

# JOURNAL OF THE SENATE

Thursday, May 20, 1943

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, May 19, 1943.

The President in the Chair.

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

Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Wednesday, May 19, 1943, was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

Your Committee on Judiciary "C," to whom was referred: Senate Bill No. 552:

A bill to be entitled An Act amending and correcting Section 36.17, Florida Statutes, 1941, relating to fees of County Judges.

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

Very respectfully,

J. GRAHAM BLACK,  
Chairman of Committee.

And Senate Bill No. 552, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Judiciary "C," to whom was referred: Senate Bill No. 528:

A bill to be entitled An Act to amend Section 27.20, Florida Statutes, 1941, relating to the apportionment of State Attorneys and Assistant State Attorneys and their places of residence.

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

Very respectfully,

J. GRAHAM BLACK,  
Chairman of Committee.

And Senate Bill No. 528, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Judiciary "C," to whom was referred: Senate Bill No. 527:

A bill to be entitled An Act amending Section 117.02, Florida Statutes, 1941, relating to Notaries Public, providing for their appointments, terms of office, powers, bond and oath.

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

Very respectfully,

J. GRAHAM BLACK,  
Chairman of Committee.

And Senate Bill No. 527, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Judiciary "C," to whom was referred: House Bill No. 667:

A bill to be entitled An Act to authorize the Supreme Court of Florida to prescribe rules, forms of process, writs, pleadings, motions and the practice and procedure in actions either at law or in equity and in statutory and extraordinary proceedings in the Circuit Court and Civil Courts of Record and County Courts of the State of Florida.

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

Very respectfully,

J. GRAHAM BLACK,  
Chairman of Committee.

And House Bill No. 667, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Judiciary "C," to whom was referred: Senate Bill No. 517:

A bill to be entitled An Act to require the Clerks of the Circuit Court, as Agent of the Trustees of the Internal Improvement Fund of the State of Florida, to furnish certificates to show outstanding tax certificates and to provide for sale of the lands described in such Clerk's certificates to the record owned by the Trustees of the Internal Improvement Fund of the State of Florida, when the land is discovered to have reverted to the State under Chapter 18296, Laws of Florida.

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

Very respectfully,

J. GRAHAM BLACK,  
Chairman of Committee.

And Senate Bill No. 517, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

Senate Bill No. 500:

A bill to be entitled An Act relating to the powers, duties, and authority of the Game and Fresh Water Fish Commission, adopting a common seal for the said Commission; providing for the promulgation of rules, regulations and orders adopted by the said Commission and their use as evidence; and providing penalties for the violation of this Act and of the rules, regulations and orders adopted by the said Commission, and providing certain laws are not repealed.

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

Very respectfully,

JOHN S. TAYLOR, Jr.,  
Chairman of Committee.

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

Your Committee on Miscellaneous Legislation, to whom was referred:

Senate Bill No. 536:

A bill to be entitled An Act requiring the State Board of Accountancy to license as "Certified Public Accountants" all Public Accountants who have been licensed each year since January 1, 1940, and repealing all laws, and parts of laws in conflict herewith.

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

Very respectfully,

G. C. PERDUE,  
Chairman of Committee.

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

Your Committee on Miscellaneous Legislation, to whom was referred:

House Bill No. 668:

A bill to be entitled An Act relating to taxation, levying and imposing a tax on cigarettes; defining cigarettes, requiring all cigarette dealers as herein defined to obtain a cigarette

permit and exacting a fee therefor in addition to other taxes imposed by law; providing for the report of sale or other disposition of cigarettes, and the collection and payment of cigarette taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and fees, and prescribing the duties of the State Comptroller with reference thereto; providing for the enforcement of this Act and penalties for violation hereof, and providing that this Act shall expire June 30, 1945.

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

Very respectfully,  
G. C. PERDUE,  
Chairman of Committee.

And House Bill No. 668, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Judiciary "C," to whom was referred: Senate Bill No. 550:

A bill to be entitled An Act granting to the Board of Commissioners of State Institutions for the benefit of the State of Florida the title to all patents, trade-marks or copyrights now or hereafter owned and held by the State of Florida or any of its Boards, Commissions or Agencies; and authorizing said Board of Commissioners of State Institutions to do any and all things necessary to obtain, license, lease, sell or enforce the rights of the State of Florida therein.

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

Very respectfully,  
J. GRAHAM BLACK,  
Chairman of Committee.

