

JOURNAL OF THE SENATE

Tuesday, June 3, 1941

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, June 2, 1941.

The President in the Chair.

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

Mr. President; Senators Adams (25th), Adams (30th), Beall, Butler, Clarke, Cliett, Collins, Cooley, Drummond, Dye, Folks, Gideons, Graham, Hinely, Horne, Housholder, Johnson, Kan-ner, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Price, Rose, Shands, Shepherd, Shuler, Smith, Taylor, Whitaker, Wilson—36.

A quorum present.

Senator Ward was excused from attendance upon the session on account of illness.

Prayer by Chaplain.

The reading of the Journal was dispensed with.

The Journal of May 28, 1941, was further corrected as follows:

On page 11, column 1, at top of column insert the following:

State of Florida
EXECUTIVE DEPARTMENT
Tallahassee
May 22, 1941.

Hon. John R. Beacham,
President of the Senate,
Tallahassee, Florida.

Sir:

Upon request of your Honorable Body, I am returning here-with Senate Bill No. 14.

Respectfully yours,
SPESSARD L. HOLLAND,
Governor.

And as further corrected was approved.

The Journal of May 29, 1941, was further corrected as follows:

On page 1, column 1, line 17 from top of column between the words and figures "Column 2" and the word "strike" insert the following "line 9."

And as further corrected was approved.

The Journal of Monday, June 2, 1941, was corrected as follows:

On page 44, column 1, line 33, strike out the words "was referred to the Committee on Enrolled Bills" and insert in lieu thereof the following: "was ordered certified to the House of Representatives."

And as corrected was approved.

REPORTS OF COMMITTEES

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

Senate Chamber,
Tallahassee, Fla., June 2, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred:

House Bill No. 1400:

A bill to be entitled An Act to amend Sections five, six, seven, eight, eleven, nineteen and twenty-five of Chapter 18011, Laws of Florida, Acts of 1937, same being "An Act relating to license taxes, repealing Chapter 14491, and Chapter 14528, Laws of Florida, Acts of 1929; repealing parts of Chapter 2 of Title VI, of Division I of the Revised General Statutes of Florida, of 1920; repealing Chapter 16801 and Chapter 17167, Laws of Florida, Acts of 1935; imposing certain license taxes and providing for the payment and collection thereof, and the person liable therefor, under certain circumstances" and adding thereto Section 5-A relating to license taxes on

restaurants and other public eating places; and adding there-to Section 24-A stating which Section shall apply when two or more Sections conflict; and repealing all laws or parts of laws in conflict herewith.

Have had the same under consideration and recommend that there be substituted therefor:

Committee Substitute for House Bill No. 1400:

A bill to be entitled An Act to amend Chapter 18011, Laws of Florida, Acts of 1937, the same being entitled "An Act relating to license taxes, repealing Chapter 14491, and Chapter 14528, Laws of Florida, Acts of 1929; repealing parts of Chapter 2 of Title VI, of Division I of the Revised General Statutes of Florida of 1920; repealing Chapter 16801 and Chapter 17167, Laws of Florida, Acts of 1935; imposing certain license taxes and providing for the payment and collection thereof, and providing that license taxes shall be a lien on the property of the person liable therefor, under certain circumstances," and repealing all laws or parts of laws in conflict herewith.

R. C. HORNE,
Chairman.

And House Bill No. 1400, together with Committee Substitute therefor, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Horne, Chairman of the Committee on Fi-nance and Taxation, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Committee on Finance and Taxation, to whom was referred:

Finance and Taxation Committee Substitute for House Bill No. 308:

A bill to be entitled An Act assessing, levying and impos-ing an annual license tax upon every person, firm, co-part-nership, joint adventure, joint stock company, association, corporation, estate, fiduciary, or any other association of persons conducting, engaging in or carrying on the business of a retailer in this State, and operating an independent store or one or more chain stores within this State; and to classi-fy such stores for the purpose of such license taxes and of graduating the license tax in accordance with the number of stores operated under a single ownership, management or supervision, whether operated in this State or not; and also assessing, levying, and imposing a separate and addi-tional annual license tax taxed on the amount of inventory of the merchandise of such stores in this State and the merchandise warehoused for the benefit of such stores in this State, and providing the time and manner of determina-tion of the amount of such tax and the dates of payment thereof; defining "independent store" and "chain stores" and other words and phrases used in this Act; to provide for the administration and enforcement of this Act; to pro-vide for the creation and enforcement of a lien upon the property of persons and associations liable for the payment of such license tax; to provide penalties for the violation of this Act; to provide for the filing of sworn reports by the person or association on which such license tax is imposed; and to repeal conflicting laws, including all parts and Sec-tions of Chapter 16848, Laws of Florida, 1935; and to ap-propriate the revenues derived hereunder.

