

JOURNAL OF THE SENATE

Friday, May 12, 1939

The Senate convened at 2:00 o'clock P. M., pursuant to adjournment on Thursday, May 11, 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, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson.—36.

A quorum present.

Prayer by the Chaplain.

The Journal of May 10, 1939, was further corrected as follows:

On page 36, column 1, line 7 from top, strike out the figures "752" and insert in lieu thereof the figures "572".

And as further corrected was approved.

The Journal of May 11, 1939, was corrected as follows:

On page 3, column 1, line 34 from the top of the page, strike out the words "placed on the Calendar of Bills on second reading," and insert in lieu thereof the following: "referred to the Committee on Appropriations."

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:

Senate Bill No. 570:

A bill to be entitled An Act creating Tampa Utility Board for the City of Tampa, prescribing the powers, duties and authority thereof; regulating the sale and service of gas and electricity within the City of Tampa; fixing the number, terms and compensation of the members of the Tampa Utility Board and the method of naming the first members thereof; giving said board power to employ an attorney, rate experts and Engineers; providing for the filing of reports and the furnishing of information to said Tampa Utility Board by all of the utilities operating in the City of Tampa, as defined in this Act; giving certain powers and rights to members of Tampa Utility Board; prescribing the procedure for investigations and giving said board the power, after hearings, to fix rates within the City of Tampa for the sale by persons, firms or corporations of gas and electricity; defining certain violations of this as misdemeanors and prescribing the punishment therefor, upon conviction thereof; giving Tampa Utility Board power to prescribe rules and regulations affecting the sale of gas and electricity within the City of Tampa; prohibiting the charging of excessive rates, tolls or charges for the sale of gas or electricity within the City of Tampa; prohibiting discrimination in rates, charges and tolls for the sale of gas or electricity within the City of Tampa, as between different purchasers or users thereof; prohibiting refunds and rebates by utilities in the City of Tampa; giving the Tampa Utility Board, its members and employees, power to inspect accounts, books, records and papers of the utilities doing business in the City of Tampa, and conferring upon said Tampa Utility Board the same powers of investigation and examination, under oath, of officers, agents and employees of utilities as is now given under the laws of this State to the State Railroad Commission, in the exercise of such powers over railroads, railroad companies, common carriers and telephone and telegraph companies; requiring said Tampa Utility Board to keep proper minutes; providing for the payment of salaries and expenses of said Tampa Utility Board; giving said Tampa Utility Board full power to act within the authority conferred by this Act independent of the Mayor or Board of Representatives, or other authorities of the City of Tampa; providing the procedure and prescribing the limitations of said Tampa Utility Board in ascertaining and promulgating just and reasonable rates, tolls and charges governing the users of gas or electricity within the City of Tampa, and making it unlawful for any utility, as defined in

this Act, to charge more than the rates fixed and promulgated by said Tampa Utility Board; giving Tampa Utility Board power to prescribe rules and regulations affecting the sale of gas and electricity within the City of Tampa, and prescribing other duties, powers and rights incident thereto.

Senate Bill No. 571:

A bill to be entitled An Act authorizing and empowering the Tampa Utility Board to make investigations into and fix rates, charges and tolls for and to regulate the service of all utilities, persons, firms and corporations within the City of Tampa engaged in the business of transporting people or goods for hire and where the street cars or other vehicles used for said purpose are propelled by electricity; provided said investigations, fixing of rates, tolls and charges and promulgating rules and regulations by Tampa Utility Board shall be performed and done by said board in the same manner as now prescribed by law governing said board with reference to the sales and service of gas and electricity within the City of Tampa by Act of 1939 Legislature; giving said Tampa Utility Board the same rights and powers over utilities, persons, firms and corporations within the City of Tampa engaged in the business of transporting people or goods for hire by the use of cars or vehicles which are propelled by electricity that said board shall have under the law governing the sale and service of gas and electricity within the City of Tampa at the time of the passage of this Act.

Senate Bill No. 572:

A bill to be entitled An Act to repeal Chapter 9968, Laws of Florida, 1925, the same entitled, "An Act to confer upon the City of Tampa the power to regulate electric light, electric power and gas rates and service and to prescribe the means and method of exercising such power."

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 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. 1213:

A bill to be entitled An Act relating to the Municipal Government of the City of Miami Beach, Florida to amend Sections Eight (8), Eleven (11), Thirteen (13), Twenty-Four (24), Twenty-Six (26) and Forty (40) of Chapter 7672 of the Laws of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the County of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances" as amended by Chapter 9836 of the Laws of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 10845 of the Laws of Florida, Acts of 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672, of Laws of Florida, relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17595 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 1 of Senate Bill No. 345 of the Acts of Florida of 1935, the same being "An Act to amend Sec-

tions 3, 4, 10 and 14 of Chapter 9236, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17597 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 3 of Chapter 10845, Laws of the State of Florida, approved June 11, 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; and as amended by Chapter 17602 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836 Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17605 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923 entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; and as amended by Chapter 17608 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 3 of Chapter 10845, Laws of the State of Florida, approved June 11, 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; and as amended by Chapter 18692 of the Laws of Florida, Acts of 1937, entitled "An Act to amend Section Eight of Chapter 7672, Laws of the State of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the County of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances" as amended by Chapter 9836, Laws of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach" and as amended by Chapter 17602, Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida relating to the Municipal Government of the City of Miami Beach" and as amended by Chapter 17595, Laws of Florida, Acts of 1935, entitled "An Act to amend Section 1 of Senate Bill No. 345 of the Acts of Florida of 1935, the same being "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; defining city officers, providing and naming the officers in whom the government of the city shall be vested, abolishing the office of mayor, fixing the date of general elections, providing for the term of office of present city councilmen and their successors in office, providing for a chairman of the city council who shall for certain purposes have the title of mayor and providing his duties, providing or filling his office in the event of disability or inability to act, providing for the appointment of a committeeman for each of the several departments of the city, and providing that no member of the city council may, during the term for which he was

elected, be elected or appointed to any office other than the office of city councilman, which shall have been created or the emoluments of which shall have been increased during such time"; and as amended by Chapter 18697, Laws of Florida, Acts of 1937, entitled "An Act to amend Section Twenty-Six of Chapter 7672 Laws of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the county of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances" as amended by Chapter 10845, Laws of Florida, Acts of 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672, of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; being An Act relative to the municipal government of the City of Miami Beach, Florida, and relating to the referendum and recall provisions thereof, referendum and recall elections and the filling of vacancies of recalled officers"; defining city offices, providing and naming the officers in whom the government of the city shall be vested, abolishing the present form of the office of mayor, providing for the office of mayor, fixing the date of general elections, providing the term of office for present city councilmen and their successors in office, providing for the election of a president of the council and defining his duties, providing for the filling of the office of mayor in the event of disability or inability to act, providing for the appointment of a committeeman for each of the several departments of the city and providing that no member of the city council may, during the term for which he was elected, be elected or appointed to any office other than that of city councilman which shall have been created or the emoluments of which shall have been increased during such time, and providing for referendum and recall provisions for the municipal government of the City of Miami Beach, Florida, referendum and recall elections and the filling of vacancies of recalled officers, providing for the powers and duties of the various officers of the city, providing who shall be deemed officers of the city, providing for the appointment or election of various officers of the city by nomination of the mayor and confirmation of the council, providing for a special election for the office of mayor in the event that this Act does not become a law in sufficient time to permit qualifications for such office in accordance with the present laws and city ordinances; providing that no person may qualify for the office of mayor who is occupying an elective office in the City of Miami Beach; providing for the manner of holding elections of all elective officers and their respective terms; providing that the mayor shall have power to veto ordinances and the manner in which the same may be passed over his veto; providing the mayor with the power of suspending all officers of the city except members of the council and providing the manner in which charges shall be preferred against suspended officers and their discharge or reinstatement; providing for the time and manner of holding a referendum election in the municipality of Miami Beach to determine whether this Act shall or shall not become operative; to provide for the time this law shall take effect upon its ratification or approval; to provide for the qualification of electors participating in the referendum; to provide the manner and form of presenting; to provide for the time and manner of holding a special election in the event this Act does not become a law by June 6, 1939; to provide that, in the event any portion of this Act shall be unconstitutional or invalid, that the balance thereof shall not be ineffective; to provide the presentation of this Act to the electors simultaneously with the election of a mayor, under certain conditions; to provide that it shall be the duty of the city council and the city officers of Miami Beach, Florida, to comply with the provisions of this Act; to provide, with certain exceptions, that all laws or parts of laws in conflict herewith be repealed.

