chapter 10150, Laws of Florida, 1925, and insert the following: other provisions of the laws of the State of Florida.

Senator Beacham 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—Senators, Adams, Beacham, Beall, Black, Dame, Dye, Hodges, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Sharit, Walker, Ward, Whitaker, Wilson—23.

Nays—Mr. President; Senators Clarke, Coulter, Dugger, Gillis, Gideons, Graham, Hinely, Holland, Johns, Parker, Westbrook—12.

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

Pursuant to the motion made by Senator Beall of May 1, 1939, and the hour having arrived for the consideration of Senate Bills Nos. 40 and 95 as a Special and Continuing Order—

Senate Bill No. 40:

A bill to be entitled An Act to amend Section 2935, Revised General Statutes of Florida, 1920 (being Section 4655, Compiled General Laws of Florida, 1927) relating to adverse possession under color of title by providing therein that the said land so occupied adversely shall be within one year after

the entry by such adverse owner returned for taxation and all taxes subsequently assessed against the same duly paid.

Which was pending roll call, having been read the third time in full on May 1, 1939, was taken up in its order as a Special and Continuing Order.

By unanimous consent Senator Holland offered the following amendment to Senate Bill No. 40:

In Section 2, (typewritten bill) at the end of section, strike period and place semicolon, and add the following words: "Provided further that the provision shall not be applicable to pending suits, nor shall it be applicable to claims of adverse possession of lands adversely occupied prior to the passage of this Act until after one year from the effective date hereof."

Senator Holland 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 Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Savage, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

Senate Bill No. 95:

A bill to be entitled An Act to amend Section 2936, Revised General Statutes of Florida, 1920 (being Section 4656, Compiled General Laws of Florida, 1927) relating to adverse possession without color of title by providing therein that the said land so occupied adversely shall be within one year after the entry by such adverse owner returned for taxation and all taxes subsequently assessed against the same duly paid.

Was taken up in its order as a Special and Continuing Order and read the second time in full.

The Committee on Judiciary "B" offered the following amendment to Senate Bill No. 95:

In Section 1, line 18 (typewritten bill) after the word "taxes," insert the following: "Therefore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Judiciary "B" also offered the following amendment to Senate Bill No. 95:

In Section 2, line 18 (typewritten bill) after the word "taxes," insert the following: "Therefore or thereafter levied and assessed against the same and matured installments of special improvement liens theretofore or thereafter."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall offered the following amendment to Senate Bill No. 95:

At the end of Section 1 strike out the period, add a comma and the following "before such taxes become delinquent."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall also offered the following amendment to Senate Bill No. 95:

At the end of Section 2 strike out the period, add a comma and add the following "before such taxes become delinquent."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall also offered the following amendment to Senate Bill No. 95:

Renumber last two numbered section, striking "2" and "3" and inserting in lieu thereof "3" and "4."

Senator Beall moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Holland offered the following amendment to Senate Bill No. 95:

At end of Section 1 (typewritten bill) strike period, insert semicolon, and add the following words: "Provided, further, that this provision Number Three shall not be applicable to pending suits, nor shall it be applicable to claims of adverse

possession of lands adversely occupied prior to the passage of this Act until after one year from the effective date hereof."

Senator Holland moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall moved that the rules be waived and Senate Bill No. 95, as amended, 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. 95, as amended, was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

The motion made by Senator Parrish to reconsider the vote by which Senate Bill No. 121 failed to pass the Senate on April 25, 1939, was taken up in its order and by unanimous consent Senator Parrish withdrew the motion.

Senator Gillis now presiding.

SENATE BILLS ON THIRD READING

Senate Bill No. 144:

A bill to be entitled An Act providing for the reimbursement for lawful costs legally adjudged against and paid by any county in all lunacy proceeding and criminal prosecutions against State convicts imprisoned at the State Prison at Raiford and in all habeas corpus cases brought to test the legality of the imprisonment of State convicts imprisoned at the State Prison Farm at Raiford; providing the manner of making requisition for and the refund thereof from the State Treasury.

Which was pending roll call, having been read the third time in full on May 1, 1939, was taken up in its order.

By unanimous consent Senator Johns offered the following amendment to Senate Bill No. 144:

In Section 1, line 1 (typewritten bill), after the word "costs" insert the following: "hereafter"

Senator Johns 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, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Parker, Parrish, Price, Rose, Savage, Westbrook, Whitaker, Wilson—31.