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

R. C. HORNE,
Chairman.

And Finance and Taxation Committee Substitute for House Bill No. 308, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Shuler, Chairman of the Committee on Game and Fisheries, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Committee on Game and Fisheries, to whom was referred:

House Bill No. 1510:

A bill to be entitled An Act relating to protection and conservation of sponges; providing for privilege tax on wholesale dealers in sponges; providing for privilege tax on producers of sponges; requiring wholesale dealers to collect the privilege tax imposed on producers and pay tax to State Board of Conservation; conferring on State Board of Conservation police powers to administer provisions of this Act and all laws relating to protection and conservation of sponges, which police powers, however, shall not be held to restrict the duties of the sheriffs of the State in enforcing the criminal features of said Act; authorizing State Board to revoke licenses issued hereunder; providing for expenditure of licenses and taxes received; prohibiting taking sponges from certain areas by diving method; prescribing penalty for violating provisions hereof; repealing conflicting laws.

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

JAY A. SHULER,
Chairman.

And House Bill No. 1510, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Whitaker, Chairman of the Committee on Judiciary "C", submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Committee on Judiciary "C," to whom was referred:

House Bill No. 996:

A bill to be entitled An Act to prohibit bookmaking, pool selling, betting, wagering and contributing to pools except with lawful authority granted by the Florida State Racing Commission; imposing certain duties upon certain governmental agencies, officials and employees to aid in the prevention, apprehension and prosecution of violation hereof and providing penalties for the violation hereof.

Have had the same under consideration, and recommend that the same does not pass.

PAT WHITAKER,
Chairman.

And House Bill No. 996, contained in the above report, was laid on the table.

Senator Beall, Chairman of the Committee on Judiciary "A," submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Committee on Judiciary "A," to whom was referred:

Senate Bill No. 536:

A bill to be entitled An Act to amend Sections 2838, 3616, 3617, 3787, 3789, 3797, 3802, 3803, 3806, 3818, 3822, 3825, 3836, and 3841 of the Revised General Statutes of Florida, and also Section 1, Chapter 10168, Acts of 1925, and Section 1, Chapter 10169, Acts of 1925; relating to real property titles and estates.

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

PHILIP D. BEALL,
Chairman.

And Senate Bill No. 536, contained in the above report, was placed on the Calendar of Bills on second reading.

Senator Johnson, Chairman of the Committee on Temperance, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Committee on Temperance, to whom was referred: Senate Bill No. 623:

A bill to be entitled An Act prescribing the terms and conditions under which spirituous liquors containing more than 14 per cent of alcohol by weight may be sold at wholesale in this State by persons, firms and corporations licensed under laws of this State to sell spirituous liquors containing more than 14 per cent of alcohol by weight at wholesale; and requiring all retail licensees selling spirituous liquors containing more than 14 per cent of alcohol by weight under the laws of this State to pay therefor within thirty days from date of purchase by or invoice to such retail licensees; and making it unlawful for any distributor to extend credit to any retail licensee for more than thirty days for such spirituous liquors containing more than 14 per cent of alcohol by weight sold by such distributor; and making it unlawful for any retail licensee to solicit or to receive or accept any credit or deferred payment arrangement beyond thirty days from date of purchase of such spirituous liquors; and requiring retail licensees to pay, and distributors to require payment in lawful money of the United States of America for all spirituous liquors containing more than 14 per cent of alcohol by weight purchased by or sold to retail licensees after default in payment of bills and accounts for such spirituous liquors theretofore sold to such retail licensees; and prescribing the method and manner in which the director of the State Beverage Department shall be notified of unpaid accounts of retail licensees and prescribing the duties of such director and all distributors in connection therewith; and providing penalties for violations of this Act.

Have had the same under consideration, and recommend that the same does not pass.

D. M. JOHNSON,
Chairman.

And Senate Bill No. 623, contained in the above report, was laid on the table.