Have examined the same and find the same 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.

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:

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.

Senate Bill No. 210:

A bill to be entitled An Act fixing the compensation of members of the County Boards of Bond Trustees, having administrative duties in Counties of the State of Florida, having a population of not less than 18,000 and not more than 18,400 according to the Federal census of 1930.

Senate Bill No. 413:

A bill to be entitled An Act to validate Tax Sale Certificates and Tax Deeds heretofore issued on lands in Clay County, Florida.

Senate Bill No. 414:

A bill to be entitled An Act to cancel of record all tax certificates for the year 1900 and prior years thereto in Counties having a population of not less than 7103 and not more than 7500, where the property in said certificates is assessed on a basis of lots and blocks and now assessed, by Government survey.

Senate Bill No. 415:

A bill to be entitled An Act to authorize the adjustment or sale of all tax certificates held by the State of Florida for the year 1936 and years prior thereto in Clay County where the property of said certificates is assessed on a basis of lots or blocks.

Senate Bill No. 462:

A bill to be entitled An Act to validate, ratify, approve and confirm certain bonds of Special Tax School District No. 1, of Suwannee County, Florida, dated January 1st, 1939, and to validate, ratify, approve and confirm all things done toward the issuance of said bonds.

Senate Bill No. 480:

A bill to be entitled An Act to prohibit the hunting or taking, within Suwannee County, State of Florida, of all game, game bird, or fur-bearing animals, as herein defined, except on certain stated days during the open season for hunting; to provide penalties for violation of the provisions hereof; and to provide for the enforcement hereof.

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 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 case elections for City Councilman 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 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 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; 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.

Senate Bill No. 591:

A bill to be entitled An Act prohibiting the catching, gathering, or taking, for the purpose of sale, of any kind or character of fish, or of alligators, or of frogs, from the waters of Lake Weir and Little Lake Weir, said Little Lake Weir being otherwise known as Lake Bonita, in the County of Marion, State of Florida; making it a misdemeanor to violate the provisions of this Act; and providing a penalty for the violation thereof.

Senate Bill No. 622:

A bill to be entitled An Act providing that adjudication in cases of delinquent children as defined by Section 3684 of the Compiled General Laws of Florida of 1927 in Juvenile Courts or County Judges Court sitting as Juvenile Court shall not be considered as a conviction and said delinquents shall not be considered as criminals as a result of said conviction or adjudication of delinquency, and shall not operate to impose any civil disabilities by said conviction.

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 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. 1143:

A bill to be entitled An Act to provide for a re-registration of all voters for all elections to be held in the year A. D. 1940 and subsequent years in Pasco County, Florida.

A bill to be entitled An Act to repeal Chapter 18900, Laws of Florida, Acts of 1937, same being An Act to restate, novate and codify all laws and parts of laws of such application to Sumter County, in the State of Florida, and to repeal all laws and parts of laws in conflict therewith.

House Bill No. 1144:

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

Senate Bill No. 685:

A bill to be entitled An Act designating the time in which a fence shall be erected and built as a prerequisite to the taking effect of an election declaring a closed range territory.

And Senate Bill No. 685, 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 pass, with Committee amendment:

Senate Bill No. 612:

A bill to be entitled An Act to declare the need of and provide authorization for a State-wide survey of the soils of Florida through the cooperation of appropriate State and County agencies with proper bureaus and divisions of the United States Department of Agriculture, designating the agricultural experiment station of the University of Florida as an agency of the State to supervise such surveys; providing for the matching of Federal funds by the State and Counties or other local agency; providing for the publication of soil survey reports and maps, making an appropriation for carrying out the provisions of this Act and repealing any and all laws in conflict herewith.

Which amendment is as follows:

No. 1. In Section 3, line 3 (typewritten bill) strike out the words: "from the General Revenue Fund" and insert in lieu thereof the following: "from the General Inspection Fund."

And Senate Bill No. 612, contained in the above report, together with Committee Amendment thereto, 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 pass, with Committee amendment:

Senate Bill No. 333:

A bill to be entitled An Act to amend Section 12 of Chapter 17275, Acts of 1935, being an Act creating the State Planning Board, prescribing its powers and duties, creating County planning councils and prescribing their powers and duties, and making an appropriation for said board.

Which amendment is as follows:

No. 1. In Section 1 (typewritten bill), strike out "Section 12. There is hereby appropriated out of any funds in the State Treasury the sum of Thirty-eight Thousand (\$38,000) Dollars annually for the next two (2) years to carry on the work of the board and to sponsor contributions and grants of assistance from the Federal Government and agencies thereof in carrying on such work" and insert in lieu thereof the following: "There is hereby appropriated out of the State Road Department license fund the sum of \$25,000.00 annually for the next two years to carry on the work of the board and to sponsor contributions and grants of assistance from the Federal Government in carrying on such work."

And Senate Bill No. 333, contained in the above report, together with Committee Amendment thereto, 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:

Senate Bill No. 301:

A bill to be entitled An Act providing for the voluntary resignation and retirement of officers and employees of the

State of Florida under certain conditions; establishing a fund to be known as the State Officers and Employees Retirement Fund," and providing for contribution thereto by State officers and employees under certain conditions; providing for the pay of such retired state officers and employees; making appropriations to carry out the provisions of this Act, and prohibiting such retired State officers and employees from receiving any compensation hereunder while gainfully employed.

And offer the following substitute and recommend that the same do pass:

A bill to be entitled An Act providing for the voluntary resignation and retirement of officers and employees of the State of Florida under certain conditions; establishing a fund to be known as the State Officers' and Employees' Retirement Fund," and providing for contribution thereto by State officers and employees under certain conditions; providing for the pay of such retired State officers and employees; making appropriations to carry out the provisions of this Act, and prohibiting such retired State officers and employees from receiving any compensation hereunder while gainfully employed.

And Senate Bill No. 301, contained in the above report, together with Committee Substitute therefor, was placed on the Calendar of Bills on second reading.

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

Senate Bill No. 617:

Amend Section 4621, Revised General Statutes, 1920 (the same being Section 6707, Compiled General Laws of Florida, 1927), relating to the power of the Railroad Commissioners to require necessary facilities, etc.

And Senate Bill No. 617, 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.

Senate Bill No. 672:

A bill to be entitled An Act relating to the practice of osteopathy; to authorize certain persons to practice osteopathy and to authorize and direct the State Board of Osteopathic Medical Examiners to issue to certain persons licenses to practice osteopathy in the State of Florida.