Nays—None.

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

Senate Bill No. 146:

A bill to be entitled An Act to amend Chapter 4379, Acts of 1895, Laws of Florida, the same being Sections 4172, 4173, 4174, 4175, 4176 and 4177, of the Compiled General Laws of Florida, 1927, relating to attorneys.

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

By unanimous consent Senator Whitaker offered the following amendment to Senate Bill No. 146:

In Section 1 (typewritten bill), in paragraph 4 designated 4174 (2556) beginning in line 12 strike out the words "for a period of at least five years prior thereto."

Senator Whitaker 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 Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Westbrook, Whitaker, Wilson—33.

Nays—None.

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

Senate Bill No. 100:

A bill to be entitled An Act granting permission of the State of Florida and all subdivisions and agencies thereof, and all tax districts, counties and municipalities, to sue such governmental agencies for the recovery of illegally collected taxes, defining illegally collected taxes; providing the time within which such suits may be brought, declaring certain rules for the construction of this Act, and providing that illegally collected taxes may be by such tax payers recovered from such governmental agencies whenever the same, for any reason has been declared illegal within the meaning of this Act by the Supreme Court of the State of Florida and other courts of competent jurisdiction; limiting the defenses of such governmental agencies in such suits, and providing for a continuing appropriation to pay for all claims for such illegally collected taxes.

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

By unanimous consent Senator Hodges offered the following amendment to Senate Bill No. 100:

In Section 2 (typewritten bill), after the word "taxes," insert "which in the opinion of the taxpayer have been."

Senator Hodges moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent Senator Hodges also offered the following amendment to Senate Bill No. 100:

In Section 4 (typewritten bill), strike out the words: Insert "at any time" before "hereafter."

Senator Hodges moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question recurred on the passage of Senate Bill No. 100, as amended.

Pending roll call, Senator Hodges moved that the rules be waived and the further consideration of Senate Bill No. 100, as amended, be informally passed.

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

The President now presiding.

Senate Bill No. 103:

A bill to be entitled An Act to repeal Section 5494 of the Revised General Statutes of Florida, the same being Section 7652 of the Compiled General Laws of Florida, 1927, relating to the use of firearms on Sunday.

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—Mr. President, Senators Beacham, Dame, Hodges, Horne, Kelly (11th), Kendrick, Price—8.

Nays—Senators Adams, Beall, Clarke, Coulter, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Holland, Johns, Kanner, Kelly (16th), Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—27.

So the bill failed to pass.

Senate Bill No. 122:

A bill to be entitled An Act providing a method whereby a person temporarily within the State of Florida may evidence and declare that he is not permanently removing to and establishing his domicile in the State of Florida.

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

By unanimous consent Senator Dye offered the following amendment to Senate Bill No. 122:

In Section 3, line 9, (typewritten bill) strike out the period after the word "abode" and add the following: provided that such sworn declaration or statement shall be re-affirmed annually on or before April 1st of each year.

Senator Dye 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, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly

(16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parrish, Price, Rose, Sharit, Whitaker, Wilson—30.

Nays—None.

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

Senate Bill No. 18:

A bill to be entitled An Act to regulate private employment agencies; setting forth definitions; requiring licenses and fees for such licenses; requiring the filing of bonds; providing the procedure for filing of claims; providing for the form and contents of licenses; providing for revocation and suspension of licenses; requiring schedule of fees to be charged applicants to be posted; prescribing duties of private employment agencies; setting forth penalties for violations and providing for financing and enforcement of the provisions hereof.

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—Mr. President; Senators Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (16th), Kendrick, Lewis, Lindler, McKenzie, Murphy, Parrish, Price, Sharit, Whitaker—25.

Nays—None.

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

SENATE BILLS ON SECOND READING

Senate Bill No. 68:

A bill to be entitled An Act defining and regulating the practice of professional engineering in Florida and defining a professional engineer; providing for the registration of professional engineers; creating and establishing the "Florida State Board of Engineer Examiners" and providing for the appointment of members composing said board; defining the qualifications of the members of and the powers and duties of said board. Providing for expenses of said board and for the organization and the holding of meetings and for the keeping of records of said board; defining violations of this act; providing procedure for determining violations and prescribing penalties therefor; defining exemptions from the provisions of this act; providing in reference to engineers from other states; providing for branches of professional engineering and for classifications of professional engineers; providing for registration and examination fees and defining qualifications for registration; providing for the holding of examinations and the issuance of certificates of registration and for revoking certificates so issued; providing for appeal against the action of said board; providing for receiving, accounting for, and disbursing monies by said board; and repealing all laws or parts of laws in conflict with this act.