Senator Johnson, Chairman of the Committee on Temperance, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Committee on Temperance, to whom was referred:

House Bill No. 1162:

A bill to be entitled An Act prescribing the terms and conditions under which spirituous liquors containing more than 14 per cent of alcohol by weight may be sold at wholesale in this State by persons, firms and corporations licensed under laws of this State to sell spirituous liquors containing more than 14 per cent of alcohol by weight at wholesale; and requiring all retail licensees selling spirituous liquors containing more than 14 per cent of alcohol by weight under the laws of this State to pay therefor within thirty days from date of purchase by or invoice to such retail licensees; and making it unlawful for any distributor to extend credit to retail licensee for more than thirty days for such spirituous liquors containing more than 14 per cent of alcohol by weight sold by such distributor; and making it unlawful for any retail licensee to solicit or to receive or accept any credit or deferred payment arrangement beyond thirty days from date of purchase of such spirituous liquors; and requiring retail licensees to pay, and distributors to require payment in lawful money of the United States of America for all spirituous liquors containing more than 14 per cent of alcohol by weight purchased by or sold to retail licensees after default in payment of bills and accounts for such spirituous liquors theretofore sold to such retail licensees; and prescribing the method and manner in which the director of the State Beverage Department shall be notified of unpaid accounts of retail licensees and prescribing the duties of such director and all distributors in connection therewith; and providing penalties for violations of this Act.

Have had the same under consideration, and recommend that the same does not pass.

D. M. JOHNSON,
Chairman.

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And House Bill No. 1162, contained in the above report, was laid on the table.

Senator Beall, Chairman of the Committee on Judiciary "A", submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Committee on Judiciary "A", to whom was referred:

Senate Bill No. 600:

A bill to be entitled An Act amending Section 30 of Chapter 15764, Laws of Florida, Acts of 1931, entitled "An Act providing for the supervision and regulation of persons, firms, corporations and associations owning, controlling, operating or managing motor vehicles used in the business of transporting persons or property for compensation over the public highways of the State; providing for regulations of safety and proper operation affecting the use of said highways and the preservation thereof; defining auto transportation companies and providing supervision and regulation thereof by the railroad commission of the State of Florida, and providing for the enforcement of the provisions of this Act and for the punishment of violations thereof and imposing a mileage tax and providing for the disposition of the revenue raised by the same; and providing certain exemptions; and repealing all Acts inconsistent with the provisions of this Act," as amended by Section 1 of Chapter 17115, Laws of Florida, Acts of 1935, and as amended by Chapter 18028, Laws of Florida, Acts of 1937, and as amended by Chapter 18029, Laws of Florida, Acts of 1937.

Have had the same under consideration, and recommend that the same does not pass.

PHILIP D. BEALL,
Chairman.

And Senate Bill No. 600, contained in the above report, was laid on the table.

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

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir

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

Senate Bill No. 38:

A bill to be entitled An Act to amend Section 5995 Revised General Statutes of Florida, 1920; the same being Section 8289 Compiled General Laws of Florida, 1927, as amended by Chapter 18002, Laws of Florida, Acts of 1937, the same being Laws relating to jurisdiction of justices of the peace and County judges in criminal cases; the effect of this Act being to vest jurisdiction in justices of the peace to hold a court to try and determine certain misdemeanor cases arising in their respective districts.

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

S. A. HINELY,
Chairman.

And Senate Bill No. 38, contained in the above report, was certified to the House of Representatives.

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

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

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

Senate Bill No. 338:

A bill to be entitled An Act to punish any person who makes any knowingly false statement or false representations to another concerning any Hotel, Inn or Apartment house with the intention of inducing such other person to enter, lodge at or to become a guest of any other Hotel, Inn or Apartment house, or who by any false statement or representation induces any

person not to enter, lodge or become a guest of any Hotel, Inn, Apartment house; also any person engaged in the operation of any Hotel, Inn or Apartment house, to pay to any person any compensation for diverting through fraud or other misrepresentation, prospective patrons of a given Hotel, Inn or Apartment house to any other Hotel, Inn or Apartment house, and to provide a penalty for the violation of this Act.

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

S. A. HINELY,
Chairman.

And Senate Bill No. 338, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred:

Senate Bill No. 711:

A bill to be entitled An Act to abolish the present municipal government of the City of Marianna, Jackson, County, Florida, and to create, establish and organize a municipality to be known and designated as City of Marianna and to define its territorial boundaries, and to provide for its government, jurisdiction, powers, privileges, franchises, and immunities and confirm its title to all City property, and validating all tax assessments and levies heretofore made and prescribing the general powers to be exercised by said City.

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.