And Senate Bill No. 672, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Bill No. 737:

A bill to be entitled An Act for the relief of C. M. Barber of Macclenny, Baker County, Florida, and providing for payment to him of certain moneys expended on account of cattle being impounded in Duval County, Florida.

And Senate Bill No. 737, contained in the above report, was placed on the Calendar of Bills on second reading.

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

Senate Bill No. 739:

A bill to be entitled An Act to amend Section 17 of Chapter 14764, Laws of Florida, Acts of 1931, entitled "An Act providing for the supervision and regulation of persons, firms, corporations and associations owning, controlling, operating or managing motor vehicles used in the business of transporting persons or property for compensation over the public highways of the State; providing for regulations of safety and proper operation affecting the use of said highways and the preservation thereof; defining auto transportation companies and providing supervision and regulation thereof by the Railroad Commission of the State of Florida, and providing for the enforcement of the provisions of this Act and for the punishment of violations thereof and imposing a mileage tax and providing for the disposition of the revenue raised by the same; and providing certain exemptions and repealing all Acts inconsistent with the provisions of this Act," relating to the distribution of the mileage tax."

And Senate Bill No. 739, contained in the above report, 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. 465:

A bill to be entitled An Act to provide for the registration, inspection, and analysis of, and to regulate the sale of commercial feeds in this State; to prohibit the sale of fraudulent or adulterated commercial feeds; to define the term commercial feeds; to authorize the Commissioner of Agriculture to fix the standards of commercial feeds sold in Florida; to provide for guarantees of the ingredients of commercial feeds; for the affixing of labels, tags or stamps to the packages thereof, as evidence of compliance with this Act; to provide for the collection of an inspection fee from the manufacturers of commercial feeds; to fix penalties for the violation of the provisions of this Act; authorizing civil actions by purchasers of feeds sold not in conformity with this Act against the sellers or manufacturers; providing for salaries of the State Chemist and Assistant Chemist incident to enforcement of this Act; and to repeal all laws or parts of laws in conflict with this Act.

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

And Senate Bill No. 465, 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. 54:

A bill to be entitled An Act providing for the creation of a Firemen'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 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 return same herewith.

And Senate Bill No. 54, contained in the above report, was referred to the Committee on Enrolled Bills.

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:

Senate Bill No. 570:

A bill to be entitled An Act creating Tampa Utility Board for the City of Tampa, prescribing the powers, duties and authority thereof; regulating the sale and service of gas and electricity within the City of Tampa; fixing the number, terms and compensation of the members of the Tampa Utility Board and the method naming the first members thereof; giving said board power to employ an attorney, rate experts and engineers; providing for the filing of reports and the furnishing of information to said Tampa Utility Board by all of the utilities operating in the City of Tampa, as defined in this Act; giving certain powers and rights to members of Tampa Utility Board; prescribing the procedure for investigations and giving said board the power, after hearings,

to fix rates within the City of Tampa for the sale by persons, firms or corporations of gas and electricity; defining certain violations of this as misdemeanors and prescribing the punishment thereof, upon conviction thereof; giving Tampa Utility Board power to prescribe rules and regulations affecting the sale of gas and electricity within the City of Tampa; prohibiting the charging of excessive rates, tolls or charges for the sale of gas or electricity within the City of Tampa; prohibiting discrimination in rates, charges and tolls for the sale of gas or electricity within the City of Tampa, as between different purchasers or users thereof; prohibiting refunds and rebates by utilities in the City of Tampa; giving the Tampa Utility Board, its members and employees, power to inspect accounts, books, records and papers of the utilities doing business in the City of Tampa, and conferring upon said Tampa Utility Board the same powers of investigation and examination, under oath, of officers, agents and employees of utilities as is now given under the laws of this State to the State Railroad Commission, in the exercise of such powers over railroads, railroad companies, common carriers and telephone and telegraph companies; requiring said Tampa Utility Board to keep proper minutes; providing for the payment of salaries and expenses of said Tampa Utility Board; giving said Tampa Utility Board full power to act within the authority conferred by this Act independent of the Mayor or Board of Representatives, or other authorities of the City of Tampa; providing the procedure and prescribing the limitations of said Tampa Utilities Board in ascertaining and promulgating just and reasonable rates, tolls and charges governing the users of gas or electricity within the City of Tampa, and making it unlawful for any utility, as defined in this Act, to charge more than the rates fixed and promulgated by said Tampa Utility Board; giving Tampa Utility Board power to prescribe rules and regulations affecting the sale of gas and electricity within the City of Tampa, and prescribing other duties, powers and rights incident thereto.

Senate Bill No. 571:

A bill to be entitled An Act authorizing and empowering the Tampa Utility Board to make investigations into and fix rates, charges and tolls for and to regulate the service of all utilities, persons, firms and corporations within the City of Tampa engaged in the business of transporting people or goods for hire and where the street cars or other vehicles used for said purpose are propelled by electricity; provided said investigations, fixing of rates, tolls and charges and promulgating rules and regulations by Tampa Utility Board shall be performed and done by said board in the same manner as now prescribed by law governing said board with reference to the sales and service of gas and electricity within the City of Tampa by Act of 1939 Legislature; giving said Tampa Utility Board the same rights and powers over utilities, persons, firms and corporations within the City of Tampa engaged in the business of transporting people or goods for hire by the use of cars or vehicles which are propelled by electricity that said board shall have under the law governing the sale and service of gas and electricity within the City of Tampa at the time of the passage of this Act.

Senate Bill No. 572:

A bill to be entitled An Act to repeal Chapter 9968 Laws of Florida 1925, the same entitled, "An Act to confer upon the City of Tampa the power to regulate electric light, electric power and gas rates and service and to prescribe the means and method of exercising such power."

Beg leave to report that the same have 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:

Your Committee on Enrolled Bills, to whom was referred:

House Bill No. 1213:

A bill to be entitled An Act relating to the Municipal Government of the City of Miami Beach, Florida to amend Sections Eight (8), Eleven (11), Thirteen (13), Twenty-Four (24), Twenty-Six (26) and Forty (40) of Chapter 7672 of the Laws of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the County of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition

of penalties for the violation of its ordinances" as amended by Chapter 9836 of the Laws of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 10845 of the Laws of Florida, Acts of 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672, of Laws of Florida, relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17595 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 1 of Senate Bill No. 345 of the Acts of Florida of 1935, the same being "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9236, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17597 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 3 of Chapter 10845, Laws of the State of Florida, approved June 11, 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; and as amended by Chapter 17602 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836 Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17605 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923 entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach"; and as amended by Chapter 17608 of the Laws of Florida, Acts of 1935, entitled "An Act to amend Section 3 of Chapter 10845, Laws of the State of Florida, approved June 11, 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; and as amended by Chapter 18692 of the Laws of Florida, Acts of 1937, entitled "An Act to amend Section Eight of Chapter 7672, Laws of the State of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the County of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances" as amended by Chapter 9836, Laws of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach" and as amended by Chapter 17602, Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach; and to amend Chapter 7672 of the Laws of Florida, relating to the municipal government of the City of Miami Beach" and as amended by Chapter 17605, Laws of Florida, Acts of 1935, entitled "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida relating to the Municipal Government of the City of Miami Beach" and as amended by Chapter 17595, Laws of Florida, Acts of 1935, entitled "An Act to amend Section 1 of Senate Bill No. 345 of the Acts of Florida of 1935, the same being "An Act to amend Sections 3, 4, 10 and 14 of Chapter 9836, Laws of the State of Florida, Acts of 1923, entitled "An Act to amend Chapter 9023 of the Laws of Florida, relating to the municipal government of