Was taken up in its order.

Senator Beall moved that the rules be waived and Senate Bill No. 68 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 68 was read the second time by title only.

Senator Kendrick offered the following amendment to Senate Bill No. 68:

In Section 2, line 19 change the comma (,) after the word "engineering" to a parenthesis mark (), and in line 21 of such Section change the comma (,) after the word "architecture" to a parenthesis mark (), and delete the comma (,) after the word "for."

Senator Kendrick moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Whitaker offered the following amendment to Senate Bill No. 68:

In Section 2, sub-section (f), strike out the entire sub-section (f) and insert in lieu thereof the following:

"(f) The terms "Professional Engineer" and "Professional Engineering" as used herein shall have no reference or application to the term "Engineer" as applied to a person engaged or employed as engineman, operator, or driver of any engine or of any mechanical, electrical, chemical or other device or machine, or to the assistant of such person, or as applied to any person engaged or employed in the executive or responsible direction of such person or such operations, or to any person engaged or employed in the fabrication, installation, maintenance, repair or adjustment of such engine, device, or

machine. The provisions hereof shall not be construed as applying to any such person performing such services as are customarily performed by power, refrigeration, or other stationary engineers, or hoisting and portable engineers, nor shall the provisions herein operate to prevent any craftsman, mechanic, or contractor from rendering and offering to render the services commonly rendered in the pursuit of his craft or business, nor shall the provisions hereof operate to prevent any person from serving as boiler, electrical, elevator, plumbing, building, or other safety or health inspector or examiner in connection therewith, for the State or any of its political subdivisions or for any private firm, person, or corporation."

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

Senator Kendrick offered the following amendment to Senate Bill No. 68:

In Section 34, line 5 thereof, change the comma (,) after the word "Court" to a period (.), and strike out the balance of the sentence reading "and automatically his certificate of registration shall become revoked and null and void." Then insert after said period (.) the following sentence: "If such convicted person be a registered professional engineer, then his conviction as aforesaid shall immediately and automatically revoke and annul his certificate of registration."

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

Senator Beall moved that the rules be waived and Senate Bill No. 68, as amended, 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. 68, as amended, was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dame, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Holland, Horne, Kanner, Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Sharit, Westbrook, Whitaker—27.

Nays—Wilson—1.

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

Senator Kelly (11th) moved that the rules be waived and the Senate do now take up and consider Messages from the House of Representatives, out of their order.

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, Florida,
May 2, 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—

House Bill No. 1:

A bill to be entitled An Act relating to criminal procedure: To the issuing of warrants and capias and the execution thereof; to preliminary examinations and bail; to methods of prosecution; to the selection and duties of the grand jury; to indictments and informations and process therein; to arraignment, motions and pleas; to jurisdiction and venue; to change of judges and removal of causes; to trial by jury and waiver of trial; to presence of the defendant; to dismissal of prosecution, and continuance; to proceedings to determine mental condition of defendant; to conduct of trial and jury; to motions for a new trial and in arrest of judgment; to judgment, sentence and execution; to provide for the use of evidence at a former trial; to appeal; to revise, re-enact and consolidate the law relating to criminal procedure; to powers and duties of administrative, judicial and prosecuting officers; to capital punishment; to repeal certain laws and all other laws and parts of laws in conflict herewith.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 1, contained in the above message, was read the first time by title only and referred to the Committees on Judiciary "A", "B" and "C", jointly.

Senate Bills Nos. 104 and 89 were taken up in their order and the consideration thereof was informally passed.

Senator Beall moved that Senate Bills Nos. 209 and 89 be made a Special and Continuing Order of Business for consideration by the Senate, in the order mentioned, at 3:00 o'clock P. M., Monday, May 8, 1939.

Which was agreed to and it was so ordered.

Senate Bill No. 48:

A bill to be entitled An Act to amend the negotiable instruments laws.

Was taken up.

