

JOURNAL OF THE SENATE

Friday, April 14, 1939

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 13, 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, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson.—36

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 13, 1939, was corrected and as corrected was approved.

The President announced that Senator Hodges would be excused from attendance upon the sessions on account of illness in his immediate family until such time as circumstances permit his return.

REPORTS OF COMMITTEES

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

Senate Chamber,
Tallahassee, Florida, April 14, 1939.

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

Sir:

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

Senate Bill No. 131:

A bill to be entitled An Act for the relief of Joe L. Sharit as Chairman of the Committee having charge of the holding of a Festival and Celebration of the Centennial Anniversary of the Constitution of the State of Florida in Port St. Joe, Florida, during the year 1938, and appropriating money to reimburse the said Joe L. Sharit for monies expended by him as such Chairman of such Committee.

Senate Bill No. 156:

A bill to be entitled An Act authorizing, empowering and directing the Board of County Commissioners and the Clerk of the Circuit Court in Counties having a population of not less than 85,000 and not more than 170,000 according to the next preceding State or Federal census and in which an emergency now exists or may in the future exist, to sell, exchange and dispose of bonds taken in payment of delinquent taxes and in tax adjustments pursuant to Chapter 16252, Laws of Florida, Acts of 1933, and Chapter 16910, Laws of Florida, Acts of 1935; prescribing the mode and method of selling and disposing of the same; providing for the Distribution of the funds derived therefrom; providing that said boards of County Commissioners shall transfer funds necessary to give the Board of Public Instruction in said counties at least \$100,000.00 total of special school district taxes and county school fund taxes; providing for delivery of said bonds; defining what is an emergency; and providing for such other and further duties of the Boards of County Commissioners and Clerks of the Circuit Courts in such counties necessary to comply with this Act.

Have examined the same and find them correctly enrolled.

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

Very respectfully,
H. S. MCKENZIE,

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

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in

open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

Senate Chamber,
Tallahassee, Fla., April 14, 1939.

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

Sir:

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

House Concurrent Resolution No. 2:

Providing for the appointment of a committee to study the question of trade relations between the State of Florida and the State of Georgia.

Have examined the same and find them correctly enrolled.

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

Very respectfully,

H. S. MCKENZIE,
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

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

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

Senate Chamber,
Tallahassee, Fla., April 14, 1939.

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

Sir:

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

Senate Bill No. 131:

A bill to be entitled An Act for the relief of Joe L. Sharit as Chairman of the Committee having charge of the holding of a festival and celebration of the Centennial Anniversary of the Constitution of the State of Florida in Port St. Joe, Florida, during the year 1938, and appropriating money to reimburse the said Joe L. Sharit for monies expended by him as such Chairman of such committee.

Senate Bill No. 156:

A bill to be entitled An Act authorizing, empowering and directing the Board of County Commissioners and the Clerk of the Circuit Court in counties having a population of not less than 85,000 and not more than 170,000 according to the next preceding State or Federal Census and in which an emergency now exists or may in the future exist, to sell, exchange and dispose of bonds taken in payment of delinquent taxes and in tax adjustments pursuant to Chapter 16252, Laws of Florida, Acts of 1933, and Chapter 16910, Laws of Florida, Acts of 1935; prescribing the mode and method of selling and disposing of the same; providing for the distribution of the funds derived therefrom; providing that said Boards of County Commissioners shall transfer funds necessary to give the Board of Public Instruction in said counties at least \$100,000.00 total of Special School District Taxes and County School Fund Taxes; providing for delivery of said bonds; defining what is an emergency; and providing for such other and further duties of the Boards of County Commissioners and Clerks of the Circuit Courts in such counties necessary to comply with this Act.

Be leave to report that the same have this day been pre-

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sented to the Governor for his approval.
Very respectfully,

H. S. MCKENZIE,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

Senator McKenzie, Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate, submitted the fol-
lowing report:

Senate Chamber,
Tallahassee, Fla., April 14, 1939.

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

Sir:

Your Joint Committee on Enrolled Bills, to whom was re-
ferred:

Senate Concurrent Resolution No. 7:

A concurrent resolution to set aside a week to be designated
FLAG WEEK to be observed in all public schools June 8 to 14
next, and issuing a proclamation to State officials to display
the United States Flag.