the City of Miami Beach, and to amend Chapter 7672 of the Laws of Florida relating to the municipal government of the City of Miami Beach"; defining city officers, providing and naming the officers in whom the government of the city shall be vested, abolishing the office of mayor, fixing the date of general elections, providing for the term of office of present city councilmen and their successors in office, providing for a chairman of the city council who shall for certain purposes have the title of mayor and providing his duties, providing or filling his office in the event of disability or inability to act, providing for the appointment of a committeeman for each of the several departments of the city, and providing that no member of the city council may, during the term for which he was elected, be elected or appointed to any office other than the office of city councilman, which shall have been created or the emoluments of which shall have been increased during such time"; and as amended by Chapter 18697, Laws of Florida, Acts of 1937, entitled "An Act to amend Section Twenty-Six of Chapter 7672, Laws of Florida, Acts of 1917, entitled "An Act to abolish the present municipal government of the Town of Miami Beach, in the county of Dade and State of Florida, and to establish, organize and incorporate a city government for the City of Miami Beach, to define its territorial boundaries, to prescribe its jurisdiction, powers and privileges, and for the exercise of same, and to authorize the imposition of penalties for the violation of its ordinances" as amended by Chapter 10845, Laws of Florida, Acts of 1925, entitled "An Act to amend portions of Chapter 9836, Chapter 9023, Chapter 7672, of the Laws of Florida, relating to the municipal government of the City of Miami Beach, Florida"; being An Act relative to the municipal government of the City of Miami Beach, Florida, and relating to the referendum and recall provisions thereof, referendum and recall elections and the filling of vacancies of recalled officers"; defining city offices, providing and naming the officers in whom the government of the city shall be vested, abolishing the present form of the office of mayor, providing for the office of mayor, fixing the date of general elections, providing the term of office for present city councilmen and their successors in office, providing for the election of a president of the council and defining his duties, providing for the filling of the office of mayor in the event of disability or inability to act, providing for the appointment of a committeeman for each of the several departments of the city and providing that no member of the city council may, during the term for which he was elected, be elected or appointed to any office other than that of city councilman which shall have been created or the emoluments of which shall have been increased during such time, and providing for referendum and recall provisions for the municipal government of the City of Miami Beach, Florida, referendum and recall elections and the filling of vacancies of recalled officers, providing for the powers and duties of the various officers of the city, providing who shall be deemed officers of the city, providing for the appointment or election of various officers of the city by nomination of the mayor and confirmation of the council, providing for a special election for the office of mayor in the event that this Act does not become a law in sufficient time to permit qualifications for such office in accordance with the present laws and city ordinances; providing that no person may qualify for the office of mayor who is occupying an elective office in the City of Miami Beach; providing for the manner of holding elections of all elective officers and their respective terms; providing that the mayor shall have power to veto ordinances and the manner in which the same may be passed over his veto; providing the mayor with the power of suspending all officers of the city except members of the council and providing the manner in which charges shall be preferred against suspended officers and their discharge or reinstatement; providing for the time and manner of holding a referendum election in the municipality of Miami Beach to determine whether this Act shall or shall not become operative; to provide for the time this law shall take effect upon its ratification or approval; to provide for the qualifications of electors participating in the referendum; to provide the manner and form of presenting this Act to the electors for their ratification or consenting; to provide for the time and manner of holding a special election in the event this Act does not become a law by June 6, 1939; to provide that, in the event any portion of this Act shall be unconstitutional or invalid, that the balance thereof shall not be ineffective; to provide the

presentation of this Act to the electors simultaneously with the election of a mayor, under certain conditions; to provide that it shall be the duty of the city council and the city officers of Miami Beach, Florida, to comply with the provisions of this Act; to provide, with certain exceptions, that all laws or parts of laws in conflict herewith be repealed.

Beg leave to report that the same have 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:

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

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.

Senate Bill No. 210:

A bill to be entitled An Act fixing the compensation of members of the County Boards of Bond Trustees, having administrative duties in Counties of the State of Florida, having a population of not less than 18,000 and not more than 18,400 according to the Federal census of 1930.

Senate Bill No. 413:

A bill to be entitled An Act to validate Tax Sale Certificates and Tax Deeds heretofore issued on lands in Clay County, Florida.

Senate Bill No. 414:

A bill to be entitled An Act to cancel of record all tax certificates for the year 1900 and prior years thereto in Counties having a population of not less than 7103 and not more than 7500, where the property in said certificates is assessed on a basis of lots and blocks and now assessed, by Government survey.

Senate Bill No. 415:

A bill to be entitled An Act to authorize the adjustment or sale of all tax certificates held by the State of Florida for the year 1936 and years prior thereto in Clay County where the property of said certificates is assessed on a basis of lots or blocks.

Senate Bill No. 462:

A bill to be entitled An Act to validate, ratify, approve and confirm certain bonds of Special Tax School District No. 1, of Suwannee County, Florida, dated January 1st, 1939, and to validate, ratify, approve and confirm all things done toward the issuance of said bonds.

Senate Bill No. 480:

A bill to be entitled An Act to prohibit the hunting or taking, within Suwannee County, State of Florida, of all game, game bird, or fur-bearing animals, as herein defined, except on certain stated days during the open season for hunting; to provide penalties for violation of the provisions hereof; and to provide for the enforcement hereof.

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 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 case elections for City Councilman 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 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 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; 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.

Senate Bill No. 591:

A bill to be entitled An Act prohibiting the catching, gathering, or taking, for the purpose of sale, of any kind or character of fish, or of alligators, or of frogs, from the waters of Lake Weir and Little Lake Weir, said Little Lake Weir being otherwise known as Lake Bonita, in the County of Marion, State of Florida; making it a misdemeanor to violate the provisions of this Act; and providing a penalty for the violation thereof.

Senate Bill No. 622:

A bill to be entitled An Act providing that adjudication in cases of delinquent children as defined by Section 3684 of the Compiled General Laws of Florida of 1927 in Juvenile Courts or County Judges Court sitting as Juvenile Court shall not be considered as a conviction and said delinquents shall not be considered as criminals as a result of said conviction or adjudication of delinquency, and shall not operate to impose any civil disabilities by said conviction.

Beg leave to report that the same have 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:

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

House Bill No. 1143:

A bill to be entitled An Act to provide for a re-registration of all voters for all elections to be held in the Year A. D. 1940 and subsequent years in Pasco County, Florida.

House Bill No. 1144:

A bill to be entitled An Act to repeal Chapter 18900, Laws of Florida, Acts of 1937, same being An Act to restate, novate and codify all laws and parts of laws of such application to Sumter County, in the State of Florida, and to repeal all laws and parts of laws in conflict therewith.

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

Senator Beacham moved that the rules be waived and when the Senate adjourns at this session it adjourn to reconvene on Monday, May 15, 1939, at 2:00 o'clock P. M., and adjourn at 6:00 o'clock P. M.

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

Senator Black moved that Senate Bill No. 624 be re-committed to the Committee on Public Health.

Which was agreed to and it was so ordered.

