

JOURNAL OF THE SENATE

Tuesday, May 16, 1939

The Senate convened at 11:00 o'clock, A. M., pursuant to adjournment on Monday, May 15, 1939.

The President in the Chair.

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

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

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

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

On page 33, column 1, line 24 from the top of the page, strike out the figures "645" and insert in lieu thereof the following: "465".

And as further corrected was approved.

The Journal of May 15, 1939, was corrected as follows:

On page 7, column 1, in line 30 from the top of the page, strike out the figures "14699" and insert in lieu thereof the figures "14899."

And as corrected was approved.

REPORTS OF COMMITTEES

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. 216:

A bill to be entitled An Act providing for the re-registration of voters for all elections to be held in the year A. D. 1940 and subsequent years thereafter in counties of this State having a population of not less than 14,500 and not more than 14,600 according to the last Federal census.

House Bill No. 680:

A bill to be entitled An Act appropriating from the net income payable to counties of a population of 180,000 inhabitants or more, by any Clerk or Judge of a Court of Record a sum equal to one dollar for each suit, action or proceeding instituted in such court for the maintenance of a law library and the furnishing, conditioning, equipping, maintaining and use of the courtrooms, judges chambers and law library in the County Court House and making same a county purpose.

House Bill No. 760:

A bill to be entitled An Act authorizing and empowering the Board of County Commissioners of Clay County, Florida, to levy a special tax of not to exceed one mill annually for hospitalization of indigent inhabitants of said county.

House Bill No. 786:

A bill to be entitled An Act to fix the times for holding the regular terms of the Circuit Court in all of the counties in the State of Florida having a population of not less than 22,000 and not more than 22,300, according to the official State census of 1935.

House Bill No. 526:

A bill to be entitled An Act prescribing and defining the rights and liabilities of persons going upon and over lands other than their own, for the purpose of hunting, taking or killing wild game in all counties of the State of Florida having a population of not less than fifty thousand and not more than fifty-three thousand, according to the last preceding State or Federal census, and prescribing penalties for the violation thereof.

House Bill No. 572:

A bill to be entitled An Act to declare, designate and establish as a State road that part of Coconut Palm Drive beginning at a point where said drive intersects Biscayne Canal in Dade County, Florida, continuing west crossing State roads Number 271, Number 4 A and Number 205 to County Club Road, thence south along Country Club Road to its intersection with State Road Number 205.

House Bill No. 589:

A bill to be entitled An Act for the relief of Albert A. White on account of personal injuries received by him when struck by a Duval County truck driven by an employee of Duval County while engaged in the performance of his duties as such, requiring the Board of County Commissioners to investigate such claim and to settle by payment in such an amount as they may determine, not to exceed Five Thousand Dollars.

House Bill No. 692:

A bill to be entitled An Act to provide for a librarian and assistants for certain law libraries in Counties having a population of 180,000 inhabitants or more according to the latest census.

House Bill No. 691:

A bill to be entitled An Act authorizing delivery to law libraries maintained in Counties of a population of 180,000 or more according to the latest census, by taxation, copies of Acts of the Legislature and Journals of House and Senate.

House Bill No. 850:

A bill to be entitled An Act making it lawful to take silver mullet from the salt waters of Palm Beach County, Florida, during the closed season for the taking of mullet, for purposes of bait, propagation or research.

House Bill No. 884:

A bill to be entitled An Act to prohibit hogs from roaming or running at large within that part of Lee County, Florida, described herein, and providing for the enforcement of this Act and for the impounding of hogs found roaming or running at large in said territory; and providing that persons damaged by such hogs roaming or running at large may recover damages therefor; and providing a penalty for the violation of the provisions of this Act; and providing for a referendum when this Act shall become effective.

House Bill No. 789:

A bill to be entitled An Act to fix the times for holding the regular terms of County Court in all of the Counties in the State of Florida having a population of not less than 22,000 and not more than 22,300, according to the official State Census of 1935.

House Bill No. 825:

A bill to be entitled An Act fixing the compensation of members of the Board of County Commissioners in Counties of the State of Florida having a population of not less than five thousand two hundred fifty (5,250) and not more than five thousand five hundred (5,500) according to the last preceding Florida State Census; and ratifying, approving and confirming salaries paid members of the Board of County Commissioners in such counties from October 1st, 1937, to the present time; and repealing all laws in conflict herewith.

House Bill No. 833:

A bill to be entitled An Act relative to the election of the Mayor and Councilmen of the City of Chipley, Florida: fixing the term of office and oath of office of such officials: providing that in primary elections which may be held in said city for the selection of candidates for the office of councilmen, such candidates to be nominated by the qualified voters of said City: and providing that if a vacancy shall occur in the office of Councilman in said city prior to expiration of the term of the one elected and qualified to hold such office, a successor for the unexpired term to fill such vacancy shall be appointed by the Mayor and confirmed by the Council of said City.

House Bill No. 839:

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.

House Bill No. 854:

A bill to be entitled An Act relating to State and County certificates on lands in the boundaries of the Lake Worth Drainage District in Palm Beach County, Florida and cancelling all State and County tax certificates outstanding, together with subsequent and omitted Taxes on certain lands within the boundaries of the Lake Worth Drainage District.

House Bill No. 855:

A bill to be entitled An Act relating to the sale of delinquent State and County tax certificates two years old or more, together with interest, penalties, costs and subsequent and omitted taxes pertaining to lands in the boundaries of the Lake Worth Drainage District in Palm Beach County, Florida, and empowering the Board of County Commissioners of Palm Beach County, Florida, to sell such certificates, together with interest, penalties, costs and subsequent and omitted taxes.

House Bill No. 877:

A bill to be entitled An Act to provide for the cancellation and release of all State, Broward County, and Special District Taxes and tax sales certificates owned by the State of Florida, County of Broward, and other Special Taxing Districts on certain lands owned by the City of Fort Lauderdale, or to which they hold a deed of conveyance.

House Bill No. 474:

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

House Bill No. 523:

A bill to be entitled An Act fixing the compensation of the members of the Board of Public Instruction for the County of Alachua, State of Florida, and repealing all laws or parts of laws in conflict herewith.

House Bill No. 416:

A bill to be entitled An Act relating to the City of Clewiston, in Hendry County, Florida; and ratifying, validating and confirming all Acts and proceedings taken in the creation, organization and governmental functions of said city, and the corporate existence thereof, and all tax levies, assessments, and special assessments and all tax sale certificates heretofore made or issued by said city; and repealing all laws or parts of laws in conflict with the provisions of this Act.

House Bill No. 360:

A bill to be entitled An Act to declare, designate and establish a State Road in Gulf and Bay Counties, Florida.

House Bill No. 909:

A bill to be entitled An Act to abolish Boards of Bond Trustees in all Counties of the State of Florida having a population of not less than 3,099 and not more than 3,160 according to the last preceding State Census, and to provide for the discharge of their duties and obligations by the Board of County Commissioners of such Counties.

House Bill No. 928:

A bill to be entitled An Act to amend Sections 5, 6, 13, 14 and 30 of Chapter 10569 of the Acts of the Legislature of the State of Florida, approved May 14, 1925, being "An Act to validate and legalize an election held in and for the Town of Fort Meade, Florida, on the 22nd day of April, A. D. 1925; to validate and legalize the Charter of the City of Fort Meade, which was adopted by the electors of said Town of Fort Meade at said election held on the 22nd day of April, A. D. 1925, and providing a form and method of government for said City of Fort Meade."

House Bill No. 940:

A bill to be entitled An Act to place the name of Police Officer W. E. Evans on the pension roll of the City of Tampa, Florida.

House Bill No. 962:

A bill to be entitled An Act relating to taxation; providing for the cancellation of tax sales certificates now held by the State of Florida, which were issued by the Tax Collector of Union County, Florida, in the year 1935 in cases where the tax sales certificates relate only to the 74 mill tax levy.

House Bill No. 964:

A bill to be entitled An Act authorizing the Town of Belle Glade, in Palm Beach County, Florida, to lease or sell land now owned or hereafter acquired, to Board of Public Instruction of Palm Beach County for school purposes providing a referendum.

House Bill No. 966:

A bill to be entitled An Act providing that no person shall be elected to the office of Mayor of the City of Ocala or to the office of City Councilmen of the City of Ocala who shall not have received a majority of the qualified votes cast at any election for such office; providing for the holding of such additional election or elections as may be necessary in the event that any such candidate or candidates do not receive such majority votes at any election; providing that in the case elections for City Councilmen there shall be as many groups as there are vacancies to be filled, and each candidate shall designate or in the event of nomination by petition or otherwise the nominating petition or other method of nomination shall designate the group in which such candidate for such office shall run; providing that in the event no such candidate receives a majority at any such election, that then and in that event the two candidates who receive 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 candidates 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.

House Bill No. 973:

A bill to be entitled An Act to amend Section 8 of Chapter 10847, Laws of Florida, approved May 9, 1925, as amended by Chapter 15339, approved May 15, 1931, and entitled: "An Act to amend and re-enact the Charter of the City of Miami, in the County of Dade, and to fix the boundaries and provide for the government, powers and privileges of said City and means for exercising the same; and to authorize

the imposition of penalties for the violation of ordinances, and to ratify certain Acts and proceedings of the Commission and of the officers of the City," relating to Miami Municipal elections and qualifications and requirements of candidates participating in said municipal elections.

House Bill No. 981:

A bill to be entitled An Act making it unlawful to fish with or cause to be fished with, to set or cause to be set for fishing, any seine, haul seine, drag net, gill net, stop net, or any other net except a common hand cast net or common hand dip net, within 1500 feet of the corporate limits of any incorporated municipality in Manatee County, Florida, and prescribing penalties for any violation of this Act.

House Bill No. 990:

A bill to be entitled An Act to amend Section 27 of Chapter 9897, Laws of Florida, Acts of 1923, entitled: "An Act to abolish the present municipal government of the City of Sanford, Seminole County, State of Florida, and to organize, incorporate and establish a City government for the same, and to prescribe the jurisdiction, powers and functions of said municipality," said Section relating to the powers and duties of the Municipal Judge of the City of Sanford, Florida, and procedure in the municipal court.

House Bill No. 1043:

A bill to be entitled An Act to authorize and empower the City Commission of the City of Stuart, Florida, to compromise, adjust and settle certain taxes and assessment liens of the said City.

House Bill No. 1044:

A bill to be entitled An Act to validate and legalize in the purchaser, or purchasers, and their successors and assigns in Title, the Title to all property acquired at any Master's Sale through foreclosure of delinquent City taxes, or special assessments or improvement liens, by the City of Stuart, Florida, under the provisions of Chapter 15,038, Acts of 1931, Laws of Florida, or any acts amendatory thereto.

House Bill No. 1050:

A bill to be entitled An Act authorizing and requiring the State Board of Administration and Seminole County, Florida, by and through its Board of County Commissioners, to waive all interest accrued and to accrue upon certain bonds of the Town of Oviedo, Florida, and to immediately surrender all interest coupons thereon or therewith.

House Bill No. 1076:

A bill to be entitled An Act providing for pensions for employees of the City of Jacksonville Beach.

House Bill No. 1080:

A bill to be entitled An Act repealing Chapter 18081, Acts of 1937, being An Act providing for the distribution and use by the Board of County Commissioners of Osceola County and the Board of Public Instruction of Osceola County on moneys received by Osceola County under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, and to provide for the distribution and use by the Board of County Commissioners of Osceola County, Florida, of all moneys received by Osceola County, Florida, under the provisions of Chapter 14832, Laws of Florida, Acts of 1931, or any amendment or amendments thereto or other laws providing for revenues from licensed race tracks in this State, providing said moneys shall be paid by the State Treasurer on warrants drawn by the Comptroller to the said Board.

House Bill No. 1081:

A bill to be entitled An Act authorizing the State Board of Administration to transfer and pay over to the Board of County Commissioners of Osceola County for use in the construction and maintenance of roads in such districts, moneys collected and turned over to the State Board of Administration for the account of any Special Road and Bridge District in Osceola County whose entire bonded indebtedness has been retired.

House Bill No. 1083:

A bill to be entitled An Act cancelling and annulling all real and personal property taxes assessed, levied and imposed by the City of St. Cloud, Florida, for the years 1931 and prior thereto, remaining unpaid on December 15, 1940.

House Bill No. 1085:

A bill to be entitled An Act to cancel and annul interest

penalties on personal property taxes assessed and levied by the City of St. Cloud for the years 1932, 1933, 1934 and 1935, providing that no interest penalties shall hereafter be added to or collected by said City on said taxes assessed and levied for said years, ratifying and confirming the action of city officials of said City in waiving interest penalties on said taxes prior to the passage of this Act and cancelling said interest penalties so waived.

House Bill No. 1106:

A bill to be entitled An Act authorizing the Town of Palm Beach, Florida, to provide for life, health, accident, hospitalization or annuity insurance, or all or any kinds of said insurance, for its employees upon a Group Insurance Plan, and to pay in whole or in part premiums therefor, and relieving said town from the provisions of the Florida Workmen's Compensation Act to the extent that the insurance so provided affords the benefits provided by said Florida Workmen's Compensation Act.

House Bill No. 1051:

A bill to be entitled An Act authorizing the Town Council of the Town of Oviedo, Florida, to act as a Municipal Delinquent Tax Adjustment Board, prescribing its powers, duties and limitations; prescribing the length of time such board shall stay in existence; providing for a chairman and secretary of said board, and authorizing said board to adjust, settle and compromise certain taxes and special assessments.

House Bill No. 1134:

A bill to be entitled An Act ratifying, confirming, validating and legalizing all Acts and proceedings of the City Commission of the City of New Smyrna Beach, Florida, heretofore done and taken in connection with the affairs of said City and ratifying, confirming, validating and legalizing all Acts and proceedings of W. E. Swoope, C. E. Griffin and J. T. Courtney, as members of the City Commission of said City, done and taken during their respective terms of office.

House Bill No. 1135:

A bill to be entitled An Act ratifying, confirming, validating and legalizing the assessments, valuations of properties, levies of taxes and sales of Tax Certificates made by the City of New Smyrna Beach, Volusia County, Florida, for the years A. D. 1937 and 1938, and authorizing the collection of said taxes in the manner provided by law.

House Bill No. 1136:

A bill to be entitled An Act establishing a game and bird and wild life sanctuary on the area in Seminole County known as the Bear Lake District; to prohibit the discharge of firearms in said area and to prevent the killing, chasing or hunting of wild life in said area and to provide a penalty for the violation thereof.

House Bill No. 1082:

A bill to be entitled An Act granting to the City of St. Cloud, Florida, the power to prescribe and enforce zoning regulations governing the construction, location, and use of buildings and other structures within the city limits of said city; to provide for the method of procedure to establish such regulations; to provide for the creation of a Zoning Commission and a Board of Adjustment and prescribing the duties of the same; to provide for hearings and appeals; to provide for penalties for the violations of this Act and of such regulation; to provide for civil remedies to restrain, correct, or abate violations of this Act and of such regulation; and to repeal Section 77 of Chapter 14377, Special Acts of the 1929 Legislature of Florida, relating to buildings and zoning in said city.

House Bill No. 1000:

A bill to be entitled An Act to amend Section 83 of Chapter 9897, Laws of Florida, Acts of 1923, entitled "An Act to abolish the present Municipal Government of the City of Sanford, Seminole County, State of Florida, and to organize, incorporate and establish a City Government for the same, and to prescribe the jurisdiction, powers and functions of said municipality." Said Section relating to the payment and collection of taxes by the City of Sanford, Florida.

House Bill No. 1004:

A bill to be entitled An Act cancelling tax certificates Nos. 717, 718 and 719 dated July 3, 1933, and Certificates Nos. 3713, 3714 and 3715, dated June 4, 1934, held by the State of Florida for unpaid State and County taxes upon certain real estate situated in Citrus County, Florida, and now owned by Citrus County, Florida, and in this described, and cancelling all State

and County taxes assessed against said real property and exempting said real property from State and County taxes, so long as the same are owned by Citrus County, Florida.

House Bill No. 1006:

A bill to be entitled An Act cancelling all Municipal taxes and paving held by the City of Inverness, Florida, for unpaid Municipal taxes and paving upon certain real estate situated in the City of Inverness, Florida, and now owned by Citrus County, Florida, and in this Act described, and exempting said real estate from Municipal taxes so long as the same is owned by Citrus County, Florida.