Senator Clarke moved that the rules be waived and Senate Bill No. 48 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 48 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 48: Committee Substitute for Senate Bill No. 48:

A bill to be entitled An Act to amend Section 4784 of the Revised General Statutes of Florida of 1920, the same being Section 6870 of the Compiled General Laws of Florida of 1927, relating to the negotiable instruments laws, particularly omissions to give notice of dishonor; to amend Section 4786 of the Revised General Statutes of Florida of 1920, the same being Section 6872 of the Compiled General Laws of Florida of 1927 relating to the negotiable instruments law, particularly when instruments discharged.

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

Senator Clarke moved that the rules be waived and the Committee Substitute for Senate Bill No. 48 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 48 was read the second time by title only.

Senator Beall moved the adoption of the Committee Substitute for Senate Bill No. 48.

Which was agreed to and the Committee Substitute for Senate Bill No. 48 was adopted.

Senator Clarke moved that the rules be waived and Committee Substitute for Senate Bill No. 48 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 48 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 48 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—29.

Nays—None.

So Committee Substitute for Senate Bill No. 48 passed, and the action of the Senate was ordered certified to House of Representatives.

Senate Bill No. 151:

A bill to be entitled An Act granting pension to Mrs. Mary J. Fulgham of Florida.

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. 157:

A bill to be entitled An Act for the relief of M. L. Horton, Sr., and his wife, Helen Horton.

Was taken up in its order.

Senator Adams moved that the rules be waived and Senate Bill No. 157 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 157 was read the second time by title only and placed on the Calendar of Bills on third reading.

Senate Bill No. 47:

A bill to be entitled An Act exempting from the requirement for the payment of an excise tax imposed by Chapter 15787, Laws of Florida, Acts of 1931, renewals of promissory notes and certificates of deposit, and repealing Chapter 17890, Laws of Florida, Acts of 1937.

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

Senator Dye moved that the rules be waived and Senate Bill No. 47 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. 47 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, Clarke, Coulter, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, McKenzie, Parrish, Rose, Savage, Sharit, Westbrook, Whitaker—25.

Nays—None.

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

Senator Dye moved that the rules be waived and the Senate do now take up and consider House Bill No. 63, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 63:

A bill to be entitled An Act relating to the sale of pledged collateral amending Section 4845, revised General Statutes of 1920.

Was taken up and read the second time in full.

Senator Clarke moved that the rules be waived and House Bill No. 63 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. 63 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, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Johns, Kanner, Kelly (11th), Kendrick, Lindler, Mapoles, McKenzie, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—27.

Nays—None.

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

By unanimous consent Senator Clarke withdrew Senate Bill No. 49.

Senate Bill Nos. 50 and 51 were taken up in their order and the consideration thereof was informally passed.

Senate Bill No. 237:

A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Escambia County, Florida, to budget, appropriate and expend moneys out of the General Revenue Fund for the purpose of employing a representative or representatives to consult and advise with the Board of County Commissioners of said County regarding the development of natural resources in said County, the establishment, maintenance and development of industries and federal and state projects and other governmental establishments in said county and to endeavor to secure such industries, developments, projects and establishments, and validating any and all expenditures for like purposes heretofore made.

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

Senator Kelly (16th) moved that the rules be waived and Senate Bill No. 237 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. 237 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, Beall, Clarke, Dame, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lindler,

Mapoles, McKenzie, Parker, Parrish, Price, Savage, Sharit, Westbrook, Whitaker, Wilson—28.

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. 158:

A bill to be entitled An Act providing for the reregistration of qualified electors to vote in Primary Elections, who, by reason of holding an official position with the Government of the United States, are required to be absent from the State during the period allowed for such reregistration and who are, therefore, not able to reregister as provided by law.

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

Senator Whitaker moved that the rules be waived and the Senate do not take up and consider Senate Bill No. 2, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 2:

A bill to be entitled An Act to require any railroad company or railroad corporation operating or doing business in the State of Florida to grant to any regular or part time employee who shall be elected or appointed to any Federal, State, County or Municipal office or position, a leave of absence for such period of time that such employee holds or occupies such office or position, without loss of, impairment of prejudice to the seniority rank of such employee; to provide for actions for damages by any such employee against such railroad company or railroad corporation for salaries or wages lost by refusal to reinstate such employee upon the termination of such service or Federal, State, County or Municipal office or position; and to provide penalties for the violation thereof.