Very respectfully,
A. P. DRUMMOND,

Chairman of the Joint Committee on Enrolled Bills on the Part 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 Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred:

Senate Bill No. 201:

A bill to be entitled An Act to create and establish a Research Department of the Florida Citrus Commission to conduct the study of standards of quality, grade and maturity of Florida Citrus Fruit and the cause and effect thereof, to determine the nutritional and other value of such fruit and to develop new uses for citrus fruit and to prescribe the powers and duties of the Florida Citrus Commission in connection therewith; to provide for the employment of a manager of such Research Department and to prescribe his powers and duties; to provide for expenditures from the Orange Advertising Fund, the Grapefruit Advertising Fund and the Tangerine Advertising Fund for the proper financing of such Research Department and the activities thereof, and to provide for an Advisory Research Committee to consult and advise with the Florida Citrus Commission in the expenditures of the funds appropriated by this Act and the research work to be done thereunder.

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.

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled
Bills on the Part 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 Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Joint Committee on Enrolled Bills to whom was referred:

House Bill No. 1532:

A bill to be entitled An Act relating to public education, to provide for the education of physically handicapped children unable to attend the public schools and of physically handicapped children who cannot obtain the full benefits of an education without special education services and facilities, to define the term physically handicapped child, to prescribe the duties of the State Board of Education and of the County Boards of Public Instruction with regard to the education of physically handicapped children and to regulate expenditures made in carrying out the provisions of this Act.

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.

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled
Bills on the Part 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 Drummond, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.
Sir:

Your Joint Committee on Enrolled Bills to whom was referred:

Senate Bill No. 201:

A bill to be entitled An Act to create and establish a Research Department of the Florida Citrus Commission to conduct the study of standards of quality, grade and maturity of Florida Citrus Fruit and the cause and effect thereof to determine the nutritional and other value of such fruit and to develop new uses for citrus fruit and to prescribe the powers and duties of the Florida Citrus Commission in connection therewith; to provide for the employment of a manager of such Research Department and to prescribe his powers and duties; to provide for expenditures from the Orange Advertising Fund, the Grapefruit Advertising Fund and the Tangerine Advertising Fund for the proper financing of such Research Department and the activities thereof, and to provide for an Advisory Research Committee to consult and advise with the Florida Citrus Commission in the expenditures of the funds appropriated by this Act and the research work to be done thereunder.

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

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

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

Senate Chamber,
Tallahassee, Fla., June 3, 1941.

Hon. John R. Beacham,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills to whom was referred:

Senate Bill No. 711:

A bill to be entitled An Act to abolish the present municipal government of the City of Marianna, Jackson, County, Florida, and to create, establish and organize a municipality to be known and designated as City of Marianna and to define its territorial boundaries, and to provide for its government, jurisdiction, powers, privileges, franchises, and immunities and confirm its title to all City property, and validating all tax assessments and levies heretofore made and prescribing the general powers to be exercised by said City.

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

Very respectfully,

A. P. DRUMMOND,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

Senator Butler moved that Senate Bill No. 632 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

Senator Dye moved that House Bill No. 1556 be recalled from the Governor's office.

Which was agreed to and it was so ordered.

Senator Dye moved that the rules be waived and one secretary for each Senator be excluded from the provisions of Rule No. 14.

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

Senator Horne moved that the rules be waived and House Bill No. 308 and Senate Bill No. 852, to be introduced, be made a Special and Continuing Order of Business for consideration by the Senate when the Order of the Day is reached at this session.

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

Senator Price moved that House Bill No. 1693 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

Senator Maines moved that a committee be appointed to escort Honorable Charley E. Johns, former member of the Senate from the 15th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Maines, Clarke and Shepherd as the committee.

Senator Beall moved that a committee be appointed to escort Honorable L. C. Haigler, Mayor of the City of Pensacola, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Beall, Housholder and Butler as the committee.

Senator Cooley moved that House Bill No. 1162, which was unfavorably reported by the Committee on Temperance be placed on the Calendar of Bills on second reading.

Upon which a roll call was demanded.

The roll was called on the motion made by Senator Cooley and the vote was:

Yeas—Senators Beall, Butler, Collins, Cooley, Drummond, Gideons, Kanner, Price, Shepherd—9.

Nays—Mr. President; Senators Adams (25th) Adams (30th), Clarke, Cliett, Dye, Folks, Graham, Hinely, Horne, Housholder, Johnson, Kelly, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Shuler, Taylor, Whitaker, Wilson—26.

So the motion made by Senator Cooley to place House Bill No. 1162 on the Calendar of Bills on second reading failed of adoption.

Senator Horne moved that the rules be waived and House Bill No. 1400 and Senate Bills Nos. 468 and 591 be made a Special and Continuing Order of Business for consideration by the Senate together with House Bill No. 308 and Senate Bill No. 852, when the Order of the Day is reached.