House Bill No. 1009:

A bill to be entitled An Act to fix the compensation of the members of the Board of County Commissioners of Putnam County, Florida; providing that such compensation shall be in lieu of all compensation, fees and expenses allowed by law; and providing for the method of payment thereof.

House Bill No. 1011:

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 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.

House Bill No. 993:

A bill to be entitled An Act to amend Section 14, Chapter 11272, Laws of Florida, 1925, entitled "An Act creating and incorporating a special tax district in Volusia County, Florida, to be known as the 'Halifax Hospital District', fixing and prescribing the boundaries of said district; providing for the governing and administration of the same; providing and defining the powers and purposes of said district and of the Board of Commissioners thereof; authorizing and empowering such Board to establish, contract, operate and maintain such hospital or hospitals as may be established and constructed by said Board in said district; authorizing and providing for the issuance and sale of bonds of said district; authorizing and empowering such board to borrow money on the note or notes of said district; authorizing and providing for the levy and collection of taxes for the payment of the said bonds and the interest thereon, and authorizing and providing for the levy and collection of additional taxes for the repair and maintenance of said hospital or hospitals; authorizing and providing generally the powers and duties of said board on its behalf," as amended by Chapter 16037, Laws of Florida, 1933, and Chapter 17977 Laws of Florida, 1937, so as to authorize the board of Commissioners of said district to levy a tax not to exceed five mills on the dollar on all taxable property in the district for the year 1939, and not to exceed four mills on the dollar on all taxable property in the district annually for each year thereafter, for the operation, maintenance and repair of hospitals established by said Chapter 11272, Laws of Florida, 1925, and for other purposes of the district.

House Bill No. 998:

A bill to be entitled An Act relating to suits against the City of Sanford Florida for damages arising out of tort; limiting said city's liability in such cases; requiring notice of claim for any alleged injury, and defining the duties of the Mayor and authority of the City Commission of said city in regard thereto, and prescribing the measure of damages in such cases.

House Bill No. 563:

A bill to be entitled An Act providing for the cancellation of all outstanding tax sales certificates held and owned by the State of Florida and all tax liens for unpaid State and County taxes on certain lands in Polk County, Florida, and the elimination of taxes thereon for subsequent years.

House Bill No. 1141:

A bill to be entitled An Act providing that a certain portion of the funds hereafter to accrue to Pasco County, Florida, under the provisions of Chapter 14832, Acts of 1931, shall be used as Security for and to liquidate a certain loan to be made to the Board of Public Instruction of said County.

House Bill No. 1140:

A bill to be entitled An Act to authorize the Board of County Commissioners of Pasco County, Florida, to acquire and operate a County Hospital and providing for its management.

House Bill No. 889:

A bill to be entitled An Act to prohibit the hunting or taking, within Suwannee County, State of Florida, of all game, game birds, 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.

House Bill No. 762:

A bill to be entitled An Act providing for the incorporation licensing and regulation of corporations not for profit for the purpose of operating non-profit hospital service plans in all counties having a population of not less than 85,000 and not more than 165,000 according to the last State or Federal census, exempting such corporations from all other provisions of the Insurance laws of the State of Florida, providing penalties for the violations of the provisions of this Act, and repealing all laws in conflict therewith.

House Bill No. 1042:

A bill to be entitled An Act validating and confirming and legalizing the use and expenditure of any funds of Jensen Road and Bridge District, by the Board of County Commissioners of Martin County, Florida, during the years 1931 to 1938 inclusive, providing for the repeal of all laws in conflict herewith, and providing for the effective date of this Act.

House Bill No. 1041:

A bill to be entitled An Act authorizing the Board of County Commissioners of Martin County, Florida, to provide medication and hospitalization for the indigent citizens of such County; and to provide for the levy and collection of a tax of not more than four mills per annum for said fund; and to provide for the expenditure of such sum among the indigent citizens of such county; and to provide for the repeal of all Acts in conflict herewith; and providing for the effective date of this Act.

House Bill No. 1094:

A bill to be entitled An Act to authorize the Clerk of the Circuit Court, Tax Assessor and Tax Collector of Charlotte County, Florida, with the consent of the Board of County Commissioners of said County, to reduce the fees allowed them by law in connection with purchase of Tax Certificates under Chapter 18,296, Laws of 1937 where said certificates describe lands by lots and/or blocks which lands are not situated in any incorporated town in said County.

House Bill No. 1084:

A bill to be entitled An Act to amend Section 14 of Chapter 14377, Special Acts of the 1929 Legislature of Florida, being the Charter Act of the City of St. Cloud, Florida, by providing that the annual election in said City shall be held on the last Friday in March of each year instead of the last Saturday in March of each year.

House Bill No. 1032:

A bill to be entitled An Act to permit the operation of dog race tracks and the holding of dog race track meetings in Santa Rosa County, Florida, during the period extending from and including the first day of December in each year to and including the first day of October of the following year, provided that such dog race track meetings shall not cover a total period of more than ninety (90) days in any twelve month period.

House Memorial No. 8:

A Memorial to the Congress of the United States requesting the Federal Government to change the name of Fort Marion National Monument to Castillo De San Marcos National Monument, the latter name being more indicative of the historical name and significance of the ancient fortification.

House Bill No. 999:

A bill to be entitled An Act authorizing the City Commission of the City of Sanford, Florida, to act as a Municipal Delinquent Tax Adjustment Board, prescribing its powers, duties and limitation; prescribing the length of time such board shall stay in existence; providing for a chairman and secretary of said board and authorizing said board to adjust, settle and compromise certain taxes and special assessments.

Have examined the same and find them correctly enrolled

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

The bills and memorial 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 Parrish, Chairman of the Committee on Citrus Fruits, reported that the Committee had carefully considered the following bill and recommends that the same do pass.

Senate Bill No. 166:

A bill to be entitled An Act prescribing measurements and contents of standard field boxes to be used in the purchase, sale or handling of oranges, grapefruit and tangerines; and providing penalties for violations of the provisions of this Act.

And Senate Bill No. 166, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Parrish, Chairman of the Committee on Citrus Fruits, reported that the Committee had carefully considered the following House bills and recommends that the same do pass.

House Bill No. 944:

A bill to be entitled An Act to prohibit the importing into the State of Florida of citrus fruit and citrus juice produced and canned in other States and countries and shipping the same out of the State of Florida as Florida citrus fruit and prescribing penalties for violation of this Act.

And—

House Bill No. 945:

A bill to be entitled An Act relating to and regulating the marking and labeling of containers of canned citrus fruit and canned citrus juice; permitting certain labeling and/or stamping or embossing when canned citrus fruit or canned citrus juice is canned to a certain standard; prohibiting the use of such labeling and stamping or embossing unless the canned citrus product is canned in accordance with certain grades and providing penalties for the violation of this Act.

And House Bills Nos. 944 and 945, contained in the above report, were placed on the Calendar of Bills on second reading.

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

Senate Bill No. 217:

A bill to be entitled An Act to amend Chapter 16856 of the Laws of Florida, Acts of 1935, entitled "An Act to conserve and promote the prosperity and welfare of the Florida citrus industry and of the State of Florida by promoting the sale of oranges produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such oranges; to levy and impose an excise tax on oranges produced in Florida and to provide for the collection thereof; to create an orange advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide penalties for violation of this Act" by adding thereto Section 17A providing for the abandonment and suspension of the operations of said Chapter 16856 of the Laws of Florida, Acts of 1935, upon a majority vote of the commercial producers of oranges in Florida voting in said election, which voting and election shall be initiated by a petition signed by fifteen (15) per cent of the commercial producers of oranges in the State of Florida and presented to the Florida Citrus Commission; and providing for a canvass, preparation and publishing by the Florida Citrus Commission of a list of the commercial producers of oranges in Florida qualified to vote in said election; and providing that said election shall be conducted forthwith upon presentation of such petition and in such manner as the Florida Citrus Commission shall prescribe by rules and regulations; and defining the meaning of the term "commercial producers of oranges" as used in this Act.

And Senate Bill No. 217, contained in the above report, was laid on the table.

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

Senate Bill No. 682:

A bill to be entitled An Act declaring an emergency to be existing in the citrus industry in the State of Florida, and reducing the taxes levied for advertising purposes on grapefruit and tangerines for the two-year period ending on June 30,

1941; and exempting express shipments from the payment of any tax on citrus fruit during such period.

And Senate Bill No. 682, contained in the above report, was laid on the table.

Senator Parrish, Chairman of the Committee on Citrus Fruits, reported that the Committee had carefully considered the following bills and recommends that they do not pass—

Senate Bill No. 212:

A bill to be entitled An Act to amend Chapter 16858, Laws of Florida, Acts of 1935, as amended by Chapter 17782, Laws of Florida, Acts of 1937, entitled "An Act to conserve and promote the prosperity and welfare of the Florida Citrus industry and of the State of Florida by promoting the sale of tangerines produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such tangerines; to levy and impose an excise tax on tangerines produced in Florida and to provide for the collection thereof; to create a tangerines advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said Commission hereunder; and to provide penalties for violations of this Act" by adding thereto Section 17A providing for the abandonment and suspension of the operations of said Chapter 16858, Laws of Florida, Acts of 1935, as amended by Chapter 17782, Laws of Florida, Acts of 1937, upon a majority vote of the commercial producers of tangerines in Florida voting in said election, which voting and election shall be initiated by a petition signed by fifteen per cent of the commercial producers of tangerines in the State of Florida and presented to the Florida Citrus Commission; and providing for a canvass, preparation and publishing by the Florida Citrus Commission of a list of the commercial producers of tangerines in Florida qualified to vote in said election; and providing that said election shall be conducted forthwith upon presentation of such petition and in such manner as the Florida Citrus Commission shall prescribe by rules and regulations; and defining the meaning of the term "commercial producers of tangerines" as used in this Act, and

Senate Bill No. 215:

A bill to be entitled An Act to amend Chapter 17780, Laws of Florida, Acts of 1937, entitled "An Act to conserve and promote the prosperity and welfare of the Florida Citrus industry and of the State of Florida by promoting the sale of grapefruit produced in Florida through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such grapefruit; to levy and impose an excise tax on grapefruit produced in Florida and to provide for the collection thereof; to create a grapefruit advertising fund; to vest the administration of this Act in the Florida Citrus Commission and to provide for the powers, duties and authority of said commission hereunder; to create an advisory committee of grapefruit canners; to provide for their appointment, qualifications and terms of office; and to provide penalties for violation of this act" by adding thereto Section 17A providing for the abandonment and suspension of the operations of said Chapter 17780 of the Laws of Florida, Acts of 1937, upon a majority vote of the commercial producers of grapefruit in Florida voting in said election, which voting and election shall be initiated by a petition signed by fifteen (15) per cent of the commercial producers of grapefruit in the State of Florida and presented to the Florida Citrus Commission; and providing for a canvass, preparation and publishing by the Florida Citrus Commission of a list of the commercial producers of grapefruit in Florida qualified to vote in said election; and providing that said election shall be conducted forthwith upon presentation of such petition and in such manner as the Florida Citrus Commission shall prescribe by rules and regulations; and defining the meaning of the term "commercial producers of grapefruit" as used in this Act.

And Senate Bills Nos. 212 and 215, contained in the above report, were laid on the table.

Senator Parrish, Chairman of the Committee on Citrus Fruits, reported that the Committee had carefully considered the following bill and recommends that the same do not pass—

Senate Bill No. 460:

A bill to be entitled An Act to suppress unfair and fraudulent practices in the marketing of tomatoes grown, packed or offered for sale in the State of Florida; defining grades, requiring marking of packages; regulating shipping on consignment; providing for inspection and providing for penalties

for the violation thereof, providing for certain exemptions; requiring records and repealing all laws in conflict herewith.

And Senate Bill No. 460, contained in the above report, was laid on the table.

Senator Beall moved that the rules be waived and the Senate do now proceed to the Introduction of Bills and Joint Resolutions.

Which was agreed to by a two-thirds vote.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Graham—

Senate Bill No. 792:

A bill to be entitled An Act granting to the Boards of County Commissioners of Counties having a population of not less than 180,000 according to the last preceding State or Federal census, full authority to suspend for reasonable periods of time, in their discretion, and to revoke the licenses of licensees under the Beverage Act of 1935, Chapter 16774, Acts of 1935, following the same procedure, for the same causes and under the same limitations as the director of the Beverage Department is authorized by Section 1, Chapter 16774, Acts of 1935 and Section 3, Chapter 18015, Acts of 1937, to suspend and to revoke the licenses of said licensees.

Which was read the first time by title only.

Senator Graham moved that the rules be waived and Senate Bill No. 792 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 792 was read the second time by title only.

Senator Graham moved that the rules be further waived and Senate Bill No. 792 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. 792 was read the third time in full.

Upon the passage of Senate Bill No. 792 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

So Senate Bill No. 792 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Graham—

Senate Bill No. 793:

A bill to be entitled An Act providing for civil service and pensions for city employees of the City of Coral Gables, a municipal corporation in Dade County; creating a civil service board and providing for the election and term of office of board members; providing for the appointment and employment of employees by the board; providing for budgeting and appropriation of money necessary for the board; providing for meeting of the board; adoption of rules and regulations by the board; retention of employees; registration of officers and employees furnishing lists of employees to the board by heads of departments; adoption of a code of rules and regulations by the board for employment and appointment under civil service; period of probation; terms of employment; procedure for discharge of excessive employees; discharge or suspension of employees; demotion of department heads; discussion by board members; investigation by board members and subpoena of witnesses; causes for suspension of members of the board; executive committee, election and duties; creation of a city pension fund employees under civil service; providing sources of pension fund; medical examination of applicant for employment; board to administer pension fund; withdrawal of money from fund; amount of pensions; pensions to widows and children of members dying from injuries received while in discharge of duties and widows and children of members dying from causes not attributed to active duties; eligibility for benefits; filing elections to come under law; form of contract between city and employee; medical board and examinations; compulsory retirement; suspension of pensions; discontinuance of pension upon regaining full health; computation of

pension service; pension not to be subject to assignment of garnishment; duration of pension; inclusion of present time pension or compensation in list; rights upon severance of connection with city; election to approve or reject law; petition to call election; election officers; numbers of electors; form of ballot; registration books; majority of voters to rule; repeal of laws.

Which was read the first time by title only.

Senator Graham moved that the rules be waived and Senate Bill No. 793 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 793 was read the second time by title only.

Senator Graham moved that the rules be further waived and Senate Bill No. 793 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. 793 was read the third time in full.

Upon the passage of Senate Bill No. 793 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

So Senate Bill No. 793 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Graham withdrew Senate Bill No. 502.

By Senator McKenzie—

Senate Joint Resolution No. 794:

JOINT RESOLUTION proposing an amendment to Section 4, Article III of the Constitution of the State of Florida with reference to the qualification and pay of members of the Senate and House of Representatives of the Legislature of the State of Florida.

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

That the following amendment to Section 4, Article III of the Constitution of the State of Florida relating to the qualification and pay of the members of the Senate and House of Representatives of the Legislature of Florida is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next General Election to be held in 1940 as follows:

"Section 4. Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The pay of members of the Senate and House of Representatives shall not exceed ten dollars a day for each day of session, and mileage to and from their homes, to the seat of government not to exceed ten cents a mile each way, by the nearest and most practicable route."

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

By Senator McKenzie—

Senate Joint Resolution No. 795:

A JOINT RESOLUTION proposing an amendment to Section 2 of Article III of the Constitution of the State of Florida, relating to the time of the meeting of the Legislature and the length of the sessions thereof.

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

That the following amendment to Section 2 of Article III of the Constitution of the State of Florida relating to the time of meeting of the Legislature and the length of the sessions thereof is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next General Election to be held in 1940, as follows:

"Section 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the (first) Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to seventy days and

the Legislature, by concurrence of both branches, after fifty days from the beginning of the regular session recess for not to exceed thirty days and re-convene for the remainder of the seventy days, for the purpose of concluding consideration of measures favorably reported by committees before the recess, and for the introduction, consideration and passage of bills with reference to finance and taxation and for appropriations for the general expenses of the Government. No special session convened by the Governor shall exceed twenty days."

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

By Senator Kelly (16th)—
Senate Bill No. 796:

A bill to be entitled An Act to repeal Chapter 18715, Laws of Florida, Acts of 1937, being An Act to protect and regulate the hunting of deer in Nassau County, Florida.