Senator Rose moved that the rules be waived and the Senate do now take up and consider House Bill No. 1126, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 1126:

A bill to be entitled An Act creating and establishing a Juvenile Court for Orange County, Florida, prescribing its jurisdiction, procedure and powers; providing for the qualification and the election of a Judge of said Court, and prescribing his qualifications, duties, powers and compensation, and providing for the appointment of a successor in case of a vacancy in said office, and providing for the County Judge to act as Judge of said Court in certain instances; providing for the removal of said Juvenile Judge in certain instances, and providing for the manner and procedure for such removal; providing for the selection and appointment of Probation Officers for said Court, and providing for their compensation, duties and powers; providing for payment of expenses incurred in connection with the operation of said Court, and repealing Chapter 8488, Laws of Florida, Acts of 1921, entitled, "An Act to create and establish a Juvenile Court in and for Orange County, Florida, to provide for a Judge of said Court and to define his powers and duties; to provide for the expense of said Court and compensation of said Judge," and all Acts amendatory thereto, and repealing conflicting laws.

Was taken up.

Senator Rose moved that the rules be waived and House Bill No. 1126 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1126 was read the second time by title only.

Senator Rose moved that the rules be further waived and House Bill No. 1126 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. 1126 was read the third time in full.

Upon the passage of House Bill No. 1126 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, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Wilson—35.

Nays—None.

So House Bill No. 1126 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Westbrook moved that the rules be waived and the Senate do now take up and consider House Bill No. 3, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 3:

A bill to be entitled An Act referring to corporations and the restoration of the corporate privileges and corporate entity of corporations dissolved by operation of law for failure to pay the capital stock tax, and prescribing conditions for such restoration.

Was taken up.

Senator Westbrook moved that the rules be waived and House Bill No. 3 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 3 was read the second time by title only.

Senator Westbrook moved that the rules be further waived and House Bill No. 3 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. 3 was read the third time in full.

Upon the passage of House Bill No. 3 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, Johns, Kelly (11th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—33.

Nays—None.

So House Bill No. 3 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Beall withdrew Senate Bills Nos. 89 and 664.

By unanimous consent Senator Westbrook withdrew Senate Bill No. 255.

Senator Holland moved that the rules be waived and the hour of adjournment at this session be fixed at 4:30 o'clock, P. M.

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

Senator Beacham moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 61, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 61:

A bill to be entitled An Act amending Section 4339 of the Revised General Statutes of Florida, 1920, as amended by Chapter 12321, Laws of Florida, Acts of 1927, relating to the requirements to do business in the State, of surety companies.

Was taken up.

Senator Beacham moved that the rules be waived and Senate Bill No. 61 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 61 was read the second time by title only.

Senator Beacham moved that the rules be further waived and Senate Bill No. 61 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. 61 was read the third time in full.

Upon the passage of Senate Bill No. 61 the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Johns, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Parker, Parrish, Price, Sharit, Ward, Westbrook, Whitaker, Wilson.—28.

Nays—None.

So Senate Bill No. 61 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Beall moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 508, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 508:

A bill to be entitled An Act to amend Section 1 of Chapter 15908 of the Laws of Florida of 1933, relating to the business, operation, supervision and liquidation of building and loan associations.

Was taken up.

Senator Beall moved that the rules be waived and Senate Bill No. 508 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 508 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 508 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. 508 was read the third time in full.

Upon the passage of Senate Bill No. 508 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dye, Gillis, Gideons, Hinely, Hodges,

Holland, Horne, Johns, Kelly (11th), Kelly (16th), Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—30.

Nays—None.

So Senate Bill No. 508 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Beall moved that the rules be waived and the Senate do now take up and consider House Bill No. 858, out of its order.

Which was agreed to by a two-thirds vote.

House Bill No. 858:

A bill to be entitled An Act to amend Section 3 of Chapter 15908 of the Laws of Florida of 1933 as amended by Chapter 16844 of the Laws of Florida of 1935 relating to the business, operation, supervision and liquidation of building and loan associations.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 858 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 858 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 858 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. 858 was read the third time in full.

Upon the passage of House Bill No. 858 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, Horne, Johns, Kelly (11th), Kelly (16th), Lindler, Mapoles, McKenzie, Murphy, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—29.

Nays—None.

So House Bill No. 858 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Beall moved that the rules be waived and the Senate do now take up and consider House Bill No. 860, out of its order.

Which was agreed to by a two-thirds vote:

House Bill No. 860:

A bill to be entitled An Act permitting the State Comptroller to appoint the Federal Savings and Loan Insurance Corporation to act as liquidator of any Building and Loan Association or Federal Savings and Loan Association which has membership in the Federal Savings and Loan Insurance Corporation; to act without bond and to have all of the usual powers granted a liquidator under the laws of the State of Florida and providing for a subrogation of the rights of the members and creditors.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 860 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 860 was read the second by title only.

Senator Beall moved that the rules be further waived and House Bill No. 860 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. 860 was read the third time in full.

Upon the passage of House Bill No. 860 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, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Price, Sharit, Walker, Ward, Whitaker—32.

Nays—None.

So House Bill No. 860 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Johns moved that the rules be waived and the

Senate do now take up and consider Senate Bill No. 299, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 299:

A bill to be entitled An Act for the relief of Lawrence Wiggins of Bradford County, Florida, and providing for a refund of State, County, sub-school, and road and bridge interest and sinking fund taxes erroneously collected against said person.

Was taken up.

Senator Johns moved that the rules be waived and Senate Bill No. 299 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 299 was read the second time by title only.

Senator Johns moved that the rules be further waived and Senate Bill No. 299 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. 299 was read the third time in full.

Upon the passage of Senate Bill No. 299 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, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—34.

Nays—None.

So Senate Bill No. 299 passed by the required Constitutional two-thirds vote of all members elected to the Senate for the 1939 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

Pursuant to the motion made by Senator Parrish on May 9, 1939, and the hour having arrived, the Senate took up the consideration of Senate Bill No. 222 as a Special and Continuing Order.

Senate Bill No. 222:

A bill to be entitled An Act to amend Section 5 of Chapter 15911, Laws of Florida, Acts of 1933, entitled An Act defining and regulating the practice of chiropody, providing for the examination and licensing of chiropodists, providing for exemption from this Act, creating a Board of Chiropody Examiners, providing penalties for the violation of this Act, repealing laws in conflict herewith and fixing the date upon which this Act becomes effective.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 222 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Hinely, Hodges, Holland, Horne, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—32.

Nays—None.

So Senate Bill No. 222 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 96:

A bill to be entitled An Act to be cited as the "Rural Electric Cooperative Act" to provide for the organization, operation and management of cooperative, non-profit, membership corporations, referred to as "cooperatives," for the purpose of engaging in rural electrification by supplying electric energy and promoting and extending the use thereof in rural areas; prescribing the powers of such cooperatives, the inclusion of certain words in the names thereof, the number and character of the incorporators, the contents and manner of execution of the Articles of Incorporation and By-Laws therefor the qualifications of members, the meetings of such members and the voting privileges thereof, the election of boards of trustees, the meetings, terms, quorum, powers and other matters relating thereto, provisions for voting districts, for the election of trustees and delegates, and provisions relating to the appointment and removal of officers and their powers and duties; prescribing the method of the amendment of the Articles of Incorporation of such cooperatives and for the consolidation, and merger thereof and the effect of such

consolidation or merger; prescribing the method of conversion of existing corporations into such cooperatives; prescribing for the initiative of members by petition; prescribing the method of dissolution of such cooperatives; prescribing the methods of filing articles thereof; prescribing for the disposition of the revenues of such cooperatives and for the distribution of patronage refunds; prescribing for the disposition of the property of such cooperatives under certain conditions, for the non-liability of members for the debts of such cooperatives, for the recordation of mortgages, deeds of trust and other instruments executed thereby, for waiver of notice required by this act and for trustees, officers or members serving as notaries public; prescribing for the qualification of similar foreign corporations for the transaction of business in this State; prescribing certain filing fees; providing for the exemption of such cooperatives from commission jurisdiction and from the provisions of the Uniform Sale of Securities Act; defining certain terms; prescribing for the liberal construction of this Act, the separability of its provisions and that the terms thereof shall be controlling and further prescribing the effective date thereof.