And Senate Bill No. 550, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Engrossed Bills, to whom was referred (with amendments), after Third Reading: Senate Bill No. 322:

A bill to be entitled An Act amending Sections 562.20, 562.21, 562.43, Florida Statutes, 1941, providing for reports of all persons, firms or corporations who transport alcoholic beverages; providing for the payment out of funds of the Department of Liens or retain title amounts on seized property and granting the right to the Director to compromise as respects seized property; prohibiting credit on sales of malt and vinous beverages, and prescribing penalties.

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

Very respectfully,  
K. GRINER,  
Chairman of Committee.

And Senate Bill No. 322, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Bill No. 363:

A bill to be entitled An Act classifying the planting, raising, cultivating, processing or cutting of Southern pine trees with agriculture and providing that persons engaged in such planting, raising, cultivating shall be entitled to all the rights and privileges which persons engaged in agriculture by law now or hereafter enjoy.

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

Very respectfully,  
K. GRINER,  
Chairman of Committee.

And Senate Bill No. 363, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Bill No. 484:

A bill to be entitled An Act amending Section 525.07, Florida Statutes, 1941, relating to the inspection of measuring devices used in the sale or distribution of gasoline and kerosene.

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

Very respectfully,  
K. GRINER,

Chairman of Committee.

And Senate Bill No. 484, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Bill No. 323:

A bill to be entitled An Act amending Sections 561.01, 561.06, 561.09, 561.29 and 561.35, Florida Statutes, 1941, providing for definitions of terms in the Beverage Act; providing for salaries; prohibiting the re-use of bottles for distilled spirits and prohibiting misrepresentation; granting to the Beverage Director power of subpoena and the right to enforce the attendance of witnesses and to revoke licenses; providing for importers license and regulations of importation.

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

Very respectfully,  
K. GRINER,

Chairman of Committee.

And Senate Bill No. 323, contained in the above report, was referred to the Committee on Enrolled Bills.

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

Senate Bill No. 173:

A bill to be entitled An Act relating to public assistance warrants heretofore or hereafter issued, prescribing time within which such warrants may be paid, and imposing certain duties upon certain officers with respect thereto.

Senate Bill No. 229:

A bill to be entitled An Act to amend Section 27.20, Florida Statutes, 1941, relating to the apportionment of Assistant State Attorneys and their place of residence.

Senate Bill No. 231:

A bill to be entitled An Act to amend Chapter 11972 of the Laws of Florida, 1927, entitled "An Act to create and establish a Juvenile Court in and for Pinellas County, Florida; to provide for a Judge of said Court and to define his powers and duties; to provide for the expense of said Court and compensation of said Judge; and to provide for the appointment of Probation and Assistant Probation Officers and a Clerk of the Juvenile Court" as amended by Chapter 13679 of the Laws of Florida, 1929, entitled "An Act to amend Section One of Chapter 11972 of the Laws of Florida, Session 1927, entitled 'An Act to create and establish a Juvenile Court in and for Pinellas County, Florida, and to provide for a Judge of said Court and to define his powers and duties; to provide for the expenses of said Court and compensation for said Judge, and to provide for the appointment of a Probation Officer and Assistant Probation Officers and a Clerk of the Juvenile Court,'" as amended by Chapter 16060 of the Laws of Florida, 1933, entitled "An Act to amend Chapter 11972 of the Laws of Florida for the year 1927; prescribing the compensation of the Judge and the Probation Officer of said Court, and reducing the operating expenses thereof and for other purposes," enlarging the jurisdiction of the said Court and prescribing the length of the term and the compensation of the Judge thereof.

Senate Bill No. 298:

A bill to be entitled An Act to amend Chapter 20.671, Laws of Florida, approved June 4, 1941, entitled: "An Act relating to the State Treasurer; to provide for additional powers and duties of the State Treasurer as Ex-Officio Insurance Commissioner in connection with fires; to provide for payment of expenses of administration; to provide for appointment of an Advisory Committee; and to repeal all laws in conflict herewith." by adding thereto five new Sections relating to the powers and duties of the State Fire Marshal and his deputies, and further relating to the enforcement of said Act and the regulations prescribed by the State Fire Marshal, and repealing all laws in conflict herewith.

Senate Bill No. 303:

A bill to be entitled An Act to amend Section 638.12, Florida Statutes, 1941, relating to duty of Insurance Commissioner with reference to investigation and examination of insurers doing a sick and funeral insurance business, by imposing additional duties and powers upon Insurance Commissioner and Attorney General with reference thereto.