The following proof of publication was attached to Senate Bill No. 796 when it was introduced in the Senate:

**AFFIDAVIT OF PROOF OF PUBLICATION
NOTICE**

Notice is hereby given that the undersigned will introduce a bill and apply for its passage in the 1939 Legislature, to repeal Chapter 18715, Laws of Florida, Acts of 1937, which is an Act to protect and regulate the hunting of deer in Nassau County, Florida.

DAN KELLY, JR.
State Senator,
16th District.

**STATE OF FLORIDA
COUNTY OF NASSAU**

BEFORE ME, the undersigned authority, personally appeared Vesta Prewitt, who, on oath, does solemnly swear that she has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to:

"The repeal of Chapter 18715, Laws of Florida, Acts of 1937, which is an Act to protect and regulate the hunting of deer in Nassau County, Florida."

Has been published at least thirty (30) days prior to this date by being printed in the issue of April 7th, 1939, of the "NASSAU COUNTY LEADER," a newspaper published in Nassau County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

VESTA PREWITT.

Sworn to and subscribed
before me this 10 day
of May, A. D. 1939.

MARGARET P. OXLEY,
Notary Public, State of Florida at Large.
My Commission Expires Feb. 9, 1943.

Which was read the first time by title only.

Senator Kelly (16th) moved that the rules be waived and Senate Bill No. 796 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 796 was read the second time by title only.

Senator Kelly (16th) moved that the rules be further waived and Senate Bill No. 796 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. 796 was read the third time in full.

Upon the passage of Senate Bill No. 796 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Himely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

So Senate Bill No. 796 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Kelly (16th)—
Senate Bill No. 797:

A bill to be entitled An Act to amend Section One of Chapter 18717, Laws of Florida, Acts of 1937, relating to the authority and power of the Board of County Commissioners of Nassau County, Florida, to levy and assess annually a special tax on real and personal property in said County for the purpose of creating a fund to be known as the "Right of Way Fund" and for other expenses incurred in the acquiring of rights of way for State and County Road purposes in said Nassau County.

The following proof of publication was attached to Senate Bill No. 797 when it was introduced in the Senate:

**AFFIDAVIT OF PROOF OF PUBLICATION
NOTICE**

Notice is hereby given of the intention of the undersigned to introduce a bill in the 1939 Legislature and apply for its passage, to amend Section One (1) of Chapter 18717, Laws of Florida, Acts of 1937, relating to the creation of a fund to be known as the "Right-of-Way Fund" and particularly to amend said Section so that the special annual tax provided therein shall be not to exceed three (3) mills instead of one (1) mill as now provided in said Act.

DAN KELLY, JR.,
State Senator, 16th District.

**STATE OF FLORIDA
COUNTY OF NASSAU**

BEFORE ME, the undersigned authority, personally appeared Vesta Prewitt, who, on oath, does solemnly swear that she has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to:

"The amending of Section One (1) of Chapter 18717, Laws of Florida, Acts of 1937, relating to the creation of a fund to be known as the "Right-of-Way Fund" and particularly to amend said Section so that the Special annual tax provided therein shall be not to exceed three (3) mills instead of one (1) mill as now provided in said Act."

has been published at least thirty (30) days prior to this date by being printed in the issue of April 7th, 1939, of the "NASSAU COUNTY LEADER," a newspaper published in Nassau County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication is attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

VESTA PREWITT.

Sworn to and subscribed before me this 10th day of May,
A. D. 1939.

MARGARET P. OXLEY,
Notary Public, State of Florida at Large.
My commission expires February 9, 1943.

Which was read the first time by title only.

Senator Kelly (16th) moved that the rules be waived and Senate Bill No. 797 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 797 was read the second time by title only.

Senator Kelly (16th) moved that the rules be further waived and Senate Bill No. 797 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. 797 was read the third time in full.

Upon the passage of Senate Bill No. 797 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Himely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

So Senate Bill No. 797 passed, titled as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Kelly (16th)—
Senate Bill No. 798:

A bill to be entitled An Act to amend Section One of Chapter 18716, Laws of Florida, Acts of 1937, relating to the authority and power of the Board of County Commissioners of Nassau County, Florida, to levy and assess annually a special tax on real and personal property in said Nassau County for the purpose of creating a fund to be known as the "County Welfare Fund" and for raising funds for the care of County poor, for the burial of County poor, for medical and hospital treatment of County poor and for general and social welfare work in said Nassau County.

The following proof of publication was attached to Senate Bill No. 798 when it was introduced in the Senate:

**AFFIDAVIT OF PROOF OF PUBLICATION
NOTICE**

Notice is hereby given of the intention of the undersigned to introduce in the 1939 Legislature a bill and to apply for its passage to amend Section One (1) of Chapter 18716, Laws of Florida, Acts of 1937, relating to the "County Welfare Fund" in Nassau County and particularly to amend said Section One (1) of said Act so that the special annual tax authorized shall not exceed four (4) mills on the dollar in place of three (3) mills on the dollar now provided in said Act.

DAN KELLY, JR.,
State Senator 16th District.

**STATE OF FLORIDA,
COUNTY OF NASSAU.**

BEFORE ME, the undersigned authority, personally appeared Vesta Prewitt, who, on oath, does solemnly swear that she has knowledge of the matters stated herein; that a notice stating the substance of a contemplated law or proposed bill relating to:

"The amending of Section One (1) of Chapter 18716, Laws of Florida, Acts of 1937, relating to the "County Welfare Fund" in Nassau County and particularly to amend said Section One (1) of said Act so that the special annual tax authorized shall not exceed four (4) mills on the dollar in place of three (3) mills on the dollar now provided in said Act" has been published at least thirty (30) days prior to this date by being printed in the issue of April 7th, 1939, of the "NASSAU COUNTY LEADER," a newspaper published in Nassau County, Florida, where the matter or thing to be affected by the contemplated law is situate; that a copy of the notice that has been published, as aforesaid, and also this affidavit of proof of publication are attached to the proposed bill or contemplated law, and such copy of the notice so attached is by reference made a part of this affidavit.

VESTA PREWITT.

Sworn to and subscribed before me this 10th day of May, A. D. 1939.

MARGARET P. OXLEY,

Notary Public, State of Florida at Large.

My Commission expires Feb. 9, 1943.

Which was read the first time by title only.

Senator Kelly moved that the rules be waived and Senate Bill No. 798 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 798 was read the second time by title only.

Senator Kelly (16th) moved that the rules be further waived and Senate Bill No. 798 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. 798 as read the third time in full.

Upon the passage of Senate Bill No. 798 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—37.

Nays—None.

So Senate Bill No. 798 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Whitaker, Graham, Kelly (16th), Kendrick,

Dugger, Gideons, Price, Holland, Parker, Kelly (11th), Beacham, Black, Kanner, Beall, Horne, Gillis, Adams, Dame, Dye, Hinely, Wilson, Walker—

Senate Bill No. 799:

A bill to be entitled An Act amending Sections 1, 2, 9, 13, 14, and 17 of Chapter 18285, Laws of Florida, Acts of 1937, entitled "An Act creating a State Welfare Board and District Welfare Boards and providing for their appointment, qualifications, powers and duties; providing that said State board shall be the agent for the United States, State, County and Municipal governments in the administration of funds for the relief of unfortunates; and authorizing the said Boards to act as agent for the United States, State, County and Municipal governments in the administration of any funds for investigations, social welfare work, or any other work incident to the public welfare of the United States, State, County and Municipal governments, authorizing the State Welfare Board to formulate rules and regulations necessary to carry out the intent and purposes of this Act; providing for the supervision of State and local institutions for destitute or dependent children and providing for the disposition, care, protection, support and maintenance of dependent children; authorizing the State Welfare Board to establish minimum standards of care for all local public and private institutions or agencies; creating the office of State Welfare Commissioner and providing for his appointment, providing that this Act shall not affect the enforcement of Chapter 9274, Acts of 1923, of Chapter 11834, and 13384, Acts of 1927, of Chapter 13620, Acts of 1929, and Acts amendatory thereof; repealing all other laws or parts of laws in conflict herewith; and making appropriations to carry out the purposes of said Act; and fixing the qualifications of persons entitled to monetary benefits or assistance under this Act."

Which was read the first time by title only.

Senator Beall moved that the rules be waived and Senate Bill No. 799 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 799 was read the second time by title only.

Senator Beall moved that the further consideration of Senate Bill No. 799 be informally passed, retaining its place on the Calendar of Bills on second reading.

Which was agreed to and it was so ordered.

By Senator Dye—

Senate Bill No. 800:

A bill to be entitled An Act amending Section 6176, Revised General Statutes of Florida of 1920, relating to costs in criminal matter before Justices of Peace and County Judges, and requiring prepayment or security for the same and prescribing certain duties for prosecuting attorneys.

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

By Senator Kanner—

Senate Bill No. 801:

A bill to be entitled An Act relating to the operation and maintenance of the State System of Public Education of the State of Florida, authorizing the State Board of Education to accept on behalf of the State of Florida any funds which may be appropriated by the Congress of the United States and allotted to the State for the improvement of any or all phases of the State System of public education; authorizing the State Board of Education to take such steps as may be necessary to meet the requirements and conditions prescribed by any bills enacted by the Congress of the United States relating to federal aid to education such as the "Federal Aid to Education Act of 1939" (Senate Bill 1305) now before the Congress; authorizing the State Board of Education to take the necessary steps to obtain full advantage from such appropriations and apportionments for the State of Florida and to promulgate such rules and regulations as may be necessary to secure equitable apportionment and use of any such funds for the purposes intended or required; designating the State Treasurer as custodian of any or all such funds; providing for the auditing of all accounts relating to such funds; and providing for the making of such reports as may be necessary to render a complete accounting of all such funds and of the activities supported by such funds.

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

By Senator Coulter—
Senate Bill No. 802:

A bill to be entitled An Act to amend Section 1 and Section 3 of Chapter 14832, Laws of Florida, Acts of 1931, as amended by Section 1 and Section 3 of Chapter 17276, Laws of Florida, Acts of 1935, being An "Act to provide for a State Racing Commission; to prescribe its powers and duties, and to fix the compensation of its members; to provide for holding referendum and recall elections in any County to determine whether racing shall be permitted or continued therein; to provide for licensing and taxing such racing and apportioning the monies derived therefrom among the several Counties of the State; to provide for and regulate the making of pari mutuel pools within the enclosure of licensed race tracks; providing certain penalties for violation of this Act, and for other purposes relating thereto;" by authorizing the employment of a secretary, not a member of the commission, fixing the compensation of said secretary; providing that members of the Commission shall serve without compensation; and, limiting the amount the Racing Commission is authorized to spend in the performance of its functions in the course of any one year.

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

By Senator Mapoles—
Senate Bill No. 803:

A bill to be entitled An Act to extend State Road 1 in the Town of Milton, Santa Rosa County, Florida.

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

By Senator Mapoles—
Senate Bill No. 804:

A bill to be entitled An Act to extend State Road 190 in the Town of Milton, Santa Rosa County, Florida.

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

Senator Kanner moved that the rules be waived and the Senate do now proceed to the Messages from the Governor and Messages from the House of Representatives, in the order mentioned.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were received and read:

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 9, 1939

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

Sir:

I have the honor to inform you that I have today transmitted to the Secretary of State without my signature the following Act which originated in your Honorable Body:

S B No. 265 Relating to Teachers Retirement.

Respectfully, Yours,
FRED P. CONE, Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 10th, 1939

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

Sir:

I have the honor to inform you that on May 9th, A. D. 1939, I approved the following Act, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

S B No. 506 Relating to State Attorneys.

Respectfully yours,
FRED P. CONE, Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 11, 1939

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

Sir:

I have the honor to inform you that on May 10, 1939, I approved the following Acts which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

- C Sub for S B No. 26 Relating to Sea Island Cotton.
- S B No. 117 Relating to Methodist Conference.
- S B No. 123 Relating to State Auditors.
- S B No. 124 Relating to Pinellas County.
- S B No. 152 Relating to Crescent City.
- S B No. 172 Relating to Tax Levy.
- S B No. 173 Relating to Tax Levy.
- S B No. 174 Relating to Real Estate.
- S B No. 175 Relating to Tax Levy.
- S B No. 207 Relating to Supervisors of Registration.
- S B No. 236 Relating to Escambia County.
- S B No. 254 Relating to State Tuberculosis Sanatorium.
- S B No. 258 Relating to Haines City.
- S B No. 294 Relating to Gasoline Taxes.
- S B No. 337 Relating to Escambia County.
- S B No. 349 Relating to Public Instruction.
- S B No. 350 Relating to County Commissioners.
- S B No. 354 Relating to Putnam County.
- S B No. 362 Relating to Polk County.
- S B No. 370 Relating to Escambia County.
- S B No. 371 Relating to Escambia County.
- S B No. 392 Relating to Taxes.
- S B No. 397 Relating to Pensacola.
- S B No. 398 Relating to Pensacola.
- S B No. 442 Relating to St. Augustine.
- S B No. 499 Relating to Carrabelle.
- S B No. 504 Relating to Citrus County.
- S B No. 505 Relating to Lake County.
- S B No. 513 Relating to St. Johns County and
- S J M No. 1 Relating to Mediterranean Fruit Fly.
- S Mem No. 3 Relating to War Materials.

Respectfully yours,
FRED P. CONE,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 12, 1939

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

Sir:

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

S B No. 65 Relating to Optometry.

Respectfully yours,
FRED P. CONE,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE
May 12, 1939

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

Sir:

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

- S B No. 570 Relating to Tampa Utility Board.
- S B No. 571 Relating to Tampa Utility Board.
- S B No. 572 Relating to Tampa.

Respectfully yours,
FRED P. CONE,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

May 15th, 1939

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

Sir:

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

- S B No. 4 Relating to corporations.
- S B No. 72 Relating to Bureau of Vital Statistics.
- S B No. 102 Relating to Bees.
- S B No. 126 Relating to Pinellas County.
- S B No. 210 Relating to Bond Trustees.
- S B No. 324 Relating to Governor.
- S B No. 328 Relating to Circuit Court.
- S B No. 413 Relating to Clay County.

Respectfully yours,

FRED P. CONE,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

May 16th, 1939.

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

Sir:

I have the honor to inform you that on May 15th, A. D. 1939, I approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

- S B No. 414 Relating to Tax Certificates.
- S B No. 415 Relating to Clay County.
- S B No. 462 Relating to Suwannee County.
- S B No. 480 Relating to Suwannee County.
- S B No. 558 Relating to Ocala.
- S B No. 591 Relating to Marion County.
- S B No. 622 Relating to Delinquents.

Respectfully yours,

FRED P. CONE,
Governor.
May 5th, 1939.

To the President and Members of the
Florida Senate,
Senate Chamber.
Sirs:

Pursuant to authority vested in me as Governor under the provisions of Section 28, Article III, of the Constitution of Florida, I transmit to you with my objections thereto Senate Bill 270, entitled:

"An Act creating a Department of Labor, providing for the personnel: Providing for designation of the Secretary of Labor; defining the jurisdiction of said department; providing for certain records and reports, and repealing all laws in conflict."

I am withholding my approval of this bill for the following reasons:

1. Because the bill in Section 1 states that "There is hereby created an Executive Department of the Government of the State of Florida," which I am satisfied should be by constitutional amendment and voted on by the people before an Executive Department is created.
2. Because labor of our State is now being cared for by the Social Security Act and the Florida Industrial Commission. The President of the Florida Federation of Labor was appointed Director, and while he is now ex-president of the Florida Federation of Labor, the present president of the Florida Federation of Labor has a prominent position in this department and should look after all interests of labor. In addition thereto there has been provided by national and state legislation a Re-Employment Department and an Unemployment Department for labor, and these three departments, in my opinion, can take care of every need of labor of all classes, and provide everything that can possibly be done under Senate Bill 270.
3. The National Wagner Labor Bill provides every safeguard for labor, including working conditions, settlement of strikes, disputes and injuries of every kind.

4. Senate Bill 270 provides that the proposed Labor Department shall consist of the Governor, the President of the Florida Federation of Labor, whomever he might be, and a third member to be appointed by the Governor and sets forth his qualifications. The present President of the Florida Federation of Labor, which this proposed to make a member of the Labor Department, is already holding an important position in the Florida Industrial Commission which cares for the needs of labor. I am satisfied that when this or any other government enacts into law provisions that certain persons shall be officers contingent upon their election by an organization, the functions of our democratic government by the people, under the terms and conditions of our Constitution will cease to exist for the reasons—

(a) If this bill should become a law then it would be possible to designate by Statute that the President of the State Bar Association should be the Attorney General of our State.