Was taken up together with the following amendment which was pending adoption on May 11, 1939: In Section 3, sub-section "D" (typewritten bill), after the words, "of its members" insert the following: "provided, however, that no cooperative shall distribute or sell any electricity, or electric energy to any person residing within any town, city or area which person is receiving adequate central station service or who at the time of commencing such service, or offer to serve, by a cooperative, such person is receiving adequate central station service from utility agency, privately or municipally owned, individual, partnership or corporation.

Senator Adams having moved the adoption of the foregoing amendment on May 11, 1939, and the following amendment having been offered by Senators Horne, Dye, Johns, Clarke, Price and Hodges to the amendment offered by the Committee on Public Utilities on Senate Bill No. 96:

Committee Amendment to Section 3, sub-section "D," after the words "electric energy" strike out the words: "to any person residing". Also strike out the word: after the words "city or area which" the following: "person in receiving adequate central station service or who at the time of commencing such service, or offer to serve by a cooperative, such person is receiving adequate central station service from any utility agency, privately or municipally owned, individual, partnership or corporation." And insert in lieu thereof the following: "at the time of the entry, or offer by a co-operative to enter, is being served by any utility agency, privately or municipally owned, or by any individual, partnership or corporation."

Senator Dye having moved the adoption of the foregoing amendment to the amendment offered by the Committee on Public Utilities to Senate Bill No. 96 on May 11, 1939.

The question was put on the adoption of the foregoing amendment to the amendment.

Upon which a roll call was demanded.

Upon the adoption of the amendment offered by Senators Horne, Dye, Johns, Clarke, Price and Hodges to the amendment offered by the Committee on Public Utilities to Senate Bill No. 96 the roll was called and the vote was:

Yeas—Senators Clarke, Dye, Kelly (11th), Kelly (16th), McKenzie, Price—6.

Nays—Mr. President; Senators Adams, Beacham, Beall, Black, Dame, Dugger, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kendrick, Lewis, Lindler, Mapoles, Murphy, Parker, Parrish, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—28.

So the amendment to the amendment failed of adoption.

The question recurred on the adoption of the foregoing amendment offered by the Committee on Public Utilities to Senate Bill No. 96.

Which was agreed to and the amendment was adopted.

Senator Dye offered the following amendment to Senate Bill No. 96:

In Section 3 at end of subsection 0, (typewritten bill) Add the following: "provided, however, that a cooperative shall not construct or otherwise acquire any electric transmission or distribution lines, systems or extensions thereof, in any rural area, in the event that electric transmission or distribution lines, systems or extensions thereof of a similar character are being actually operated by a municipality

or private company in such area or territory, unless subsequent to the passage of this Act, such municipality or private company has been requested in writing to furnish service to such rural area and has refused or neglected to furnish such service within thirty (30) days after receipt of such request.

Senator Dye moved the adoption of the amendment.

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

Senator Adams moved that the rules be further waived and Senate Bill No. 96, 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. 96, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 96, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Sharit, Ward, Westbrook, Whitaker, Wilson—30.

Nays—None.

So Senate Bill No. 96 passed, as amended, and was referred to the Committee on Engrossed Bills.

The following pair on the passage of Senate Bill No. 96, as amended, was filed with the Secretary:

Senator Coulter and I are paired on the vote on the final passage of Senate Bill No. 96. Senator Coulter voting "no" and Senator Beall "yes."

PHILIP D. BEALL,
HENRY B. COULTER.

Senator Whitaker moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 672, out of its order.

Which was agreed to by a two-third vote.

Senate Bill No. 672:

A bill to be entitled An Act relating to the practice of Osteopathy; to authorize certain persons to practice osteopathy and to authorize and direct the State Board of Osteopathic Medical Examiners to issue to certain persons licenses to practice osteopathy in the State of Florida.

Was taken up.

Senator Whitaker moved that the rules be waived and Senate Bill No. 672 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 672 was read the second time by title only.

Senator Whitaker moved that the rules be further waived and Senate Bill No. 672 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. 672 was read the third time in full.

Upon the passage of Senate Bill No. 672 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson.—32.

Nays—None.

So Senate Bill No. 672 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. 310, out of its order.

Which was agreed to by a two-thirds vote.

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.

Was taken up.

Senator Parker moved that the rules be waived and Senate Bill No. 310 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 310 was read the second time by title only.

Senator Murphy offered the following amendment to Senate Bill No. 310:

In Section 1, line 40, and further amend said section in line 40 thereof by adding between the words "air brakes" and "or vacuum booster brakes" the words "electric brakes" so that said portion of said section shall read "in addition to air brakes, electric brakes or vacuum booster brakes."

Senator Parker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Murphy also offered the following amendment to Senate Bill No. 310:

In Section 1, line 36 Amend Section 1 in line 36 by inserting, between the words "air brakes" and "or vacuum booster brakes" the words "electric brakes" so that said portion of said section will read "with driver control air brakes, electric brakes or vacuum booster brakes."

Senator Parker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Murphy also offered the following amendment to Senate Bill No. 310:

In Section 1, Further amend said Section 1 by adding at the end thereof an additional paragraph to read as follows, to-wit:

"The provisions of this section shall not apply to the length of a single vehicle or combination of vehicles of contract or common carriers exclusively engaged in hauling telephone, telegraph or electric utility poles, bridge timbers, or other construction equipment not readily susceptible of separation or dismemberment."

Senator Parker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parker offered the following amendment to Senate Bill No. 310:

In (typewritten bill) strike out the words: No passenger-carrying bus shall be authorized under any certificate of public convenience and necessity of a greater vehicle weight than twenty-four thousand pounds; provided, that ten per cent vehicle overweight is hereby authorized where such vehicle is equipped with modern airbrakes or vacuum booster brakes and the dual rear wheels with pneumatic tires, meeting the requirement of the commission as to road surface contact.

And insert in lieu thereof the following: No passenger-carrying bus shall be authorized under any certificate of public convenience and necessity of a greater vehicle weight than twenty-four thousand pounds; provided, that where such vehicle is equipped with modern airbrakes or vacuum booster brakes and dual rear wheels with pneumatic tires meeting the requirements of the commission as to road surface contact, a maximum gross weight not exceeding thirty-thousand pounds shall be allowed.

Senator Parker moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Parker moved that the further consideration of Senate Bill No. 310 be informally passed, the bill retaining its place on the Calendar of Bills on second reading.

Which was agreed to and it was so ordered.

Senator Horne moved that the time of adjournment be extended ten (10) minutes.

Which was agreed to and it was so ordered.

Senator Ward moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 295, out of its order.

Which was agreed to buy a two-thirds vote.

Senate Bill No. 295:

A bill to be entitled An Act creating a State Department of Archives and History, telling who shall constitute and compose the personnel of such department and where the office shall be situated; stating the duties and functions of the department; authorizing the acceptance of donations by the department of Archives and History; providing a place of deposit for the storage of materials secured and making an appropriation to carry out the purpose of this Act.