Senate Concurrent Resolution No. 8:

A concurrent resolution requesting Congress to invoke such
monetary clauses in the British, Swedish and Finnish Trade
Agreements as may be necessary to protect the American
wood pulp industry as well as other industries in competition
with goods imported from the said countries.

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

Very respectfully,
H. S. MCKENZIE,

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

Senator McKenzie, Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate, submitted the fol-
lowing report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

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

House Memorial No. 2:

Memorializing the President and Congress of the United
States to increase the sugar quota allotment for Florida.

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

Very respectfully,
H. S. MCKENZIE,

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

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

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

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

Senate Bill No. 75:

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

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

Very respectfully,
S. A. HINELY,
Chairman of Committee.

And Senate Bill No. 75, contained in the above report, was
ordered certified to the House of Representatives.

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

Senate Chamber,
Tallahassee, Fla., April 14, 1939.

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

Sir:

Your Committee on Engrossed Bills, to whom was referred
(with amendments):

Senate Concurrent Resolution No. 9:

Proposing to form a Joint Committee for the purpose of
solving the problem precipitated by the attack made on the
distribution of the tax moneys derived from the operation of
race tracks.

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

Very respectfully,
S. A. HINELY,
Chairman of Committee.

And Senate Concurrent Resolution No. 9, contained in the
above report, was referred to the Committee on Enrolled Bills.

Senator Graham, Chairman of the Committee on Miscel-
laneous Legislation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

Your Committee on Miscellaneous Legislation, to whom was
referred:

Senate Bill No. 121:

A bill to be entitled An Act to authorize, empower and direct
the Comptroller of the State of Florida to draw warrants
on the State Treasury in favor of certain persons, firms
and/or corporations for a refund of license taxes paid by
such persons, firms and/or corporations under the provisions
of Chapter 17178 Laws of Florida, Acts of 1935, declared
unconstitutional by the Supreme Court of Florida, and making
appropriation therefor, and

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, and

Senate Bill No. 104:

A bill to be entitled An Act to amend Chapter 6951, Laws
of Florida, 1915, entitled: "Providing for the creation and
establishment of a Florida State Board of Architecture,
granting certain powers to and prescribing the duties of said
board; providing for the examination and registration of
Architects, regulating the practices of Architecture in the
State of Florida, and providing penalties for the violation of
this Act, and particularly amending Sections 1, 3, 4, 5, 8, 9,
10, 11, 12, 13, 14 and 15, repealing all laws in conflict herewith
empowering said board to sue and to be sued as an instru-
mentality of the State of Florida, providing procedure, reme-
dies and penalties for the enforcement of this Act, and for
other purposes incidental hereto."

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

Very respectfully,
ERNEST R. GRAHAM,
Chairman of Committee.

And Senate Bills Nos. 121, 122 and 104, contained in the
above report, were placed on the Calendar of Bill on second
reading.

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

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

Your Committee on Finance and Taxation, to whom was re-
ferred:

Senate Bill No. 78:

A bill to be entitled An Act imposing an additional tax upon

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

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

Very respectfully,
S. L. HOLLAND,
Chairman of Committee.

And Senate Bill No. 78, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor and Industry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

Your Committee on Labor and Industry, to whom was referred:

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.

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

Very respectfully,
PHILIP D. BEALL,
Chairman of Committee.

And Senate Bill No. 18, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor and Industry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

Your Committee on Labor and Industry, to whom was referred:

Senate Bill No. 89:

A bill to be entitled An Act to amend Chapter 18,402, Acts of 1937, being the Florida Unemployment Compensation Law, by making necessary provisions for the Florida Industrial Commission to requisition lump sum amounts from the Comptroller for payment of benefits; to provide for a "benefit payment account;" to provide for the commission to draw and issue checks in payment of benefits to individuals entitled thereto under this Act;

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

Very respectfully,
PHILIP D. BEALL,
Chairman of Committee.

And Senate Bill No. 89, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Beall, Chairman of the Committee on Labor and Industry, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 13, 1939.

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

Sir:

Your Committee on Labor and Industry, to whom was referred:

Senate Bill No. 90:

A bill to be entitled An Act to authorize the Florida Industrial Commission to assist and cooperate in the enforcement of the Fair Labor Standards Act of 1938,

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

Very respectfully,
PHILIP D. BEALL,
Chairman of Committee.