(b) That the President of the Florida Medical Society should be the director of the State Board of Health.

(c) That the President of the Florida Education Association should be the Superintendent of Public Instruction for the State, and so on through all the Cabinet Officers of the State, all of which is illegal, unconstitutional and against our democratic form of government. The members of the proposed Department of Labor under Senate Bill 270 would be dependent upon whoever the delegates of the different labor unions would designate as president and no one can tell what might happen in the future.

(d) Before such a radical change in officers of any department of our government is made the matter should be submitted to the people for their vote and ratification.

(e) All other factions of labor organizations such as Railway Organizations of different kinds, not members of the Florida Federation of Labor would have no voice in designating who should be a member of the proposed Department of Labor.

5. Section 2 of the proposed Labor Department, being Senate Bill 270, in part states that within ninety (90) days after the passage of this Act the Department of Labor shall designate a secretary known as the Secretary of the Department of Labor. The bill further prescribes that the Secretary of Labor shall have charge of the buildings, or premises occupied by or appropriated to the Department of Labor, the library, furniture, fixtures, records and other property belonging to or acquired for the use of the proposed Department; that the secretary shall have power to act as mediator and to appoint commissioners of conciliation, etc., and that they shall employ such assistants to the secretary of the Department of Labor as necessity and expediency may require, without any restrictions in the amount of money to be spent; without any appropriation having been made by the Legislature for such department, which shows upon its face that there is an intention to apply to this Legislature for an appropriation to operate the Department. There can be no necessity at this time for this appropriation when everything that the proposed department can possibly do under this bill is being done or can be done under the Florida Industrial Commission and the Social Security Act, and for which the people are being taxed at this time to support.

6. There are no restrictions anywhere in this bill upon the amount of money that will be required to pay the expenses of this Labor Department, or the amount that will be needed to organize and equip the same. To set up a Department of Labor would be a duplication of effort and in conflict with the duties of the Florida Industrial Commission and the Social Security Act.

In my message to your Honorable Body and to the House of Representatives, I recommended that the National Child Labor Amendment be ratified, and many things can be done for the benefit of labor under special laws. I am in sympathy with labor and always have been and while I am sure your Honorable Body would be glad to pass laws beneficial to the working man who earns his living by the sweat of his brow, but the passage of this law is a duplication of laws already on the statute books and can in no way assist labor in its struggle for a livelihood and will be an undue expense on the people that are now over-burdened with taxation, without the right of the tax payers to vote on the creation of an executive department of our State government.

Florida is rapidly being settled by citizens from every State of the Union, by all classes and kinds of people with all kinds of beliefs and forms of government. I do not believe a member of any department of our State government, designated to enforce any of our laws should be created with a member or

members controlling said department whom we do not know now, and have no reason to know or suspect might be elected by delegates to some convention, whom we have no way of knowing or suspecting who might be members of such convention in the future, to administer the laws of this State for all the people or for any class of people.

In my opinion a law of this kind is foreign to our form of government, foreign to the wishes of our people and contrary to democratic principles, and against the spirit of our Constitution. In these times of stress with every kind of isms springing up over the country, foreign and otherwise, we as the representatives of the people of our State should be more than careful of the authority we designate to persons to rule over the destinies of our people.

With these objections and many others that could be made, under the authority granted me by the Constitution of Florida, I veto said Senate Bill No. 270 as mentioned herein.

Respectfully yours,

FRED P. CONE,
Governor of Florida.

Senator Whitaker moved that the further consideration of Senate Bill No. 270, together with the Governor's objections thereto, be informally passed.

Which was agreed to and it was so ordered.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

May 15, 1939

To the President and Members of the
Florida Senate,
Senate Chamber.

Sirs:

By the authority vested in me as Governor of Florida under the provisions of Section 28, Article III of the Constitution of this State, I transmit to you with my objections thereto Senate Bill No. 338, entitled:

"An Act providing that whenever any authorized State, County and Municipal officer or agency, annually, for two or more consecutive years receiving the tendered taxes for and issues and delivers license or licenses for places of business or stores, no such officer or agency shall thereafter prohibit the operation of such places of business or stores thereunder, nor issue or enforce any warrants against the licensees or others, for any additional license taxes for such places of business for the periods covered by such licenses so issued; and providing no action shall exist or proceeding be had or taken for any such additional taxes for such places for such license periods."

I am withholding my approval of this bill for the following reasons:

1. The said bill creates a statute of limitations against the collection of license taxes for the State of Florida.

2. The said law does not protect the State against fraud or attempted fraud, or hidden property or resources which are subject to taxation, and have not been legally returned, and will prevent the State from collecting licenses or taxes on the same when the said fraud or attempted fraud is discovered.

3. It has been decided by our courts many times that the negligence of any public official should not bar the right of a sovereign state from collecting taxes honestly due, or where the said official has purposely omitted taxes due the state, and make it impossible for a succeeding officer to remedy the negligence or carelessness of his predecessor.

4. There are now pending many suits for the collection of license taxes due the State amounting to over \$400,000.00, and if this bill was allowed to become a law it would bar the state from recovery and deprive the school fund of large sums of money.

5. Any honest mistake on the part of the State or licensee can be cured in court under our present laws without the passage of a bill which would forever deny the state the right to prosecute just claims against licensees who have misrepresented the facts pertaining to said license.

6. It would bar the state, county, municipal officer or agency from further collecting any sums of money omitted by fraud, mistake or negligence, and would prevent the collecting agencies of the state, county or municipalities from collecting other moneys probably much larger in amount than is contemplated at this time.

7. A law of this nature encourages tax payers to become delinquent in paying their taxes in the hope they will be forgiven for not paying thereby penalizing the man that does pay.

8. This bill would invite delay in the payment of taxes until the statute of limitations run.

I am satisfied that any unjust claim sued upon by the State that the courts of Florida will give the tax payer equity and justice. For the reasons above stated I withhold my signature from Senate Bill No. 338 and veto the same.

Respectfully submitted,
FRED P. CONE,

Governor.

Senator Beall moved that Senate Bill No. 338, together with the Governor's objections thereto, be informally passed. Which was agreed to and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendments to:

House Bill No. 788:

A bill to be entitled An Act to abolish the present Municipal Government to the Town of Macclenny in Baker County, Florida; to create and establish a new municipality to be known as the Town of Macclenny in Baker County, Florida; to legalize and validate the ordinances of said Town of Macclenny, and official acts thereunder; and to fix and provide its territorial limits, jurisdiction, privileges, functions, and powers, and the jurisdiction and powers of its officers.

Which amendments read as follows:

Senate Amendment No. 1.

End of Title (typewritten bill) strike out the period and add the following: And to validate and confirm certain bonds heretofore voted and sold and to be sold by the Town of Macclenny.

Senate Amendment No. 2.

In Section 1, line 10, Article 2, page 6, (typewritten bill), After the word Taxation add the following: Provided that such assessed valuation shall not exceed a fair cash value of said property.

Senate Amendment No. 3.

In (typewritten bill) under Article 9, page 36, line 2, in last paragraph after the word equity strike out the words: or the town may maintain a personal action against the owner to recover the same, or it may enforce its lien and maintain its personal action at the same time until actually paid the amount due.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendments to—

House Bill No. 482:

A bill to be entitled An Act to amend Chapter 18,402, Acts of 1937, by making necessary provisions for correlating the operation of said law with the operation of the Federal Railroad Unemployment Insurance Act, approved June 25, 1938, and for cooperating with, and otherwise complying with the terms of, said Railroad Unemployment Insurance Act; by providing for transfer of certain funds from the Florida account in the Unemployment Trust Fund to the Federal Railroad Unemployment Insurance account; by providing for

reciprocal agreements with other State or Federal unemployment insurance Acts; by clarifying the terms and provisions of said law; by making appropriations for the maintenance of the Florida State Employment Service; by providing for a study of experience rating of employers; by simplifying the benefit payment provisions thereunder; by transferring the powers of the Board of Review to the Florida Industrial Commission; by making additional provisions for the better enforcement of the law and the collection of contributions; by making transition provisions from the "old" to the "new" benefit payment formula; and in so doing to amend Sections 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 19, of said "Florida Unemployment Compensation Law," being

An Act providing for relief from involuntary unemployment; providing a system of unemployment compensation in the State of Florida; declaring the public policy of the State of Florida; providing for the administration of the Act by the Florida Industrial Commission; defining and providing for the functions, duties and powers of the Florida Industrial Commission in the administration of this Act; providing for an unemployment compensation fund by the levying of certain contributions on all employers of eight or more persons with certain designated exemptions and providing for the collection, appropriation, deposit, distribution and disbursement of the contributions and other monies which may be collected pursuant to this Act; defining conditions of eligibility for and regulating benefits; providing for the payment of unemployment benefits and establishing a procedure for the settlement and review of benefit claims; permitting reciprocal agreements or arrangements with the Federal Government or the other States of the Union; providing for the establishment of State employment offices and for the administration of all such offices as a division of the Florida Industrial Commission; providing for an Unemployment Compensation Division in the Florida Industrial Commission; providing for an Unemployment Compensation Administration Fund; providing penalties for the violation of this Act; providing for all the terms, conditions, requirements, limitations and prohibitions under which the said system of unemployment compensation shall be created and administered and the Unemployment Compensation Fund shall be collected, administered and disbursed; providing for the election and termination of coverage; providing for the creation of Advisory Councils; reserving right of amendment and repeal; and providing for the repeal of Chapter 17,270, Laws of Florida, Acts of 1935, being

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

Which amendments read as follows:

Senate Amendment No. 1:

Add to Section 6, page 23, a new subsection to be designated as subsection D "Future Rates Based on Benefit Experience," which section shall read as follows: Provided however, that in the event the Legislature in its regular 1941 session shall fail to adopt or make operative a system of merit rating, thereupon the Commission shall begin the maintenance of a separate account for each employer and credit each employer with all contributions which he has paid on his own behalf during that calendar year and the calendar years thereafter. But nothing in this Act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. All contributions to the fund shall be pooled and available to pay benefits to any individuals entitled thereto under this Act, irrespective of the source of such contributions. Benefits paid to an eligible individual shall be charged against the accounts of his most recent employers, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-third of the wages payable to such individual by each such employer for employment which occurs on and after the first day of such individual's base period, or \$100 per completed calendar quarter or portion thereof, whichever is the lesser; but nothing in this section shall be construed to limit benefits payable pursuant to Section 4 of this Act. The Commission shall by general rules prescribe the manner in which benefits shall be charged against the ac-

counts of several employers for whom an individual performed employment at the same time. The Commission shall on July 1, 1942 for the calendar year beginning January 1, 1943, and for each calendar year thereafter classifying employers in accordance with their actual experience in the payment of contributions in their own behalf and with respect to benefits charged to their accounts, with the view of fixing such contribution rates as will reflect such experience. Each classification shall be made as of a date hereinafter referred to as the computation date which for the period beginning January 1, 1943 shall be July 1, 1942 and for the year 1944 and each calendar year thereafter shall be July 1 of the preceding year.

Each employer's rate shall be 2.7 per cent, unless throughout the three years preceding the most recent computation date he was an employer subject to this Act and benefits were payable to any individual in his employ who became unemployed and eligible.

(1) If as of such computation date the total of all his contributions paid on his own behalf for any past periods exceeded the total benefits charged to his account for all such periods, his contribution rate shall be (a) 2 per cent if such excess equals or exceeds $7\frac{1}{2}$ but is less than 10 per cent of his average annual pay roll; (b) 1 per cent if such excess equals or exceeds 10 per cent of his average annual pay roll.

(2) No employer's rate for the calendar year beginning January 1, 1943 or for any calendar year thereafter shall be less than 2.7 per cent unless the total assets of the fund as of the immediately preceding computation date excluding contributions due but not then paid exceeded the total benefits paid from the fund within the period of 12 consecutive months preceding such computation date, and no employer's rate shall be less than 2 per cent unless such assets of the fund as of such computation date were at least twice the total benefits paid from the fund within such period of twelve consecutive months.

(3) As used in this section the term "annual pay roll" means the total amount of wages payable by an employer for employment during the period of twelve consecutive months and the term "average annual pay roll" means the average of the annual pay rolls of an employer for a period consisting of 3 or 5 consecutive periods of twelve months each immediately preceding the most recent computation date whichever is the higher.

Senate Amendment No. 2:

In Section 8, page 26, line 13 (typewritten bill), after the word "Board" strike out the period and insert in lieu thereof the following: and the other members of the Commission shall be paid for the additional duties involved in the administration of this Act and shall be allowed necessary expenses in connection therewith, which compensation and expenses shall be in addition to that provided under the terms of the Florida Workmen's Compensation Act, except that the total compensation of the members other than the Chairman for the administration of this Act shall not exceed \$1,200 per annum.

Senate Amendment No. 3:

In Section 1 (typewritten bill) Amend Section 3, page 6, by striking out subdivision (i) of sub-section VI of Section 3 E. said subdivision being after line 1 on page 6, and reading as follows:

"(i) In the event any employer, or employment is excluded from the operation of Title IX of the Federal Social Security Act, or amendments thereto, or by any Federal Statute, or by any ruling of the Social Security Board, or the Bureau of Internal Revenue, then such employer or employment shall be, by virtue of such fact, excluded from the operation of this Act," and insert in lieu thereof the following:

"(i) Any employer, employment, or service which is not included within the operation of Title IX of the Federal Social Security Act, or amendments thereto."

Senate Amendment No. 4:

In Section 1, page 9 (typewritten bill) strike sub-section 3 M; "Wages" means all remuneration payable for personal services, including commission and bonuses and the cash value of all remuneration payable in any medium other than cash, gratuities customarily received by an individual in the course of his employment from persons other than his employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable amount of gratu-

ities, shall be estimated and determined in accordance with rules prescribed by the Commission," and insert thereof the following: "Wages' means all remuneration payable for personal services, including commission and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Commission."

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

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

Tallahassee, Florida,
 May 15, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted:

By Senator Parrish, Holland and Ward—
 Senate Concurrent Resolution No. 16:

WHEREAS, a new process has been developed for freezing pure grapefruit, tangerine and orange juices in a form which has the appearance, texture and taste of ice cream and yet retains the true fruit flavor, these products containing nothing but a small amount of sugar and combination of vegetable stabilizers, and at the same time containing all of the natural vitamins and other health giving contents of the pure, fresh fruit; and

WHEREAS, these products have been demonstrated to the satisfaction of the Commissioner of Agriculture of the State of Florida; the Florida Citrus Commission; the Chairman and other members of the Citrus Committees of the Florida Legislature; representatives of various growers' organizations, members of the Florida Legislature and others; and

WHEREAS, because of the unique texture and flavor of these pure, frozen juices they do and will appeal to many persons of this and other states, and more particularly children, who are familiar with the health giving properties of citrus fruits, but who have never recognized nor become familiar with the delicious and tasty flavors of certain citrus fruits, namely, grapefruit, tangerines and oranges, to the point where they look upon these juices as delicacies; and

WHEREAS, citrus juices are most in demand during the hot months of summer when the Florida citrus fruits are off of the market, and when only the citrus fruits of California are available, and

WHEREAS, under this new process developed by Davidson and Company, Inc., the juice of the Florida citrus fruit can be frozen during the harvesting season, and held for an indefinite time in cold storage without deterioration or loss of flavor or health-giving properties, later to be sold in what is known as off-season months in this new frozen form which will have an added appeal because of its attractiveness as both a cooling and health-giving delicacy; and

WHEREAS, this process would serve to keep Florida citrus fruits and their products on the market twelve months a year, and would tend to overcome the present advantage enjoyed by the State of California in producing the only citrus fruits to be sold on the market during the months of summer; and

WHEREAS, the acceptance by the public of the nation of these new frozen products of Florida citrus fruits would have innumerable advantages to the citrus producer and to the entire State of Florida, to-wit:

1. Sufficient funds for proper advertising of Florida grapefruit and tangerines have never been available. These frozen products would be a means of making the public conscious of the delicious flavor of grapefruit and tangerines and would cultivate a taste for the fresh and canned products.

2. Successful marketing of the tangerine crop is difficult because it matures quickly and must be harvested in a few months. These frozen products would tend to relieve this situation and would provide distribution of tangerine products throughout the entire year.

3. Wide public acceptance of these new frozen juices would provide an outlet for a large quantity of third grade fruit which would tend to relieve the increasing overproduction, particularly of grapefruit and tangerine, and assist in the orderly marketing of first grade fruit.