Was taken up.

Senator Ward moved that the rules be waived and Senate Bill No. 295 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 295 was read the second time by title only.

Senator Ward moved that the rules be further waived and Senate Bill No. 295 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. 295 was read the third time in full.

Upon the passage of Senate Bill No. 295 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 295 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Kelly (16th) moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 277, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 277:

A bill to be entitled An Act providing that the hall heretofore used as a meeting-place for the House of Representatives of the Legislature of the State of Florida and the rooms adjacent thereto and such other space as is herein designated shall be allotted to the Florida State Library, and making an appropriation for arranging such rooms and space to facilitate their use for the purposes designated.

Was taken up.

Senator Kelly (16th) moved that the rules be waived and Senate Bill No. 277 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 277 was read the second time by title only.

Senator Kelly (16th), moved that the rules be further waived and Senate Bill No. 277 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. 277 was read the third time in full.

Upon the passage of Senate Bill No. 277 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 277 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

The following report of the Special Committee appointed by the President of the Senate pursuant to Senate Resolution No. 3 was received:

TO THE HONORABLE J. TURNER BUTLER, PRESIDENT OF THE FLORIDA SENATE AND THE MEMBERS THEREOF, TALLAHASSEE, FLORIDA:

Your committee heretofore appointed under the Senate Resolution No. 3, adopted April 5th, 1939, begs leave to make the following preliminary report and recommendations included herein:

The present State Welfare Board took over Florida's welfare program on July 1, 1937, under and by virtue of the Act of Legislature of Florida, 1937, session and the following report is based upon the activities of said board since said date up to and including the date of this report as close as the same is possible with the available figures.

FUNCTIONS AND ACTIVITIES

The Committee, upon investigation, finds that it is the duty of the State Welfare Board to:

- A. Investigate and certify recipients of old age assistance;
- B. Investigate and certify recipients of aid to the blind;

- C. To investigate and certify recipients of aid to dependent children;
- D. Investigate and certify enrollment in Civilian Conservation Corps;
- E. Investigate and certify applicants for Works Progress Administration employment;
- F. Investigate and certify applicants for benefit of National Youth Administration;
- G. Investigate and certify recipients for surplus commodities;
- H. Render service to all State, County and Municipal Institutions having the care of indigent persons.
- I. Administer Florida's Child Welfare Department and Federal Child Welfare Service.

ACCOMPLISHMENTS

- A. That on July 1, 1939, there were 10,888 persons in the State of Florida, receiving old age assistance for an average grant of \$11.66 per person; that there were at the time, 8,416 applications for old age assistance that had been on file some of them for one prior to July 1, 1937; that since July 1, 1937, the State Welfare Board has received up to March 1, 1939, a total of 44,871 applications, which added to the number of applications on hand July 1, 1937, aggregate 54,287 applications, of which number there remain approved or unapproved, approximately 4,000 applications.
- B. On July 1, 1937, there was no aid to the blind program and since that time said program has been inaugurated and partially put into effect with the result that in April, 1939, checks were issued to 2,376 blind persons at an average grant of \$14.56 per recipient.
- C. Also on July 1, 1937, there was no program for aid to dependent children, which program has been inaugurated, with the result that there has been a average grant of \$9.56 to dependent children, which constitutes aid to 5,865 dependent children.
- D. In the last eighteen (18) months of the existence of the State Welfare Board it has received 67,387 applications from the Works Progress Administration.
- E. Also during this length of time the State Welfare Board has received and handled 9,422 applications for certification to the National Youth Administration.
- F. Also during this length of time the State Welfare Board has investigated, examined and certified for enlistment in the Civilian Conservation Corps, 10,985 Florida boys (this figure does not include enrollment in March this year of 1,674 boys, this being the second largest enrollment in the history of Florida).
- G. Also in addition to the above the State Welfare Board has been called upon to investigate, examine and certify and has investigated and certified 47,963 families as recipients of Surplus Commodities.
- H. And also in addition to the above the State Welfare Board has made 200 investigations for the Rural Settlement program as an accommodation to the Federal program.
- I. The State Welfare Board administers the Child Welfare division which has supervision and control over all institutions where there are children. The costs in the neighborhood of \$15,000 annually. This Board also administers the child welfare service of the Child Bureau of the Department of Labor. There is a Federal appropriation of approximately \$22,000 annually which has to be matched in whole or in part by the State.

FINANCES

- A. During the month of April, 1939, the State Welfare Board distributed the sum of \$512,077.00 to 37,023 persons, constituting an average grant of \$13.87, which would represent an annual outlay, based upon April figures, of \$6,145,000, of which said amount the State of Florida contributed one-half and the Federal Government one-half. According to the State Welfare Board's records this amount of money would be administered upon an annual basis for the sum of \$491,600, that is, 8 per cent administrative costs.
- B. During the month of April, 1939, checks were forwarded to 2,376 blind persons in the aggregate sum of \$34,683, constituting an average grant to each recipient of \$14.56, which computed upon an annual basis would make an annual aggregate of \$420,000, of which one-half is Federal and one-half is State. Using the month of April as a basis for the computation of annual administrative costs of Aid to the Blind it would require \$35,700, or that is 8½ per cent.
- C. During the month of April, 1939, checks aggregating

the amount of \$56,910.00 were paid to recipients on behalf of 5,865 children this program was not inaugurated until the latter part of 1938, and it has been determined that an average grant of \$9.56 was paid to each child or \$25.00 to the family. This program as planned by the State Welfare Board will render aid to 3,750 families with an average of three children to the family. This would necessitate an annual outlay of \$1,050,000, of which the State share would be two-thirds (2-3) of \$700,000 and the balance by the Federal Government.

D. During the first eighteen (18) months of the existence of the present State Welfare Board it received 67,387 applications for certification to the Works Progress Administration. This necessitated an investigation, examination and certification, according to W. P. A. rules and requirements of each applicant for which there has not been set aside or allowed any administrative costs and as a result thereof the costs of this investigation, examination and certification has been absorbed in the administrative costs heretofore enumerated under the heads of Old Age Assistance, Aid to the Blind and Aid to Dependent Children. W. P. A. financial benefit to Florida, as represented by expenditures of that Federal organization throughout the State, in the past 21 months have amounted to the sum of \$29,769,094.11, and resulting in the recipients thereof being made self-sustaining to the extent of the amount of the money received rather than if their certification was true, being dependent upon local charity. However, in this class of investigation, examination and certification are those employed upon a proper W. P. A. road project, being projects from which the various communities receive the benefit, not only of the expenditure of the money paid to the workers, but also the result of their labor in the nature of permanent construction and progress. Cost of this program to the State Welfare Board was \$179,111.48 for the past 21 months.

E. In addition to these activities the State Welfare Board has also absorbed the costs during the first eighteen (18) months of its operation, of the investigation, examination and certification of 9,422 applications in the National Youth Administration training. During the past 21 months N. Y. A. has expended in Florida the sum of \$1,499,233.22 and your committee becomes conscious of a potential promotion of the general welfare of the youth of this State by reason of this program. Cost of this program to the State Welfare Board for the past 21 months has been \$21,005.90.