And Senate Bill No. 90, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Westbrook, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 14, 1939.

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

Sir:

Your Committee on Appropriations, to whom was referred: Senate Bill No. 128:

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.

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

Very respectfully,
GEO. F. WESTBROOK,
Chairman of Committee.

And Senate Bill No. 128, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Kanner moved that 300 copies of the report of the Committee on Rules and Calendar be printed.

Which was agreed to and it was so ordered.

Senator Westbrook moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 4:00 o'clock P. M., Monday, April 17, 1939.

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

INTRODUCTION OF RESOLUTIONS

By Senator Savage—
Senate Resolution No. 10:

WHEREAS, many of the Committees of the Senate have no Secretary or File Clerk: and

WHEREAS, the work of many of the Committees of the Senate requires that such Committees have a competent Secretary and File Clerk to keep a record of the proceedings of such several Committees:

NOW, THEREFORE, be it resolved by the Senate of the State of Florida for the 1939 Session that the Chairman of the several regular and special Committees of the Senate be, and he is, hereby authorized to select a competent Secretary and File Clerk for such Committee when, and if, in his opinion such Secretary and/or File Clerk is needed; such Secretaries and File Clerks of the said several Senate Committees to receive the same compensation as regular attaches. The Chairman of the several committees shall certify the names of the persons selected as Secretaries and File Clerks to the Committee on Attaches, and upon such certification the Committee on Attaches shall certify such persons as other attaches of the Senate are certified.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 10 was adopted.

By Senator Savage—
Senate Resolution No. 11:

WHEREAS, it has been customary in the past for an Assistant Sergeant at Arms to be appointed to preserve order in the gallery of the Senate; and

WHEREAS, such Assistant Sergeant at Arms is necessary in order that the Senate may properly carry on its deliberations:

BE IT RESOLVED by the Senate of the State of Florida at the 1939 Session that the Sergeant at Arms is hereby authorized and directed to appoint E. A. Osborne, of Marion County, Florida, as an Assistant Sergeant at Arms to be in

charge of and preserve order in the gallery of the Senate; said Assistant Sergeant at Arms to receive the same compensation as regular attaches. The Sergeant at Arms of the Senate shall certify the name of E. A. Osborne as an Assistant Sergeant at Arms to the Committee on Attaches, and upon such certification the Committee on Attaches shall certify E. A. Osborne as other attaches of the Senate are certified.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 11 was adopted.

By Senator Graham—
Senate Resolution No. 12:

WHEREAS, there have been various and sundry reports circulating throughout the State of Florida questioning the integrity of certain officials of the State of Florida and certain other individuals, which reports accuse said officials and said other individuals of graft and corruption in connection with the conduct of racing in the State of Florida, and

WHEREAS, it is imperative that said officials and said other individuals be given an opportunity to purge their names of the accusations, if untrue, or that proper punishment and disrepute be imposed if the accusations be true, and in either event it being necessary that the true facts and circumstances be known in order that intelligent legislation regulating the conduct of racing may be enacted into law, and

WHEREAS, it is deemed desirable by the membership of the Florida Senate that a competent Committee be appointed with full and complete power to make any and all investigations into the conduct of racing in the State of Florida, such Committee may find necessary.

NOW, THEREFORE BE IT RESOLVED BY THE FLORIDA STATE SENATE:

That the president of the State Senate, Honorable J. Turner Butler, upon the passage of this Resolution shall appoint a Committee of three from the membership of the Senate to fully investigate the conduct of racing in the State of Florida; that said investigating committee shall be vested with any and all authority necessary to carry out the provisions of this Resolution; that said investigating committee be empowered to authorize any member, or duly authorized representative thereof, to perform any and all acts in behalf of said investigating committee; that said investigating committee shall be empowered to require the production of any records from any official, department, or board of the State of Florida; that said investigating committee shall have authority to employ such assistants as it deems necessary; that member of said Committee shall serve without compensation but shall be paid actual expenses, approved by the Committee, and certified as approved by the Chairman; that the expenses incurred by said Committee be paid as a legislative expense; that said Committee do report its findings and recommendations to the Florida Senate.

Which was read the first time in full.

Pending adoption of Senate Resolution No. 12, the President announced the appointment of Senators Horne, Dye and Graham as the Committee on the part of the Senate pursuant to the provisions of Senate Concurrent Resolution No. 9.