4. Most citrus fruits now are consumed in juice form, which has hindered the sale of tangerines. This new frozen process provides a means of serving the general public tangerines in a juice form as this process particularly brings out the delightful flavor of the tangerine, as well as that of the grapefruit; and

WHEREAS, it is desirable for the welfare of the citrus industry of the State of Florida to acquaint the general public with these new frozen products immediately, in order that proper plans may be made for distribution of these products on a large scale during the next and ensuing seasons; and

WHEREAS, realizing that millions of people representing a cross section of the United States will visit the New York World's Fair during this present summer; and

WHEREAS, Davidson and Company, Inc., have agreed to cooperate with the Florida Exhibit at the New York World's Fair in every possible way and manner, and have reason to believe that if the general public's reaction to these products is as favorable as the reaction in Florida has been, that they can interest nationally known organizations in distributing these products, made exclusively from the juices of Florida fruits, throughout the many branches of these nationally known organizations throughout the United States;

NOW THEREFORE, BE IT RESOLVED BY THE FLORIDA SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES concurring, that the members of the Florida Legislature now in session join with the Commissioner of Agriculture of the State of Florida, the Florida Citrus Commission, and with growers' organizations throughout the State in urging the Florida Exhibit at the New York World's Fair to place these frozen citrus juices on display and on sale as soon as possible, in order to determine definitely the reaction of the public to these products.

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

And Senate Concurrent Resolution No. 16, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
 May 12, 1939.

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

Sir:

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

By Senator Beacham—
 Senate Bill No. 673:

A bill to be entitled An Act relating to the Lake Worth Drainage District, a corporation under the General Drainage laws, existing in Palm Beach County, Florida; authorizing the said Lake Worth Drainage District to maintain water levels within the District and to install and operate pumps and pumping stations and to assess the land in the District benefited by the maintenance of said water levels and installation and operation of said pumps and pumping stations not to exceed seventy five cents per acre per annum to defray the cost and expenses of maintaining of said water levels and installing and operating said pumps and pumping stations; and empowering the Board of Supervisors of the District to determine the lands benefitted and the amounts of such benefits; and giving said the Lake Worth Drainage District a lien on the land assessed as security equal in dignity to the lien for State and County taxes, and providing for the enforcement of said lien; and making it unlawful to interfere with the water levels maintained by the said District or with any of its pumps or pumping stations or with any of its dams, flood gates or water controls or to pump or drain any water from the canals of said District without its consent.

Proof of Publication Attached.

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

And Senate Bill No. 673, contained in the above message, was referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,
 May 15, 1939.

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

Sir:

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

By Senator Black—
Senate Bill No. 619:

A bill to be entitled An Act to repeal Chapter 8214, Laws of Florida, Acts of 1919, being An Act entitled "An Act relating to the Road Fund collected within Special Road and Bridge District No. 1 of Alachua County, Florida, and to the duties of the Board of Bond Trustees for said District," and providing for disposition of all equipment and property of every kind owned by Special Road and Bridge District No. 1.

Proof of Publication Attached.

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

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

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

By Mr. Lewis of Gulf—
House Bill No. 609:

A bill to be entitled An Act to amend Section II, 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.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 609, contained in the above message, was read the first time by title only.

Senator Parker moved that the rules be waived and House Bill No. 609 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 609 was read the second time by title only.

Senator Parker moved that the rules be further waived and House Bill No. 609 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. 609 was read the third time in full.

Upon the passage of House Bill No. 609 the roll was called and the vote was:

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

Nays—Senator Ward—1.

So House Bill No. 609 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Dye moved that the rules be waived and the Senate do now take up and consider Senate Bill No. 528, out of its order.

Which was agreed to by a two-thirds vote.

Senate Bill No. 528:

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

Was taken up.

Senator Dye moved that the rules be waived and Senate Bill No. 528 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 528 was read the second time by title only.

Senator Dye offered the following amendment to Senate Bill No. 528:

At end of Section 2 add: This act shall not apply to, change or affect the compensation of any County Prosecuting Attorneys now or hereafter receiving compensation or fees under any law of the State of Florida, other than under said Section 5987, but such other laws shall continue to fix the fees and compensation of such Prosecuting Attorneys notwithstanding this amendment of Section 5987.

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye moved that the rules be further waived and Senate Bill No. 528, 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. 528, as amended, was read the third time in full

Upon the passage of Senate Bill No. 528, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Dame, Dye, Gillis, Gideons, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Lindler, McKenzie, Parrish, Savage, Sharit, Ward, Westbrook, Whitaker, Wilson—26.

Nays—Hinely, Kendrick, Mapoles—3.

So Senate Bill No. 528 passed, as amended, and was referred to the Committee on Engrossed Bills.

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

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

By Mr. Martin of Polk—
House Bill No. 1147:

A bill to be entitled An Act to amend Section 19 of Chapter 10096 Laws of Florida, Acts of 1925, the same being entitled "An Act relating to corporations," so as to provide that any trustee or trustees in any voting trust shall not have the right, as such trustee or trustees, to vote said stock held by such trustee or trustees for the purpose of either increasing or reducing the capital stock of such corporations, unless such right is expressly conferred in said voting trust agreement.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 1147, contained in the above message, was read the first time by title only.

Senator Beall moved that the rules be waived and House Bill No. 1147 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 1147 was read the second time by title only.

Senator Beall moved that the rules be further waived and House Bill No. 1147 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. 1147 was read the third time in full.

Upon the passage of House Bill No. 1147 the roll was called and the vote was:

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

Nays—None.

So House Bill No. 1147 passed, title as stated, and the action

of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

By unanimous consent Senator Beall withdrew Senate Bill No. 670.

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

Tallahassee, Florida,
May 12, 1939.

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

Sir:

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

By Messrs. Marchant, Martin and Sinclair of Polk, Fuller, Clement and Outman of Pinellas, Holt, Lindsey and Overstreet of Dade, Hodges and Leedy of Orange, Henderson and Gillespie of Volusia, Warren and Harrell of Duval, Malone and Holsberry of Escambia, Morrow and Beck of Palm Beach, and Lehman of Seminole—

House Bill No. 245:

A bill to be entitled An Act to regulate the purchase in certain counties of wages, salaries or other compensation for services and the taking of assignments thereof where the consideration for the purchase or assignment shall be \$300 or less, and to provide that such transactions shall, in the application of laws relating to loans, interest charges or usury, in such counties, be deemed loans secured by such assignments and the amount by which such assigned compensation shall exceed the amount of the consideration actually paid therefor shall, in such application of such laws, be deemed interest on the loan from the date of the payment for such purchase or assignment until the date such compensation is payable.

Also—

By Mr. Sinclair of Polk—

House Bill No. 439:

A bill to be entitled An Act granting to the cities and towns of the State of Florida the power to prescribe and enforce zoning regulations governing the construction, location, and use of buildings and other structures within the corporate limits of such cities and towns; to provide for the method of procedure to establish such regulations; to provide for the creation of a Zoning Commission and Board of Adjustment and prescribing the duties of the same; to provide for hearings and appeals; to provide for penalties for violation of this Act and of such regulations, and to provide for civil remedies to restrain, correct, or abate violations of this Act and of such regulations.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 245, contained in the above message, was read the first time by title only.

Senator Clarke moved that House Bill No. 245 be placed on the Calendar of Bills on second reading without reference.

Senator Hodges moved as a substitute motion that House Bill No. 245 be referred to the Committee on Banking and Building and Loans.

The question was put on the adoption of the substitute motion

Upon which a roll call was demanded.

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

Yeas—Senators Adams, Beacham, Beall, Black, Coulter, Dame, Gillis, Gideons, Hodges, Horne, Johns, Kaner, Kelly (16th), Lewis, Lindler, McKenzie, Murphy, Parker, Price, Savage, Walker, Whitaker, Wilson—23.

Nays—Mr. President; Senators Clarke, Dye, Graham, Hinely, Holland, Kelly (11th), Kendrick, Mapoles, Parrish, Sharit, Ward, Westbrook—13.

So the substitute motion was adopted and House Bill No. 245 was referred to the Committee on Banking and Building and Loans.

And House Bill No. 439, contained in the above message, was read the first time by title only.

Senator Kelly (16th) moved that House Bill No. 439 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

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

By Mr. Sikes of Okaloosa—
House Bill No. 739:

A bill to be entitled An Act to amend Section 1 of Chapter 13809, Laws of Florida, Acts of 1929, entitled "An Act to create a Board consisting of the Governor, the Commissioner of Agriculture and the State Marketing Commissioner, to be known as the State Agricultural Marketing Board, to define its duties and powers and make appropriation for the carrying out of the provisions thereof", as amended by Chapter 15860, Laws of Florida, Acts of 1933, entitled "An Act amending Section 1 of Chapter 13809, Laws of Florida, Acts of 1929, relating to the creation of the State Agricultural Marketing Board, defining its powers and duties and making appropriation therefor" so as to provide for an appropriation from the General Revenue Fund for the fiscal year beginning July 1, 1939.

Also—

By Messrs. Crary of Martin; Morrow and Beck of Palm Beach; Platt of Collier; Sheldon and Martin of Hillsborough; Outman, Clement, and Fuller of Pinellas; Butt of Brevard; Stokes and Sudduth of Bay; Burwell and Leaird of Broward; Martin, Sinclair, and Marchant of Polk; Bruns of Osceola; Cooley and Robinson of Lake; Lehman and Leonard of Seminole; Holt, Overstreet, and Lindsey of Dade; Papy of Monroe; Tomasello of Okeechobee; Malone and Holsberry of Escambia; Niblack of Columbia; Strayhorn of Lee; Cook of Flagler; Dishong of DeSoto; Burks of Pasco; Stewart of Hendry; Smith of Clay; Harrell of Indian River; Farabee of Hardee; Shave of Nassau; Henderson and Gillespie of Volusia; Surrency of Sarasota; Turner of St. Johns; Frank of Marion; Jenkins and Harris of Alachua; Lewis of Levy and Hodges of Orange—

House Bill No. 902:

A bill to be entitled An Act relating to the interest and sinking funds of bonds authorized to be issued under Chapter 15772, Laws of Florida, Acts of 1931, known as the General Refunding Act of 1931; granting additional and supplementary authority and power to units authorizing the issuance of bonds thereunder concerning the levying of taxes and the appropriation, reappropriation or earmarking of moneys or revenues in connection with said interest and sinking funds; providing the mode of exercise of such authority and power and the effect of such exercise; imposing duties upon all persons and officials handling such moneys or revenues; limiting the use of such moneys or revenues and making the same immune from certain suits, levies, writs or other process; and validating and confirming certain levies, appropriations, reappropriations or earmarkings heretofore made.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 739, contained in the above message, was read the first time by title only.

Senator Westbrook moved that House Bill No. 739 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

And House Bill No. 902, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

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

Tallahassee, Florida,
May 15, 1939.

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

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

By the Inter-Relations Committee—
House Bill No. 763:

A bill to be entitled An Act to amend Sections 1, 2, 3, 4 and 13 of Chapter 16982, Laws of Florida, Acts of 1935, entitled: "An Act to regulate the sale of eggs: To classify eggs, to define the term 'dealer': To require registration by dealers: To require filing of invoices by dealers: To impose an inspection fee; To authorize the Commissioner of Agriculture to promulgate grades and standards and to make rules and regulations for the enforcement of this Act: To provide for proper enforcement thereof and to provide penalties for violation of this Act; And to repeal Chapter 16012, Laws of Florida, Acts of 1933."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 763, contained in the above message, was read the first time by title only and referred to the Committee on Agriculture and Livestock.

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

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

By Mr. Leedy of Orange—
House Bill No. 598:

A bill to be entitled An Act relating to and regulating certain classes of insurance agents and solicitors; to provide for the examination and licensing of such insurance agents and solicitors; fixing the fees to be paid therefor and the appropriation thereof; to provide for the suspension or revocation of such licenses and the procedure thereunder; to make it unlawful to engage in the business of an insurance agent or solicitor without having first procured a license; to prescribe qualifications of an insurance agent or solicitor, and the powers and duties of the State Treasurer or Insurance Commissioner in determining same, and prescribing certain additional qualifications of agents in cities and towns having certain populations; to require the payment of certain license taxes and qualification fees; to provide for the expense of the administration of this Act; to prohibit insurers from effecting contracts of insurance, or giving compensation therefor except to duly licensed agents under this Act; to provide penalties for the violation of the provisions of this Act; to amend Section 1 of Chapter 17069, Laws of Florida, Acts of 1935; to amend Section 2 of Chapter 17069, Laws of Florida, Acts of 1935; to amend Section 4 of Chapter 17069, Laws of Florida, Acts of 1935; to amend Section 5 of Chapter 14741, Laws of Florida, Acts of 1931; which said sections of said Acts to be amended relate to the subject matter hereinabove set forth; and to repeal all laws in conflict herewith.

Also—

By Mr. Smith of Clay—
House Bill No. 659:

A bill to be entitled An Act appropriating fifty thousand dollars for use by the State Agricultural Marketing Board in establishing and maintaining in the State of Florida market for the selling and processing of livestock.

Also—

By the Appropriations Committee—
House Bill No. 730:

A bill to be entitled An Act authorizing the Commissioner of Agriculture to participate, on behalf of the State of Florida, in the World's Poultry Congress to be held at Cleveland, Ohio, during the Summer of 1939, and making appropriation therefor.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 598, contained in the above message, was read the first time by title only.

Senator Johns moved that House Bill No. 598 be placed on the Calendar of Bills on second reading without reference. Which was agreed to and it was so ordered.

And House Bill No. 659, contained in the above message, was read the first time by title only and referred to the Committee on Appropriations.

And House Bill No. 730, contained in the above message, was read the first time by title only.

Senator Westbrook moved that House Bill No. 730 be placed on the Calendar of Bills on second reading without reference. Which was agreed to and it was so ordered.

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

Tallahassee, Florida,
May 15, 1939.

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

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1939 Session of the Legislature:

By Mr. Marchant of Polk—
House Joint Resolution No. 375:

A Joint Resolution proposing to amend Section 9 of Article IX of the Constitution of the State of Florida relating to the Exemption of Certain Property from Taxation.

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

That Section 9 of Article IX of the Constitution of the State of Florida relating to the Exemption of Certain Property from Taxation be and the same is hereby amended, and as amended is agreed to and shall be submitted to the electors of the State of Florida at the next general election to be held on the first Tuesday after the first Monday in November, 1940, for ratification or rejection.

Said Section 9 of Article IX, as amended, shall read as follows, to-wit:

"SECTION 9. There shall be exempt from taxation property to the value of five hundred dollars to every widow and to every person who is a bona fide resident of the State and has lost a limb or been disabled in war or by misfortune."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Joint Resolution No. 375, contained in the above message, was read the first time in full and referred to the Committee on Constitutional Amendments.

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

Tallahassee, Florida,
May 15, 1939.

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

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members elected to the House of Representatives for the 1939 Session of the Legislature:

By Mr. Drummond of Holmes—
House Bill No. 191:

A bill to be entitled An Act for the relief of E. M. Reynolds, a County Commissioner of Holmes County.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 191, contained in the above message, was read the first time by title only.

Senator Gillis moved that the rules be waived and House Bill No. 191 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 191 was read the second time by title only.

Senator Gillis moved that the rules be further waived and House Bill No. 191 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. 191 was read the third time in full.

Upon the passage of House Bill No. 191 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Parrish, Price, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—None.

So House Bill No. 191 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.

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

Tallahassee, Florida,
May 15, 1939.

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

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

By Messrs. Jenkins of Alachua, Malone and Holsberry of Escambia, Harrell of Duval, Johnson of Hernando, Beasley of Walton, Robinson of Lake, Sheldon of Hillsborough, Hodges, of Orange, Martin, Marchant and Sinclair of Polk, Finch of Jackson, Morrow of Palm Beach, Lanier of Madison, Drummond of Holmes, Collins and Moore of Leon, Stokes of Bay, Crary of Martin, Platt of Collier, Ray of Manatee, Leaird and Burwell of Broward Versaggi of St. Johns, Butt of Brevard, Cook of Flagler, Farabee of Hardee, Adams of Calhoun, West of Santa Rosa, Holt of Dade, and Shave of Nassau—

House Bill No. 306:

A bill to be entitled An Act to provide for the revision, compilation and consolidation and the printing and distribution of the General Statutes of Florida of a permanent nature by the Attorney General of Florida; to provide for the annotation thereof; to direct the Attorney General to make research of Legislature matters and to aid in drafting proposed legislation at the request of members of the Legislature; to authorize the Attorney General to employ skilled assistants for the purpose of performing the duties imposed upon him by this Act; and to appropriate sufficient funds to pay the cost of preparing said revision, compilation and consolidation of the statutes, and the annotation thereof, and the cost of the performance of the other duties delegated to the Attorney General, and for the printing and binding of the preliminary edition and the permanent edition of said statutes.