F. It has been determined that the present State Welfare Board has certified and enrolled 10,985 boys from the State of Florida, for enlistment in the Civilian Conservation Corps and that the second largest enrollment from the State of Florida was during the month of March, at an aggregate cost of \$43,999.90, which was absorbed in the costs of administration, listed under paragraphs A, B and C. Computing the amount that would, under the law, be returned to the parents of the enlisted boys against the number of boys certified, enlisted and serving it will be found that there would be from this program a service rendered, returned or paid into the State of Florida \$1,786.00 annually. Total present enrollment Florida boys now in C. C. C. is 4,963.

G. From the records of the State Welfare Board it will also be determined that it has investigated, examined and certified, and distributors, as recipients of Surplus Commodities 46,966 persons, at a cost of \$182,274.75, which was absorbed in the administrative costs heretofore enumerated in paragraphs A, B and C. The financial benefit of the contribution of these Surplus Commodities meant the giving of property of the estimated value of \$1,433,769.64 food supplies and \$1,109,909.50 in clothing and other articles manufactured under the sewing room projects. The giving of the food commodities and clothing, does not in the mind of the Committee, constitute an asset to the business interests of the State and it cannot, under any circumstances, represent a profitable transaction in business. Yet it has been determined by the Committee that there has been spent for the purchase of Citrus, frozen and dried fish and syrup to the amount of \$805,270.64 in Florida for the distribution to 50,000 families, representing approximately 200,000 people. The Committee finds and believes that so far as the Surplus Commodities program creates a market for the Florida products above enumerated, that it is of a business value to these various industries of the State.

H. In as much as the service rendered by the State Welfare Board to the various State, County and Municipal organizations having the care of indigent people is so interwoven with the other programs and has been rendered as a charitable effort and contribution, the Committee has been unable, without further extensive study to determine the cost of such service and certainly in all cases of this kind no value can be set or determined.

EMPLOYEES.

According to the records of the State Welfare Board as of April 1, 1939, there were employed a total of 320 visitors of which number 276 were engaged either for full or part time in public assistance programs of the department of old age assistance, aid to the blind and aid to dependent children. From the records of the State Welfare Board it was determined that 44 give their entire time to the various other welfare or relief programs of the Federal Government. These workers or visitors were paid on an average of \$91.11 per month as compared with \$105.00 minimum monthly salary as employees of the Unemployment Compensation Board, which conducts a similar work. In addition to the salary paid, as a traveling expense allowance, based upon the geographic conditions in the rural communities with a maximum allowance of \$25.00 per month. It has been found that in cities where there are buses or other municipal transportation, that rather than granting mileage allowance, bus passes are allowed. And on each trip several cases are attempted to be handled as will be shown by reference to the daily work sheet or report of the visitors or worker. (It is the opinion of the Committee that such limitation of mileage allowed and requirements of visits on a trip would tend greatly to retard the expeditious handling of the applications and that probably this is one of the things that causes so many complaints to be made upon the delay of the certification of the applicant.) The Senate's attention is called to the fact that of the amount contributed by the Federal government to the old age assistance, 5% of such contribution is permitted to be used on administrative costs, and that 5% of the amount contributed to aid to the blind is permitted to be used on administrative costs, and that the Federal Government contributes to the State Board to deduct one-third (1-3) of its administrative costs of aid to dependent children from its grant.

POTENTIAL REQUIREMENTS.

From our investigation we are reliably informed that there are in the State of Florida, 95,000 citizens who are 65 years of age and over, and within contemplation of the Amendment to the Constitution as adopted in November, 1936. That if the present eligibility requirements i.e.; age, need and residence are removed there will be required by this Legislature the total of \$17,100,000.00, per annum to make a state grant of \$15.00 to each person 65 years of age and over. It is also estimated that should eligibility based upon need and residence be retained by this Legislature that there would only be approximately 40,000 of the 95,000 that would be certified by the State Welfare Board and this would require, in order to make a grant of \$15.00 per month by the state, the sum of \$7,200,000.00 which would in the first instance require this Legislature to raise in addition to the \$3,400,000.00 appropriated by the Legislature of 1937, the sum of \$13,700,000.00, and which would also in the second instance require this Legislature to raise in addition to the \$3,400,000.00 appropriated under the Act of the 1937 Legislature, the additional sum of \$3,800,000.00.

ACTIVITY OF THE COMMITTEE.

The committee has had several meetings and on the 22nd day of April went to Crestview for the purpose of hearing complaints and there appeared before the committee thirty-six persons, twenty-four of whom complained that they did not receive enough grant, twelve of whom complained that they had been rejected. There was no complaint made in Crestview against the treatment received by any recipient or applicant from the State Welfare Board or any of its representatives.

The committee held a public hearing, after giving State-wide publicity of same, in the Senate Chamber on Saturday, April 29th, 1939, and there appeared before the committee numbers of people, some of whom complained about insufficient grants, some that the costs of the administration of the State Welfare Board was in excess of good economy, and some who made recommendations for changes in the economy program and for the raising of finances to meet the required needs of the old aged people of this State.

There has been received up to May 9th, 1939, 226 written communications which were classified as follows:

Insufficient grant	117
Rejection	39
Suspended	7
Objection to present Welfare Board.....	21
United Pension Club Suggestions.....	9
Miscellaneous	17

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In reference to these complaints the committee has required the file of the State Welfare Board on each of them and comparison is being made in view of determining if the Welfare Board in its action in allotting the amount to be paid or the amount deducted or the refusal, was in error or exhibits any discrimination on the part of the State Welfare Board, and the full report upon this will be submitted at a later date.

RECOMMENDATIONS.

This committee wishes to recommend the following:

As to eligibility: That the requirements of eligibility as now exist be changed in several instances:

- (1) That the ability of children to support parents be eliminated.
- (2) That the lien clause be repealed.
- (3) That all investigations of financial affairs of the children be eliminated and all liens heretofore taken be cancelled.
- (4) That the existence of an insurance policy under \$2,500.00 full value being a disqualification be eliminated.
- (5) That no applicant be disqualified because they have less than one thousand dollars in money or property or own a home or has an income less than three hundred and sixty dollars per year less all taxes and assessments paid to either the State or Federal Government.
- (6) That all recipients be citizens of the United States.
- (7) That proof of age may be made by affidavit of applicant with a supporting affidavit of the belief of one other person, with the penalties of perjury attached thereto.

FINANCES

As to Finances: The committee has received several suggestions toward financing this program as follows:

- (1) The enactment of a transaction tax.
- (2) The enactment of a sales tax.
- (3) The legalizing of slot machines to be State operated.
- (4) The legalizing and taxing of race track bookmakers and wire service from race tracks.
- (5) The legalizing of all forms of gambling which was estimated would produce a potential income of Twenty Million Dollars a year.

It has also been suggested to the Committee that all plans of retirement and the funds collected thereby be pooled into a general pension plan and with the requirement that any person receiving any of the benefits under the general pension bill be precluded from holding any position or job, State Federal or private, to the exclusion of any person under the age of sixty-five and capable of holding said position or job.

There has also been brought very humbly to the attention of the committee that in the various districts and county Welfare offices, there has not been provided convenient toilet facilities for the aged colored people, and committee, therefore, recommends that this be brought to the attention of the Board with the recommendation that such conveniences be provided. We have no evidence that this has ever been brought to the attention of the Board before.

Upon a completion of the detailed investigation of all complaints, findings of the committee will be submitted to you.

Respectfully submitted,
 R. C. HORNE, Chairman.
 PHILIP D. BEALL
 DAVID E. WARD
 F. P. PARKER

The hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 4:40 o'clock, P. M. until 2:00 o'clock, P. M., Monday, May 15, 1939.