Pending adoption of Senate Resolution No. 12, Senator Beall moved that a committee be appointed to escort Honorable John M. Coe, former member of the Senate from the 2nd Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Beall, Dye and McKenzie as the committee.

Pending adoption of Senate Resolution No. 12, Senator Beacham offered the following amendment:

Fourth paragraph, line 3, strike out the word "three," and insert in lieu thereof the following: 5 (five).

Senator Beacham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question was put on the adoption of the Resolution, as amended.

Which was agreed to, and Senate Resolution No. 12 was

adopted, as amended, and referred to the Committee on Engrossed Bills.

Senator Mapoles moved that the Senate do now adjourn.

Which was not agreed to.

By Senators Beall, Gillis, Beacham and Mapoles—
Senate Concurrent Resolution No. 13:

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

Section 1. That the Governor of Florida shall appoint a Commission to be known as the Florida Development Commission, which shall consist of Fourteen (14) persons, five (5) of whom shall be Senators of the State of Florida, one (1) to be appointed from each Congressional District of the State of Florida and five (5) of whom shall be members of the House of Representatives of the State of Florida, one (1) to be appointed from each Congressional District of the State of Florida, also one (1) of whom shall be the Commissioner of Agriculture of the State of Florida, and one (1) of whom shall be the Governor of the State, and one (1) of whom shall be the Attorney General of the State, and one (1) of whom shall be the Treasurer of the State. The Governor shall be the ex officio chairman of this Commission.

Section 2. These Commissioners shall have the authority and it shall be their duty to

- (a) Lease in whole or part, within this State, a building suitably located and adaptable for exhibits of Florida made Products; also maintain the same for the enlightenment of visitors thereto.
- (b) Conduct nation-wide campaigns in various trade journals, newspapers and magazines for the purpose of inviting desirable business executives to investigate the latent opportunities here available.
- (c) Publish, or cause to be published, under their supervision special and regular editions of pamphlets, books, and periodicals, designed to inform those Florida-minded as to the conditions existent in this State and the possibilities for its further development.
- (d) Maintain administrative office, also well distributed bureaus throughout the State, and in advantageous trade centers of the Nation for the proper handling of inquiries resulting from its operation.
- (e) Function as a clearing house for the diffusion of information regarding the advantages Florida offers industrialists, merchants and other business men, but not in competition to, rather cooperating with, any Florida organization demonstrating in whole or part a similar purpose.

Section 3. The management of the Commission shall be vested in the Commissioner of Agriculture, or his duly appointed representative, under the supervision and with the consent of the majority of the Commissioners who shall be kept fully informed, by frequent printed reports, as to undertakings planned and results accomplished. No member of this Commission shall receive any compensation directly or indirectly for his services, but shall be entitled to and allowed his actual expenses incurred in the performance of assigned duties necessary to carry out the provisions of this Act. And that no expenses shall be authorized or paid under the terms of this resolution in excess of the contributions theretofore received; and provided further any such expenses as may be authorized shall be paid exclusively from such contributions.

Section 4. Said Commission shall be conducted without expense to the State of Florida. However, said Commission may accept any grants or donations other than from the State of Florida, to carry into effect and to carry out the work of said Commission, and the Treasurer of the State of Florida shall be custodian of said Fund. No withdrawals shall be made against said fund except upon vouchers signed by the Commissioner of Agriculture and the Attorney General of the State and countersigned by the Treasurer of the State of Florida as custodian of said Fund.

Section 5. Nothing herein contained as to specific powers granted to the Commission shall be deemed restrictive of its right to do all such things to advertise the State of Florida without cost to the State and without infringing on the duties of any other established State Department.

Which was read the first time in full.

Senator Beall moved that the rules be waived and Senate Concurrent Resolution No. 13 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 13 was read the second time in full.

Pending adoption of Senate Concurrent Resolution No. 13, Senator Beall moved that the further consideration of Senate Concurrent Resolution No. 13 be informally passed, and the same be placed on the Calendar.

Which was agreed to and it was so ordered.

Senator Kelly (11th) moved that the Senate do now adjourn

Which was agreed to.

And the Senate stood adjourned at 12:41 o'clock P. M., until 4:00 o'clock P. M., Monday, April 17, 1939.