Also—

By Mr. Outman of Pinellas—
House Bill No. 415:

A bill to be entitled An Act making it unlawful for any candidate in any election to use any cards, literature or advertisements without his party affiliation being designated thereupon, and making it unlawful for any newspaper or other publication of any kind or character to accept and publish any advertisement from such candidate unless in the proposed advertisement the candidate's party affiliation is designated therein, and providing for penalties for violation of this Act.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 306, contained in the above message, was read the first time by title only.

Senator Gillis moved that House Bill No. 306 be placed on the Calendar of Bills on second reading without reference.

Which was agreed to and it was so ordered.

And House Bill No. 415, contained in the above message, was read the first time by title only and referred to the Committee on Privileges and Elections.

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

Tallahassee, Florida,
May 12, 1939.

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

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

Committee Substitute for House Bill No. 39:

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

Also—

By Messrs. Slappey of Gadsden, Scales of Taylor, Drummond of Holmes, and Stewart of Hendry—
House Bill No. 40:

A bill to be entitled An Act to repeal Chapter 17908, Acts of 1937, relating to investment by banks and other financial institutions.

Also—

By Messrs. Christie, Harrell and Warren of Duval, Henderson and Gillespie of Volusia, Holt, Lindsey and Overstreet of Dade, Dekle, Martin and Sheldon of Hillsborough, and Holsberry and Malone of Escambia—
House Bill No. 617:

A bill to be entitled An Act to amend Chapter 17,981, Laws of Florida, Acts of 1937, entitled "An Act to declare the necessity of creating public bodies corporate and politic to be known as Housing Authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income; to create such Housing Authorities in cities having a population of more than 5,000; to define the powers and duties of Housing Authorities and to provide for the exercise of such powers, including acquiring property, borrowing money, issuing debentures and other obligations, and giving security therefor; to provide that Housing Authorities may obtain validation of their obligations and proceedings; and to confer remedies on obligees of Housing Authorities", by amending Section 10 relating to rentals and tenant selection in housing projects.

Also—

By the Appropriations Committee—
House Bill No. 729:

A bill to be entitled An Act to amend Section 4 of Chapter 10029, Laws of Florida, Acts of 1925, entitled, "An Act to provide for advertising the resources and possibilities of the State of Florida through the Bureau of Immigration in the Department of Agriculture" as amended by Chapter 11833, Laws of Florida, Acts of 1927.

And respectfully requests the concurrence of the Senate therein.

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

And Committee Substitute for House Bill No. 39, and House Bill No. 40, contained in the above message, were read the first time by titles only and referred to the Committee on Banking and Building and Loans.

And House Bill No. 617, contained in the above message, was read the first time by title only and referred to the Committee on Judiciary "C".

And House Bill No. 729, contained in the above message, was read the first time by title only and referred to the Committee on Appropriations.

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

Tallahassee, Florida,
May 16, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members elected to the House of Representatives for the 1939 Session of the Florida Legislature—

House Bill No. 764:

A bill to be entitled An Act for the relief of Halley B. Lewis for his necessary and actual financial losses sustained by him without any fault on his part and by virtue of being held up and robbed of his automobile and other personal property by two escaped State convicts.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 764, contained in the above message, was read the first time by title only and referred to the Committee on Pensions and Claims.

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

Tallahassee, Florida,
May 15, 1939.

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

Sir:

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

By Messrs. Butt of Brevard and Getzen of Sumter—
House Bill No. 172:

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 method 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; prescribing an annual license fee to be paid by such cooperatives and exempting them from excise taxes; 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.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
BEN H. FUQUA,

Chief Clerk House of Representatives.

And House Bill No. 172, contained in the above message, was read the first time by title only.

Senator Adams moved that the rules be waived and House Bill No. 172 be read the second time by title only.

Pending adoption of the motion made by Senator Adams, the hour of adjournment having arrived, a point of order was called and the Senate took a recess at 1:00 o'clock P. M., until 2:30 o'clock P. M., this day.

AFTERNOON SESSION

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

The President in the Chair.

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

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

A quorum present.

By permission the following reports of Committees were received:

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. 1147:

A bill to be entitled An Act to amend Section 19 of Chapter 10096, Laws of Florida, Acts of 1925, the same being entitled, "An Act Relating to Corporations," so as to provide that any trustee or trustees in any voting trust shall not have the right, as such trustee or trustees, to vote said stock held by such trustee or trustees for the purpose of either increasing or reducing the capital stock of such corporation, unless such right is expressly conferred in said voting trust agreement.

Have examined the same and find 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. 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 examined the same and find 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:

House Bill No. 373:

A bill to be entitled An Act to fix and provide for the Compensation of Members of the Board of County Commissioners in all counties in the State of Florida having a population of not less than Three Thousand (3,000) and not more than Three Thousand One Hundred and Fifty (3,150), according to the last preceding State census.

House Bill No. 771:

A bill to be entitled An Act requiring the Boards of Public Instruction of all counties in this State having a population of not less than 8352 and not more than 8400, according to the last State census, to expend \$5,000.00 of the First Race Track monies distributed to said Boards of Public Instruction for the construction and repairing of School Buildings in such counties.

House Bill No. 856:

A bill to be entitled An Act to amend Section 11 of Chapter 15908, Laws of Florida, 1933, being an Act regulating the business of building and loan association in this State, by providing that joint savings share accounts, joint investment share accounts, and joint stock accounts, whether made in a building and loan association or a Federal savings and loan association, may be paid to either of such joint holders or members.

House Bill No. 857:

A bill to be entitled An Act authorizing guardians, trustees, whether individual or corporate, administrators, executors and other fiduciaries, in addition to the investments heretofore authorized by law, to invest trust or other fiduciary funds in savings share or investment share accounts of any Federal savings and loan association chartered under the laws of the United States of America, and doing business in the State of Florida, and in the shares of any Florida building and loan association, which is a member of the Federal Home Loan Bank System.

House Bill No. 957:

A bill to be entitled An Act to amend Sections 1 and 3 of Chapter 18964, Laws of Florida, 1937, entitled, "An Act relating to the Public Free Schools of Volusia County, Florida; providing for permanent tenure of employment of teachers possessing certain qualifications; providing for dismissal of, or refusal to employ such teachers for certain causes, and prescribing procedure for hearings on dismissal charges; providing for appeal to State Board of Education and requiring the State Board of Education to prescribe rules and regulations for the appeal.

House Bill No. 1047:

A bill to be entitled An Act to provide for the enactment of a code or ordinances in and for the City of Winter Haven, Florida; to provide for the making of amendments thereto; and to provide for a referendum election to be held hereon.

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 Whitaker, Chairman of the Committee on Judiciary "B," reports that the Committee had carefully considered the following bill and recommends that the same do not pass—

Senate Bill No. 594:

A bill to be entitled An Act authorizing the appointment of a special administrator for any estate now in process of administration or to be administered in the future in which it appears from the will filed for probate that the State of Florida or any of its agencies or instrumentalities is designated beneficiary therein to the extent of one-third of the property disposed of by said will, prescribing the compensation, powers and duties of said special administrator and providing for the removal of executors and administrators for failure to comply with the provisions of this Act.

And Senate Bill No. 594, contained in the above report, was laid on the table.

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. 528:

A bill to be entitled An Act amending Section 5987, Revised General Statutes of Florida, 1920, relating to the Compensation of the prosecuting attorney of the County Court.

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

And Senate Bill No. 528, contained in the above report, was certified to the House of Representatives.

The motion made by Senator Adams to waive the rule and read House Bill No. 172 the second time by title only, which was pending adoption at the hour of recess, was taken up.

The question was put on the adoption of the motion.

Which was agreed to by a two-thirds vote.

And—

House Bill No. 172:

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 thereof, 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 method 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; prescribing an annual license fee to be paid by such cooperatives and exempting them from excise taxes; 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 read the second time by title only.

Senator Adams offered the following amendment to House Bill No. 172:

In Section 3, sub-section (d) (typewritten bill), strike out the following words: After the words, "Of its members," "provided, however, that no cooperative shall distribute or sell any electric energy within any town, city or area, which is now being served, or which at the time of entry or offer by a cooperative to enter is being served by any utility agency, private or municipally owned, or by any individual, partnership or corporation," and insert in lieu thereof 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, is receiving adequate central station service from any utility agency, privately or municipally owned, individual, partnership or corporation."

Senator Adams moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Adams moved that the rules be further waived and House Bill No. 172, as amended, 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. 172 was read the third time in full.

Upon the passage of House Bill No. 172, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Mapoles, McKenzie, Murphy, Parker, Parrish, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—35.

Nays—Senator Clarke—1.

So House Bill No. 172 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

By permission the following report of the Committee on Rules and Calendar was read:

Florida State Senate,
Tallahassee, Florida,
May 16, 1939.

*Hon. J. Turner Butler,
President of the Senate,
Senate Chamber, The Capitol.*

Sir:

Your Committee on Rules and Calendar recommends night sessions of the Senate to be held on Tuesday, May 16, 1939, and Thursday, May 18, 1939, 8 o'clock P. M., until 10:30 o'clock P. M., for the consideration only of pet bills; that each Senator shall be allowed to call up one bill as a pet bill, commencing with District No. 1, and so on in chronological order until each District has been reached.

Respectfully,

A. O. KANNER, Chairman.

Senator Kanner moved the adoption of the foregoing report.

Which was agreed to and the report was adopted.

Pursuant to the motion made by Senator Dame on May 9, 1939, and the hour having arrived, the Senate took up the consideration of Senate Bills Nos. 457, 456, 455, 548 and 35 as a Special and Continuing Order.

Senate Bill No. 457:

A bill to be entitled An Act to amend Chapter 12419, Acts of the Legislature of 1927 being a bill entitled "An Act regulating the operation and maintenance of tourist camps; giving the owners or keepers thereof liens in certain cases; and prescribing the manner in which the same may be enforced; empowering the State Board of Health to issue permits to operate such camps, and power to revoke the same; to make rules and regulations relating to the operation of such camps; and prescribing penalties in certain cases."

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 457 be read the second time by title only.

Which was agreed to by a two-third vote.

And Senate Bill No. 457 was read the second time by title only.

Senator Dame moved that the rules be further waived and Senate Bill No. 457 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. 457 was read the third time in full.

Upon the passage of Senate Bill No. 457 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Mapoles, McKenzie, Parker, Price, Rose, Savage, Sharit, Walker, Westbrook, Whitaker—31.

Nays—None.

So Senate Bill No. 457 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 456:

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

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 456 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 456 was read the second time by title only.

Senator Dame moved that the rules be further waived and Senate Bill No. 456 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. 456 was read the third time in full.

Upon the passage of Senate Bill No. 456 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Mapoles, McKenzie, Parker, Price, Rose, Sharit, Walker, Ward, Westbrook, Whitaker—31.

Nays—None.

So Senate Bill No. 456 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 455:

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

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 455 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 455 was read the second time by title only.

Senator Dame offered the following amendment to Senate Bill No. 455:

In Section 4, line 3, (typewritten bill) strike out the words: Dairy and Milk Inspectors.

Senator Dame moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dame also offered the following amendment to Senate Bill No. 455:

In Section 2, line 25, (typewritten bill): At the end of Section 2, change the period to a colon and add the following: "Provided that the State Board of Education and the State Board of Health shall jointly prescribe regulations relating to the sanitation of schools."

Senator Dame moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dame moved that the rules be further waived

and Senate Bill No. 455, 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. 455, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 455, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hodges, Holland, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Mapoles, McKenzie, Parker, Price, Rose, Savage, Sharit, Walker, Ward, Westbrook, Whitaker, Wilson—34.

Nays—None.

So Senate Bill No. 455 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senate Bill No. 548:

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

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 548 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 548 was read the second time by title only.

Senator Dame offered the following amendment to Senate Bill No. 548:

In Section 1, at the end of the section and (printed bill), after the words "Pharmacist" strike the period and insert the following: or doctor of medicine.

Senator Dame moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dame also offered the following amendments to Senate Bill No. 548:

In Section 2, line 2 (printed bill), after words "Pharmacist" insert the following: or doctor of medicine.

Senator Dame moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dame moved that the rules be further waived and Senate Bill No. 548, 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. 548, as amended, was read the third time in full.

Pending roll call on the passage of Senate Bill No. 548, as amended, Senator Westbrook moved that the further consideration thereof be informally passed.

Which was agreed to and it was so ordered.

Senate Bill No. 35:

A bill to be entitled An Act to establish a State Board of Examiners in the basic sciences underlying the practice of the healing art, to provide for its organization, powers, duties and compensation, to provide for examination in the basic sciences and that certification by said Board of Proficiency in the basic sciences to be a prerequisite to the eligibility of any person for examination for license to practice the healing art; to define the basic sciences, the healing art, a license, and to provide penalties for the violation of this Act.

Was taken up.

Senator Dame moved that the rules be waived and Senate Bill No. 35 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 35 was read the second time by title only.

Senator Savage offered the following amendment to Senate Bill No. 35:

In Section 26, line 1, (typewritten bill) strike out the words: immediately upon and insert in lieu thereof the following: Ninety (90) days after.

Senator Savage moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye offered the following amendment to Senate Bill No. 35:

In Section 17, (typewritten bill) following the period aft-

er the word "act" and before the word "any", insert the following: All examination papers and the answers thereto, together with the grading thereof, shall be saved for a period of two years, and unsuccessful applicants shall be entitled to photostatic copies thereof, upon payment of the expense of same, upon filing his appeal in the Circuit Court of the County where the examination was held, which appeal must be filed within a year of the date on which the results are announced.

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye also offered the following amendment to Senate Bill No. 35:

In Section 23, lines 5 and 6, (typewritten bill) strike out the words: "May" in line five; "in its discretion" in line six and insert in lieu thereof the following: "shall".

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Dye also offered the following amendment to Senate Bill No. 35:

In Section 23, lines 8 & 9, (typewritten bill) strike out the comma and the phrase "or may continue to examine the applicants in such sciences as heretofore"

And insert in lieu thereof a period.

Senator Dye moved the adoption of the amendment.

Which was agreed to and the amendment adopted.

Senator Murphy offered the following amendment to Senate Bill No. 35:

In Section 6, strike out entire section

And insert in lieu thereof the following:

Section 6. The governor, shall, within 30 days after this Act takes effect, appoint a board of examiners in the basic sciences, hereinafter referred to as the "board of examiners in the basic sciences" consisting of a medical physician, an osteopathic physician, a naturopathic physician and a chiropractic physician, who shall be appointed one for one year, one for two years, one for three years and one for four years. Appointments to fill vacancies occurring during terms shall be for the remainder of the term only, provided however, that all appointments made upon the expiration of terms shall thereafter be for four years. The representation of the healing arts on the said board shall always be maintained as above set forth.

Senator Murphy moved the adoption of the amendment.

Senator Gillis moved that all debate on the adoption of the amendment offered by Senator Murphy to Senate Bill No. 35 be closed and the question put.

Which was agreed to and it was so ordered.

The question was put on the adoption of the foregoing amendment offered by Senator Murphy to Senate Bill No. 35.

Upon which a roll call was demanded.

The roll was called on the adoption of the amendment offered by Senator Murphy to Senate Bill No. 35 and the vote was:

Yeas—Mr. President; Senators Beall, Black, Coulter, Dugger, Gillis, Graham, Hinely, Mapoles, McKenzie, Murphy, Parker, Savage, Walker, Westbrook—15.

Nays—Senators Adams, Beacham, Dame, Dye, Gideons, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Parrish, Price, Rose, Ward, Whitaker, Wilson—21.

So the amendment failed of adoption.

Senator Dame moved that the rules be further waived and Senate Bill No. 35, 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. 35, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 35, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Beall, Black, Dame, Dugger, Dye, Graham, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Lewis, Lindler, Parrish, Price, Rose, Ward, Whitaker—22.