Was taken up.

Senator Whitaker moved that the rules be waived and Senate Bill No. 2 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 2 was read the second time by title only.

The Committee on Public Utilities offered the following amendment to Senate Bill No. 2:

Strike out entire Section 3.

Senator Whitaker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Public Utilities also offered the following amendment to Senate Bill No. 2:

In typewritten bill strike out Section 2 and in lieu thereof substitute the following:

Section 2. Upon the expiration or termination of any such term of office or appointment to any Federal, State, County, or Municipal office or position, any such regular or part time employee, upon giving of a written notice to such railroad company or railroad corporation, and upon passing such physical and mental examinations as is customarily required, shall be entitled forthwith to reinstatement to the position or employment held by him at the time of such election or appointment, and upon failure of refusal of any railroad company or railroad corporation to immediately reinstate said employee, he shall have and may maintain a civil action for damages against such railroad company or railroad corporation for any salaries or wages which would have been due him from the date of such notice, and the passing of such examination had he been reemployed as required hereby; in such action, should the plaintiff recover he shall also be entitled to recover a reasonable attorney's fee as compensation for his attorney.

Senator Whitaker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Whitaker moved that the rules be further waived and Senate Bill No. 2, as amended, 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. 2, as amended, was read the third time in full.

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

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hinely, Hodges, Hollands, Horne, Johns, Kanner, Kelly (11th), Kelly

(16th), Kendrick, Lindler, Mapoles, McKenzie, Parker, Parrish, Rose, Savage, Westbrook, Whitaker, Wilson—30.

Nays—None.

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

Senator Beall moved that the rules be waived and the Senate do now take up and consider Senate Bills Nos. 7 and 46, out of their order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 7:

A bill to be entitled An Act relating to the Constructive Service of Process.

Was taken up.

Senator Beall moved that the rules be waived and Senate Bill No. 7 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 7 was read the second time by title only.

Senate Bill No. 46:

A bill to be entitled An Act relating to service of process by publication in all judicial proceedings.

Was taken up.

Senator Beall moved that the rules be waived and Senate Bill No. 46 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 46 was read the second time by title only.

The following Committee Substitute for Senate Bills Nos. 7 and 46:

Committee Substitute for Senate Bills Nos. 7 and 46:

A bill to be entitled An Act relating to service of process by publication in all judicial proceedings and the entering of defaults and decrees pro confesso thereon, and the appointment of guardian ad litem for minor, insane, and unknown defendants, and authorizing the Supreme Court to prescribe rules and forms concerning same; and to repeal Sections 2609, 3111, 3112, 3113, 3155 Revised General Statutes of 1920 (4256, 4895, 4897, 4898, 4942, C. G. L.); Chapter 10102 Acts of 1925 as amended by Chapter 11364, Acts of 1925 (4896 C. G. L.); Sections 5, 6, 7 and 8 of Chapter 11829 Acts of 1927 (4261, 4262, 4263 and 4264 C. G. L. 1927); Chapter 16881 Acts of 1935 (same being 4272 C. G. L. Supp.); Section 2 of Chapter 8467 Acts of 1921 (5043 C. G. L.) and provisions of 3423 Revised General Statutes (5276 C. G. L.) Laws of Florida and all other laws and parts of laws in conflict herewith

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

Senator Beall moved that the rules be waived and the Committee Substitute for Senate Bills Nos. 7 and 46 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bills Nos. 7 and 46 was read the second time by title only.

Senator Beall moved the adoption of the Committee Substitute for Senate Bills Nos. 7 and 46.

Which was agreed to and the Committee Substitute for Senate Bills Nos. 7 and 46 was adopted.

Senator Beall moved that the rules be waived and Committee Substitute for Senate Bills Nos. 7 and 46 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bills Nos. 7 and 46 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bills Nos. 7 and 46 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—29.

Nays—None.

So Committee Substitute for Senate Bills Nos. 7 and 46 passed, and the action of the Senate was ordered certified to the House of Representatives.

Senator Dye moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 345, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 345:

A bill to be entitled An Act creating and establishing in certain incorporated municipalities in the State of Florida, a police civil service commission; providing for the selection of the personnel of such commissions; and providing for the rules, funds, compensations, powers and duties of such commissioners; providing that all vacancies in all police departments shall be filled by merit examination; providing for the grading, inspection, and regrading of all merit examination papers; providing for removal and suspension of police officers; and providing for appeals from all removals, fines, suspension, or examinations; and providing for no change in civil service in those municipalities now having civil service commissions.