Nays—Senators Clarke, Coulter, Gillis, Hinely, Hodges, Kendrick, Mapoles, McKenzie, Murphy, Parker, Savage, Sharit, Walker, Westbrook, Wilson—15.

So Senate Bill No. 35 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Parker moved that a committee be appointed to escort Mrs. Edler Winburn, widow of Honorable A. J. Winburn, who was elected to the Senate from the 12th Senatorial District in 1906 but died in February, 1907, before taking his seat in the Senate, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Parker, Horne and Adams as the committee.

Pursuant to the motion made by Senator Beall on May 9, 1939, and the hour having arrived the Senate took up the consideration of Senate Bill No. 473 as a Special and Continuing Order.

Senate Bill No. 473:

A bill to be entitled An Act to provide for and promote the general welfare of the State of Florida by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful employment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this Act; to provide penalties for violation of the Act; and for other purposes.

Was taken up and read the second time in full.

Senator Johns moved that the rules be waived and the hour of adjournment be extended until the final disposition of Senate Bill No. 473.

Which was not agreed to.

Senator Johns offered the following amendment to Senate Bill No. 473:

Strike all the bill after the enacting clause, and insert in lieu thereof the following:

Section 1. This Act shall be known and may be cited as the Townsend Old Age Pension Act.

DEFINITIONS

Section 2. The following words, terms, and phrases when used in this Act have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) "Transaction" means the sale, transfer, and/or assignment, for a consideration, of either or both real or personal property; also the use of any raw material, article, and/or product on which a transaction tax, excise, or duty has not been paid under this Act as a component part in the manufacture of any other article or product; also all charges of interest, rent, commissions, fees, and any other pecuniary benefit of any kind directly or indirectly derived from or for any loan, deposit, rental, lease, pledge, or any other use or forbearance of money or property (but not the loans or deposits themselves or withdrawals from deposit); also the rendering or performance of any service for monetary or other commercially valuable consideration, whether by a person or otherwise (but excluding all personal service rendered by employees to their employers, whether on a commission basis or otherwise); also the furnishing of, for a consideration, any transportation, telephone, telegraph, radio, amusement, recreation, lottery, betting, game of chance or skill, education, art, advertising, public utility, and/or water-rights service and/or any other similar service of any kind whatsoever; also the payment of any wager and/or the winnings of any lottery and/or game of chance or skill; and also any payment of membership dues or fees in any association, organization, lodge or club.

A purchase obligation is not a loan under this Act, nor is a barter or exchange of property and/or service a "transaction" insofar as no money or its paper equivalent changes hands.

(b) "Property" means real and/or personal property and includes stocks, bonds, and choses in action, and includes also any right, interest, equity, easement, appurtenance, or privilege of commercial value in such property or related thereto.

(c) "For a consideration" and/or "consideration" means the actual and/or book transfer of money and/or transfer

of a valid, immediately payable negotiable check, money order, or other paper equivalent of such money.

(d) "Gainful pursuit" means any occupation, profession, business, calling, or vocation, or any combination thereof, performed for monetary or other commercially valuable consideration, remuneration, or profit, whether occasionally or continuously performed, and whether performed for one's self or some other person, firm, association, or corporation, except ordinary household or domestic duties.

(e) "Annuity" and/or "annuities" means the various sums and/or amounts of money distributed and paid pro rata and otherwise to the various persons who shall become and be entitled to monthly payments after qualifying under Section 5 of this Act.

(f) "Gross dollar value" means the sum representing the total consideration for the entire property or service transferred, assigned, and/or rendered without deducting the amount of any encumbrance or offset of any kind. On executory and/or time payment contracts each payment constitutes a separate transaction. In cases where no price is fixed to determine the gross dollar value of the transaction, the market value in the field in which the transaction occurs, at the time it occurs, shall determine the amount of tax.

(g) "Governmental agency" means a government body or officer, whether Federal, State, District or Local, and/or any public agency or institution and/or public instrumentality through which public business is transacted.

(h) Throughout the Act the present tense includes the past and future tenses; and the future, the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural the singular. "Shall" means "must" and is mandatory. "May" is permissive.

All terms used in the Act shall receive a liberal construction with a view toward effectuating the objects of the Act and promoting justice.

EXCISES, TAXES, OR DUTIES AND COLLECTION THEREOF

SECTION 3. (a) There is hereby levied, in addition to all other taxes, an excise, tax, or duty of two per centum upon the gross dollar value of each transaction done within the State, except agriculture and horticulture products grown and sold within the State by the producer himself or herself, and except transactions by or through a life insurance company, and use tax of 2% on all products or commodities purchased out of the State of Florida for use and consumption and not for resale within said State, except transactions by or through any governmental agency or involving any security issued by a governmental agency; also in addition to all other taxes, an excise, tax, or duty of 2 per centum upon the gross market dollar value of all transfers of money and/or property by devise, bequest, or other testamentary disposition or legal descent and distribution of money and/or property; and also in addition to all other taxes, an excise, tax or duty of 2 per centum upon the gross market dollar value of every gift of money and/or property; in event, however, the transaction hereby taxed is service rendered by a public utility or public service corporation subject to regulation and control and whose rates for said service are fixed by the Railroad Commission of the State of Florida or other governmental body or commission, the excise tax or duty imposed by this Act shall be collected by said public utility from the person to whom the service is furnished, as a part of the cost of said service, and the return thereof made by the furnisher of said service as provided in this Act.

(b) All returns for the excises, taxes, or duties imposed by this Act shall be made by, and the excise, tax, or duty shall be paid by, the vendor, transferor, grantor, assignor, lessor, renter, lender, depositor, and/or pledges, as the case may be, by the person or legal entity by whom the service is furnished, and by the recipient in all other cases, for each and every transfer of money and/or property and/or rendition or performance of service, and for all transactions arising under executory contract the return shall be made and the excise, tax, or duty shall be paid as of the date payment under such executory contract is made.

(c) All excises, taxes, or duties imposed by this Act are hereby levied and are payable upon all transactions, inheritances, and gifts, as hereinbefore set forth, from and after the expiration of three full calendar months after this Act takes effect, the levy on transactions to take effect when payment for each transaction, or accumulation of transactions, is made, to the extent of such payment, and the levy on inheritances and gifts to take effect when such inheritances and/or gifts are received.

(d) Every return of excises, taxes, or duties, together with the payment of excises, taxes, or duties, as required by this Act, shall be made to the Comptroller of the State of Florida for deposit in the State Treasury, or to such other person as may be designated by the Comptroller in administrative rules and regulations issued under this Act, for the district from which such return is made, as of the end of each calendar month during which such excises, taxes, or duties become fixed and chargeable. The return is mandatory, must be sworn to, and shall be delivered and the excises, taxes, or duties paid to said Comptroller or other person not later than ten days after the expiration of the calendar month for which such return is made. The comptroller shall provide the forms for returns herein required.

(e) No return need be made and no excise, tax, or duty need be paid if the total amount due for any one calendar month is less than \$1.00.

(f) The Comptroller shall enforce the payment of the excises, taxes, or duties required by this Act to be paid, and shall promptly deposit in the State Treasury, in the fund hereinafter designated, such moneys received by him through or from the collection of such excises, taxes or duties, as hereinafter provided by this Act.

(g) If the amount due by any person as the tax imposed by this Act is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon said unpaid amounts, two per centum (2%) per month from the date prescribed for its payment until it is paid.

(h) It shall be the duty of every person required to make a report and pay any tax under this Act, to keep and preserve suitable records of all transactions made which are taxable under this Act, and such books of accounts as may be necessary to determine the amount of tax due hereunder; and it shall be the duty of every person to keep and preserve, for a period of two years, all such records of transactions, which books and records shall be open to examination, at all times by the Comptroller or any one of his duly authorized agents or representatives.

(i) The administration of this Act and the collection of the tax herein levied, imposed and required to be paid are hereby vested in the State Comptroller and the Comptroller is authorized to make, promulgate and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act as may be deemed expedient.

SECTION 4. There is hereby created in the State Treasury of the State of Florida a fund to be known and administered as the Townsend Old Age Pension Fund. All revenue derived from the excises, taxes or duties levied in and under this Act, after the cost of collection of the taxes and administration of this Act, as hereinafter provided, and all grants in aid from the Federal government for old age assistance shall be deposited in said fund, and shall be disbursed only for the payment of the sums expressly authorized by this Act to be paid therefrom, and for no other purpose.

ONLY UNITED STATES CITIZENS ARE ELIGIBLE: OTHER REQUIREMENTS

SECTION 5. (a) Every person in the State of Florida sixty years of age and over, or who shall attain the age of sixty years after the passage of this Act, who has been a full citizen of the State of Florida for at least five years, shall be entitled to receive, upon filing application and qualifying as hereinafter provided, an annuity payable monthly during the life of the annuitant, in the sum of Two Hundred (\$200.00) Dollars per month, or such portion thereof as the annuitant shall be entitled to under the provisions of this Act, and in no instance shall the right of the husband and wife participating in this pension or annuity be questioned because of the fact that the other is qualified or drawing said pension allotted; provided that the whole or whatever part is necessary to supplement other State funds provided therefor or to match entirely the Federal allotment to each and every old age assistant personnel shall be so credited and applied to match the Federal funds and old age assistance as to enable each and every person eligible to receive the entire amount allotted them and that no such person receiving such State and Federal assistance shall be allowed or permitted to participate further in said pension funds as provided in this Act until all other qualified persons under the provisions of this Act shall have been allocated and allotted an equal amount to the amount of both State and Federal allowance and then they shall participate in the residue of the funds herein provided and shall share and share alike.

(b) The right of any person to receive an annuity under this Act shall date from and begin on the 1st day of the calendar month following the approval by the Board of County Commissioners of the various counties of his application therefor, if approved by the 20th of any month (otherwise the 1st day of the following month), when and if such application is supported by his affidavit as to his age and citizenship for five years and by proper public or private record proof or a detailed corroborating sworn statement, as to his age and such citizenship, and has attached to it a photograph of passport size and a fingerprint record of the applicant for identification purposes, but subject to the limitations upon time and manner of payment as hereinafter provided by this Act.

(c) The annuitant shall not engage in any gainful pursuit.

(d) The annuitant shall covenant and agree, in his sworn application for the annuity, to expand, and shall spend all of each month's annuity, within thirty (30) days after receipt thereof, within the State of Florida for the purchase of any services (except gambling) rendered, to his best knowledge and belief, by citizens of the State of Florida and/or commodities manufactured, to his best knowledge and belief, in the United States, and sold in Florida, and/or a home or an equity in or rental of or a lease of a home or other living quarters, or the support of a dependent spouse, dependent former spouse, or dependent child, or for the payment of any indebtedness lawfully arising for any such purpose, the payment of premiums on a life or endowment insurance policy taken out over a year before the effective date of this Act or on a life-insurance policy of not exceeding \$5,000.00 on his own life taken out after the effective date of this Act, or the payment of a bonafide indebtedness incurred before such annuitant received any money under this Act: Provided, however, That the annuitant shall not directly or indirectly expend a total of more than 20 per centum of any such monthly annuity for gifts or contributions to any person or persons and/or any public or private institution, association, or organization, and/or for debts contracted previous to the time such annuitant received any money under this Act; and said annuitant shall further covenant and agree and likewise be bound by the same law to expend in the same time as above provided any and all income or moneys, commodities or property received as rentals or otherwise that are or may be classed as income derived for any and all other sources provided, however, that such other incomes if received quarterly, semi-annually or annually may be pro rated and expended monthly if recipient so elects. However, said annuitant shall be privileged to expend said income from other sources for any purpose and in any way said annuitant desires or elects and anywhere in the United States of America.

(e) If any annuitant receives any money and/or property by disposing of any property purchased, directly or indirectly, with money received as an annuity under this Act, he must expend or dispose of the whole of such money and/or property, to the extent it represents, directly or indirectly, the proceeds or profits of annuities received under this Act, within the first full calendar month after it is received, or within five days thereafter, in the same manner that annuities must be spent under the terms of subdivision (d) of this section, and must so covenant and agree in his sworn application for the annuity.

(f) No annuity shall be paid to any person who is forcibly confined in any penal or other institution and no person shall be entitled to any annuity while so confined, or until a new application is approved for him after his release. Annuity checks issued to any such person which shall be returned uncashed with an explanation to the State Treasurer at Tallahassee for cancellation, and anyone having died during the thirty days preceding receipt of his warrant, the annuity shall be paid to the person who shall have been designated by the annuitant during his lifetime, such designation to be under oath and on a form prescribed by the Comptroller and filed in the office of the Comptroller.

(g) No assignment of or order on an annuity under this Act is valid.

(h) Any annuitant may at any time terminate his right to receive annuities under this Act by a sworn notice to this effect filed with the Comptroller of the State of Florida. At the time he files same, satisfactory proof must be produced that he is the annuitant in question. Upon receipt of such notice of termination, the Comptroller shall eliminate such person as an annuitant in making future distributions. Such termination shall not, however, affect the right of such person to again apply for annuities under this Act.

(i) Any annuitant may likewise waive his right to a portion of the annuity upon filing a life sworn notice and satisfactory proof that he is the annuitant in question, and any applicant for annuities may apply for a lesser amount than the \$200.00 per month maximum. In such cases the Comptroller shall, after the pro rata or full monthly annuity figure is arrived at on the 20th of any month, deduct any such amounts that may have been waived, or not applied for, from the amount to be sent to such annuitants. Such waiver or failure to apply for the full amount shall not affect the right of any person to file a new application at any time for the full amount to which he would otherwise be entitled.

ADMINISTRATION PROVISIONS

SECTION 6. (a) The Comptroller of the State of Florida shall have general supervision of the distribution of the annuities under this Act and shall cause to be paid by checks mailed out by him from Tallahassee, Florida at regular monthly intervals, to each person who lawfully qualifies to receive annuities under this Act such amounts as shall become due the respective annuitants lawfully qualifying under this Act.

(b) Forms for the use of applicants for the annuities provided for in this Act shall be made available to such applicants by the Comptroller through the Clerk of the Circuit Court of the various counties within thirty days after this Act takes effect. All applications for annuities and all returns required by this Act from annuitants shall be filed with the Clerk of the Circuit Courts of the various counties. Returns must be sworn to by the annuitant, on forms provided by the Comptroller, and must be filed within ten days after the expiration of the calendar month for which he receives his annuity. Clerks of the Circuit Courts in the various counties and their assistants are hereby given the power to administer oaths on application for annuities and/or returns from annuities under this Act. They shall make no charge for verifications on applications for annuities, but shall charge 25 cents for each verification of a return for an annuitant, which 25 cents shall become a part of their fee for rendering this service. The applications and returns shall be checked by the Board of County Commissioners in the various counties with whom they are filed, and then forwarded by them to the Comptroller of the State of Florida. The Clerks of the Circuit Courts of the various counties and the Board of County Commissioners of the various counties shall be entitled to call upon the office of the Attorney General of the State of Florida for legal advice and assistance in handling the registration of applicants and checking the returns filed.

(c) Any person contemplating the filing of an application for an annuity and/or any annuitant may call upon the office of the States attorney, in any circuit in which he may be, for assistance in filling out forms and/or advice as to his rights under this Act. Any such person may also petition the Circuit Court, in any Circuit in which he may be for a ruling as to his rights under this Act, which petition may be informal but must be in writing and sworn to by the petitioner. It may be filed with the Clerk of such court upon the payment of a \$1.00 filing fee and there shall be no other court costs of any nature in connection with the hearing and determination of such petition. There shall be no charge by the clerk of the court for verification of such petition before him. No notary public shall charge more than 25 cents for verification of any petition for filing with a court, under this Act, application for an annuity under this Act or a return required by this Act. A copy of any petition to a court for a ruling on the petitioner's rights under this Act must be served on the States attorney's office, in the circuit in which it is filed, at least five days before the hearing thereon, and the petitioner shall be entitled to be presented by counsel if he so desires or may handle the matter himself. The hearing shall be informal and the strict rules of evidence shall not be rigidly adhered to. There shall be a right of appeal by either party, but appeals shall be handled in the regular formal way and be subject to the usual court costs. The exclusive jurisdiction to hear and determine all issues arising under this Act shall be in the State courts.

SECTION 7. All money available in said Townsend Old Age Pension Fund according to the Comptroller's balance on the last day of the month, from or out of revenues received under this Act, shall be paid pro rata, to all qualified annuitants who are of record and whose applicants for an-

nuitants have been checked and approved by the State Comptroller at Tallahassee, Florida, at the close of business on the last day of the calendar month in which the said revenue collections reach the State Treasury, and the Comptroller shall write his warrants and date same for distribution at convenient dates of the succeeding month in such amount, not to exceed \$200.00 per month, as may properly be paid from the funds accumulated for that period. In order to be eligible for such annuity for the following month each annuitant shall return to the Comptroller, on a form to be prescribed by the Comptroller, a statement that all conditions required by the annuitant by this Act have been fully complied with.

APPROPRIATIONS

SECTION 9. After the cost of collection of the taxes herein levied and imposed and the cost of administration of this Act is deducted, not to exceed two per centum (2%) of the revenue derived hereunder, there is hereby appropriated the entire balance paid into the Comptroller under and by virtue of this Act to the Townsend Old Age Pension Fund and the same shall be paid into the State Treasury to the credit of said fund to be administered as provided by this Act.

(a) There is hereby annually appropriated out of the funds coming into the Comptroller's hands under the provisions of this Act, the amount necessary for the effective and efficient enforcement of the provisions of this Act, not to exceed two per centum (2%) of the revenue derived hereunder, and for that purpose the Comptroller is authorized to employ such additional employees as he may from time to time deem necessary to carry out the terms and provisions of this Act.

(b) The Comptroller is hereby authorized and empowered to adjust and make proper settlement in case of over-payment, and there is hereby appropriated a sufficient amount for the Comptroller to refund any over-payment when and if, on proper application and proof, he determines it necessary to make such refund.

(c) For the purpose of making available to the Comptroller for his assistance in enforcing the provisions of this Act such information as may be available from the Federal Income Tax Returns, the Governor of the State of Florida shall certify to the Collector of Internal Revenue of the United States such employees of the State Comptroller as the Comptroller may designate to check federal income tax returns under the provisions of the Federal Income Tax Laws.

ANNUITIES NOT SUBJECT TO GARNISHMENT, AND SO FORTH

SECTION 10. Any annuity granted under this Act, and the money proceeds thereof due or in the hands of the annuitant, shall be wholly exempt from attachment, garnishment, execution, levy and/or any other judicial process.

DISQUALIFICATION

SECTION 11. No annuity shall be paid under this Act to any person who is not at the time of payment domiciled within the State of Florida.

DELAY IN PAYMENT; REMEDY

SECTION 12. If in any case the payment of an annuity to any person is delayed to an extent which causes an accumulation of two months or more of annuities, then in that event the expenditures by the annuitant for the amount of any such accumulation shall be made upon the basis of one additional month for every month of such accumulation.

CERTAIN OFFENSES A MISDEMEANOR; PENALTY

SECTION 13. It shall be a misdemeanor for any annuitant—

(a) To engage in any way, or upon any occasion, in any gainful pursuit as in this Act defined;

(b) To keep or fail to expend, any annuity, or any part thereof, or the proceeds or direct or indirect accumulations, or any part thereof of an annuity, within the time required by this Act; or to expend, directly or indirectly by resort to any subterfuge whatever, any annuity, or any part thereof, or the proceeds or direct or indirect accumulations, or any part thereof, of any annuity, in any manner except as in this Act provided;

(c) To unreasonably and unnecessarily maintain any able-bodied person to idleness, or any person in drunkenness or gambling and/or to unreasonably and unnecessarily employ any person or to pay any person any salary or wages or any

other form of compensation entirely and clearly in proportion to the service rendered;

(d) To wilfully fail or refuse to pay any just obligation incurred for purchases, leases, rentals, and/or services under this Act or to wilfully fail or refuse to pay 10 per centum of any month's annuity on just obligations incurred before such annuitant received any money under this Act; and

(e) To wilfully fail or refuse to obey any rule or regulation issued by the Comptroller of the State under this Act.

Prosecution for such misdemeanor shall be brought by the States Attorney in the Circuit Court in the circuit in which the offense occurred, and upon conviction the annuitant shall forfeit each month for the remainder of his life one-fourth of the annuity to which he would otherwise be entitled, but shall suffer no other penalty no matter on how many counts he was convicted. Upon a subsequent conviction for such a misdemeanor occurring thereafter he shall forfeit each month an additional one-fourth of the annuity to which he would have been entitled had he never violated the law, for a third conviction another one-fourth, and for a fourth conviction shall forfeit entirely his rights to any annuity under the terms of this Act.

CERTAIN OFFENSES A FELONY; PENALTY

SECTION 14. It shall be a felony, and punishable as such, for any individual or copartner, or the president, secretary, treasurer, and/or general manager of any firm, association, or corporation required by this Act to make any return for the payment of any excise, tax, or duty and/or to pay same, or for any applicant for an annuity, or for any annuitant, to wilfully fail to make any required return, or to make any false statement in any application or return, or to knowingly withhold therefrom any fact material to the proper administration of this Act, or to wilfully fail to pay any excise, tax, or duty provided for in this Act within the time required by this Act, with intent to defraud the State of Florida, directly or indirectly, by resort to any subterfuge whatsoever, under a penalty, upon conviction, of a fine of not more than \$1,000.00 or imprisonment for not more than one year, or both, for a first offense, and a fine of not less than \$2,000.00 or more than \$20,000.00 or imprisonment for not less than one year or more than five years, or both, for each subsequent conviction.

SECTION 15. In addition to and entirely separate and apart from any criminal penalty herein provided there is hereby created a lien in favor of the State of Florida upon all the property, both real and personal, of any person who shall become liable for the payment of any tax levied and imposed under this Act for the amount of the tax due and payable under the provisions hereof, together with interest, costs and penalties, and if any tax imposed by this Act, or any portion of such tax, be not paid within sixty days after the same becomes delinquent, the Comptroller may, thereafter, issue a warrant, either personally or by a duly authorized agent, under his official seal, directed to all and singular the sheriffs of the State of Florida commanding them to levy upon and sell any real and personal property of the person liable for said tax within their respective jurisdiction, for the payment of the amount thereof, with added penalties, interest and cost of executing the warrant and to return such warrant to the Comptroller and to pay to him the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. And the sheriff shall, within five days after the receipt of the warrant, file with the Clerk of the Circuit Court of his County a copy thereof, and thereupon the Clerk shall record the same in a book to be provided for that purpose, or if no book be provided for that purpose then in the Circuit Court Minute Book of said County, and thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest, whether legal or equitable, in any real or personal property of such person against whom such warrant is issued, in the same manner as a judgment duly docketed in the office of such Circuit Court Clerk with execution duly issued thereon and in the hands of the sheriff for levy, and such lien shall be prior, preferred, and superior to all mortgages, statutory or other liens, filed or recorded subsequent to the date such tax becomes effective. Such sheriff shall thereupon proceed upon the same in all respects, with like effect and in the same manner prescribed by law in respect to executions issued against property upon judgment of a Circuit Court and shall be entitled to the same fees for his services in executing the warrant to be collected in the same manner. In case of failure of any sheriff to file a copy of the warrant with the Clerk

of the Circuit Court as herein prescribed, a certified copy thereof filed by the Comptroller shall operate to the same effect as if same had been filed by the sheriff.

CONSTRUCTION OF THIS ACT

SECTION 16. If any provisions of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected thereby. If any section, sentence, clause, or part of this Act is for any reason held to be unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this Act, but shall be confined in its operation to the section, sentence, clause, or part thereof directly involved in the controversy in which such judgment shall have been rendered. The State Legislature hereby declares that it would have passed this Act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional.

ALL CONFLICTING LAWS REPEALED

SECTION 17. All State Acts or parts of Acts in conflict with any of the terms of this Act are hereby expressly repealed to the extent of such conflict, and any person who accepts an annuity under this Act thereby forfeits his right to any other pension, unemployment insurance, and/or other benefit to which he might be entitled under any other Federal Social Security or other measure, to the extent of the amount he receives under the terms of this Act.

EFFECTIVE DATE OF THIS ACT

SECTION 18. Except as otherwise herein specifically provided, this Act shall take effect upon its enactment.

Senator Johns moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beacham moved that the rules be waived and the hour of adjournment be extended thirty (30) minutes.

Which was agreed to by a two-thirds vote.

Senator Johns moved that Senate Bill No. 473, as amended, be read the third time in full.

Pending adoption of the motion made by Senator Johns, Senator Johns moved that the rules be waived and the hour of adjournment be extended thirty (30) minutes.

Which was agreed to by a two-thirds vote.

The question recurred on the adoption of the motion made by Senator Johns.

Upon which a roll call was demanded.

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

Yeas—Mr. President; Senators Adams, Beacham, Black, Clarke, Coulter, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Hodges, Holland, Horne, Johns, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lindler, McKenzie, Parker, Parrish, Price, Rose, Savage, Sharit, Ward, Whitaker, Wilson—32.

Nays—Senators Beall, Lewis, Mapoles—3.

So the motion made by Senator Johns was adopted.

Pending third reading, Senator Whitaker moved that the rules be waived and the hour of adjournment be extended until after final disposition of Senate Bill No. 473, as amended.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 473, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 473, as amended, the roll was called and the vote was:

Yeas—Senators Black, Coulter, Hodges, Johns, Mapoles, McKenzie, Walker Whitaker—8.

Nays—Mr. President; Senators Adams, Beacham, Beall, Clarke, Dame, Dugger, Dye, Gillis, Gideons, Graham, Hinely, Holland, Horne, Kanner, Kelly (11th), Kelly (16th), Kendrick, Lewis, Lindler, Parker, Parrish, Price, Rose, Savage, Sharit, Ward, Wilson—28.

So Senate Bill No. 473, as amended, failed to pass.

The following explanations of vote on Senate Bill No. 473, as amended, were filed with the Secretary:

I am for adequate relief and pensions for the old people within the means of the State to pay, but I vote against this bill because in my opinion the Act is unconstitutional in many vital particulars; it is not practicable for the State of Florida to furnish a haven for the old people of the whole United

States, and I agree with Dr. Townsend that a wide program to be a success and restore prosperity, as he asserts, is a Federal and not a State function. A State failure will react against ultimate operation of the real Townsend program. The bill calls for such vast sums as to endanger the financial stability of public and private affairs. I am sincere in a real desire to provide for the old people but in my opinion this Act is a snare and not a remedy. The proposal of Senator Beall is a safer, sounder, more possible one of realization.

DEWEY A. DYE.

In explanation of my vote I state, I do not believe the bill as amended will produce any ready cash to the old or that it is constitutional. I do not believe that persons with large capital and income should be included as beneficiaries.

The substitute bill, I offered, provides \$7,200,000.00 which will provide the full \$30.00 to the needy aged, and will produce the money.

The present Act will no doubt be litigated and thereby delayed until many of the needy old are dead.

PHILIP D. BEALL.

I voted "Nay" on this bill for the following reason: that it might jeopardize Florida's chances of receiving Federal aid under our present Social Security Act. Further I desire to vote for the Substitute Bill in lieu of Senate Bill 473 which provides \$7,500,000 to be paid out of General Revenue Funds of the State of Florida to be matched by an equal amount from the Federal Government. The Townsend Plan is of National scope and not one of local or one-state proposition.

A. L. WILSON.

I have carefully read and studied the pending bill commonly known as "The Townsend Plan."

I am earnest and sincere in my desire to help the needy and deserving old folks of our State, but the bill in its present form would be placing an unbearable burden upon the citizens and taxpayers. I therefore must vote against the measure.

I intend to work for a definite increase in the benefits to be paid to our needy old folks.

DAVID ELMER WARD.

I vote "No" on Senate Bill No. 473 for the following reasons: I do not believe that this bill will raise any money at all for the old people of the State. That it might jeopardize Florida's chances of receiving Federal Aid under our present Social Security Act. Further, I desire to vote for the Substitute Bill in lieu of Senate Bill No. 473, which provides \$7,500,000.00 to be paid out of the General Revenue Fund of the State of Florida, to be matched by an equal amount from the Federal Government. Further, the Townsend Plan is one of National scope and cannot be worked as a local or a "one State" proposition.

JNO. R. BEACHAM.

I vote for this bill as it is apparently the last chance for the old people, fatherless children or the blind of this State to receive something upon which to live. However, I believe the bill is now unconstitutional. I also thoroughly believe my so-called slot machine bill was a much better bill.

W. H. MAPOLES.

I am opposed to a State general sales tax for any purpose. I therefore cannot vote for this so called Townsend Plan. This bill in my opinion is unconstitutional and is to deceive the old people. This bill is not the Townsend Plan. I am advised that Dr. Townsend himself is opposed to this bill. The Townsend Plan is to have the Congress of the United States enact a law giving to the old people an adequate pension or monthly payment of money. Senate Bill No. 473 provides for a State sales tax called a "duty" or "excise" tax and will levy the largest tax upon all residents and others in our State that has ever been placed on the shoulders of our taxpayers.

I expect to take care of our old citizens but not in the manner provided for in this bill. The old people of Florida and of my district are my friends and I am going to vote to give them an increase in their monthly payments, but not by the enactment of a general State sales tax.

C. A. SAVAGE.

Am voting against this bill because I believe it would be unworkable and would simply lead the old people of this

State to expect something that could never be realized.

I am also advised by leaders in this State of movement to enact a national Townsend Plan, that the enactment of this law would be harmful to their efforts and that the law is not desired by the Townsend members.

WALTER W. ROSE.

I vote "no" because I will not be a party to fooling the old people of my native State of Florida. Also my friends who are members of the Townsend Organization tell me they do not want this bill.

J. J. PARRISH.

I vote "no" because I conscientiously feel that this measure is unconstitutional, especially the revenue clause.

DAN KELLY.

I vote "No" on this bill because it will disrupt and hinder the National Townsend Plan Program. The bill does not provide any definite amount—the amount of any prospective annuity is highly speculative. There is legislation now pending and in progress that will assure the payment of a definite amount to the needy while waiting for the National Townsend Plan to be completed. The substitute sought to be offered for this bill would have appropriated 7½ millions of dollars from the General Revenue Fund which would insure the payment of \$30 per month with the Federal Aid available and be a good start toward putting the old people on a parity with Governmental departments.

(Signed)

R. C. HORNE
R. S. ADAMS

Senator Kanner moved that the rules be waived and the night session be dispensed with and when the Senate adjourns at this session it adjourn until 11:00 o'clock A. M., Wednesday, May 17, 1939.

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

Senator Rose moved that House Bill No. 336 be committed to the Committee on Citrus Fruit.

Which was agreed to and it was so ordered.

Senator Kelly (16th) moved that the rules be waived and the Senate do now take up and consider messages from the House of Representatives, out of their order.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,
May 16, 1939.

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

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted with amendment:

By Senator Kelly (16th)—
Senate Concurrent Resolution No. 17:

WHEREAS, The Honorable Eugene Talmadge, former Governor of our neighbor State of Georgia, will be in the City of Tallahassee, Florida, on Wednesday, May 17, therefore, be it

RESOLVED, By the Senate, The House of Representatives concurring, that he be and he is hereby invited to address the State Legislature in the hall of the House of Representatives at Tallahassee, Florida, upon such subject as he may select at 3 o'clock in the afternoon, Wednesday, May 17th, A. D. 1939.

Which amendment reads as follows:

Line 9, strike out the words and figures "3 o'clock in the afternoon" and insert the following: "8 o'clock P. M."

Very respectfully,

BEN H. FUQUA,

Chief Clerk House of Representatives.

And Senate Concurrent Resolution No. 17, contained in the above message, was read together with House Amendment thereto.

Senator Kelly (16th) moved that the Senate do concur in

the House Amendment to Senate Concurrent Resolution No. 17.

Which was agreed to.

And the Senate concurred in the House Amendment to Senate Concurrent Resolution No. 17.

And Senate Concurrent Resolution No. 17, as amended, was referred to the Committee on Engrossed Bills and the action of the Senate ordered certified to the House of Representatives.

Senator Beal moved that the rules be waived and Senate Bill No. 799 be made a Special and Continuing Order of Business for consideration by the Senate at 11:15 o'clock, Wednesday, May 17, 1939.

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

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 7:37 o'clock P. M., until 11:00 o'clock A. M., Wednesday, May 17, 1939.

EXECUTIVE SESSION ANNOUNCEMENTS

The Senate in Executive Session on May 15, 1939, consented to the suspension and removal from office by the Governor of the following officers:

W. M. Hankins, former member of the Board of County Commissioners, District Number Four, Volusia County, Florida.

J. J. Crume, former member of the Board of County Commissioners, District Number Two, Volusia County, Florida.