Was taken up.

Senator Dye moved that the rules be waived and Senate Bill No. 345 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 345 was read the second time by title only and placed on the Calendar of Bills on third reading.

Senator Dame moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 305, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 305:

A bill to be entitled An Act designating and establishing a State road to be known as State Road 5—S. E., extending from State road 15 at Crystal River, via Inverness, Floral City, Istachatta, Croom, Trailby, Dade City, Richland, Kathleen, Lakeland, Bartow, Fort Meade, Avon Park, Sebring, Bassenger, Okeechobee and Indian Town to West Palm Beach.

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 305 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 305 was read the second time by title only.

Senator Dame moved that the rules be further waived and Senate Bill No. 305 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. 305 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, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, John, Kanner, Kelly (11th), Kendrick, Lindler, Mapoles, McKenzie, Parker, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—29.

Nays—None.

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

Senator Parker moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 385, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 385:

A bill to be entitled An Act to appropriate \$80,400 additional funds to the University of Florida for the use and benefit of the agricultural extension service, to be used solely for the salary and expenses of county agricultural extension agents in the respective counties of this State.

Was taken up.

Senator Parker moved that the rules be waived and Senate Bill No. 385 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 385 was read the second time by title only.

Senator Parker moved that the rules be further waived and Senate Bill No. 385 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. 385 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, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Graham, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Westbrook, Whitaker, Wilson—30.

Nays—None.

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

Senator Dye moved that the Senate reconsider the vote by which Senate Bill No. 47 passed the Senate this day.

And the motion went over under the rule.

Senator Hodges moved that the rules be waived and the Senate do now take and consider Senate Bill No. 187, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 187:

A bill to be entitled An Act to amend An Act entitled, "An Act to provide for the incorporation of Benevolent Mutual Benefit Associations or societies on the assessment plan organized for the purpose of benefiting and protecting members in the case of dismemberment, and to the end of benefiting widows, orphans, heirs, devisees and estates of deceased members thereof; providing for the method of incorporation of such associations and the regulation and control of such associations as may be incorporated under the terms of this Act, and requiring those associations or organizations doing a similar business in the State of Florida to be incorporated under the terms of this Act, and providing a penalty for failures so to do; authorizing the State Treasurer to examine into the solvency and operation of such associations incorporated or reincorporated under the terms of this Act; providing for a valuation of certificates and providing for a reserve fund, providing for the payment of all benefits in cash only; providing for general State supervision and control of benevolent mutual benefit associations or societies that may be hereafter operated in the State of Florida, subject to the terms of this Act, on the assessment plan," being Chapter 15885, Laws of Florida, Acts of 1933, by amending Section 5 thereof; and by repealing Section 2 of Chapter 16802, Laws of Florida, Acts of 1935, being an amendment of said Section 5 of Chapter 15885, Laws of Florida, Acts of 1933, and repealing conflicting laws.

Was taken up.

Senator Hodges moved that the rules be waived and Senate Bill No. 187 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 187 was read the second time by title only.

Senator Hodges moved that the rules be further waived and Senate Bill No. 187 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. 187 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, Clarke, Coulter, Dame, Dugger, Dye, Gideons, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Savage, Sharit, Westbrook, Whitaker, Wilson—30.

Nays—None.

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

Senator Rose moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 5:44 o'clock P. M., until 1:00 o'clock P. M., Wednesday, May 3, 1939.

EXECUTIVE SESSION ANNOUNCEMENTS

The Senate in Executive Session on May 2, 1939, advised and consented to the following appointments by the Governor:

R. Pope Reese, Judge of the Court of Record in and for Escambia County, State of Florida, for the unexpired current term of C. Moreno Jones, deceased, ending August 17, 1939.

R. Pope Reese, Judge of the Court of Record in and for Escambia County, State of Florida, for a period of 4 years beginning August 17, 1939.

Forsyth Caro, County Solicitor in and for Escambia County, State of Florida, for the unexpired current term ending August 19, 1939.

Forsyth Caro, County Solicitor in and for Escambia County, State of Florida, for a period of 4 years from August 19, 1939.