Senate Bill No. 305:

A bill to be entitled An Act to amend Section 638.03, Florida Statutes, 1941, relating to deposit required of insurers doing a sick and funeral benefit insurance business as condition to doing business, by increasing said deposit.

Senate Bill No. 514:

A bill to be entitled An Act fixing the minimum monthly salary rate for guards employed to guard State convicts which are imprisoned and kept in custody each night at the State Penitentiary at Raiford, Florida, and for truck drivers employed at the State Penitentiary at Raiford, Florida, by the Board of Commissioners of State Institutions or the State Road Department.

Senate Concurrent Resolution No. 8:

A Resolution urging the Congress of the United States to take action on a project for the construction of a waterway connecting the St. Johns River and Indian River in Florida in the interest of flood control and navigation.

Senate Concurrent Resolution No. 9:

A Concurrent Resolution proposing that the Commissioner of Agriculture of the State of Florida engage in a program designed to bring to the attention of men in the Armed Forces of the United States the advantages of the State of Florida to the end of attracting such service men as citizens of the State at the end of the present conflict.

Hereby reports that the above bills have been correctly enrolled and are presented herewith for the signature of the President and Secretary of the Senate.

Very respectfully

S. A. HINELY,

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

The Bills and Resolutions contained in the above report were duly signed by the President and Secretary of the Senate in open session, and ordered to be transmitted to the House for the signature of the Speaker and Chief Clerk of the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator King—

Senate Bill No. 562:

A bill to be entitled An Act for the relief of Francis Cecil Buchanan and his wife, Marion Hunt Buchanan and children, Betty F. Buchanan, Francis Cecil Buchanan, Jr., and Jay Walton Buchanan, growing out of an automobile accident on State Road No. 29 on the 26th day of December, 1940, and making an appropriation therefor.

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

By Senator King—

Senate Bill No. 563:

A bill to be entitled An Act providing a cumulative remedy for the enforcement and collection of taxes due the City of Fort Meade, Florida, for prior, current and future years, and proceeding substantially in the same manner in the collection of taxes and sale of lands for non-payment of taxes as do County Collectors under the State law and subject to the same penalties as are prescribed by the Laws of Florida for any violation of the duties imposed under this Act; and providing for the validity of the tax deeds issued thereunder, and that said tax deeds may be foreclosed in Courts of equity.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 563 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator King moved that the rules be waived and Senate Bill No. 563 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 563 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 563 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. 563 was read the third time in full.

Upon the passage of Senate Bill No. 563 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 563 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brewton—

Senate Bill No. 564:

A bill to be entitled An Act to authorize and empower the County of Pasco, State of Florida, to levy and collect an ad valorem tax of not more than two mills on the dollar for a period of three years after the termination of the present war; prescribing, the manner of levying and collecting the same, the purposes for which the taxes so levied and collected may be expended, and authorizing the borrowing of money against the budget of said taxes.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 564 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Brewton moved that the rules be waived and Senate Bill No. 564 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 564 was read the second time by title only.

Senator Brewton moved that the rules be further waived and Senate Bill No. 564 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. 564 was read the third time in full.

Upon the passage of Senate Bill No. 564 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 564 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Franklin—

Senate Bill No. 565:

A bill to be entitled An Act amending Section 27.19, Florida Statutes, 1941, providing for the number of Assistant State Attorneys.

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

By Senator Perdue—

Senate Bill No. 566:

A bill to be entitled An Act determining that the railroads in the State of Florida, where the right-of-way borders a farm, are removing their fences from the right-of-way in certain counties of the State and by reason of the shortage of the fencing material that cattle owners are unable to prevent their stock from roaming upon the railroad right-of-way; that as a result the cattle owners are losing much

cattle whose meat would otherwise be available for human consumption and making it unlawful for any railroad company within the State of Florida to remove any fence upon their right-of-way when same is not being done for the purpose of repairing or replacement and providing further that where any railroad removed any fence bordering any farm in the State of Florida, that the same shall be within thirty days after the passage of this Act rebuilt and restored, and providing further that it shall be prima facie evidence of negligence upon the part of the railroad upon proof that any cattle of any kind have been killed on its right-of-way and the railroad shall be liable for the full market value of same, and providing that this Act shall terminate upon the termination of the present war between this country and the Axis powers, and providing a penalty for the violation of this Act.

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

Senator Mathews moved that a committee be appointed to escort Brigadier General Fred Safay, United States Army, of Jacksonville, Florida, to a seat on the rostrum.

Which was agreed to.

The President appointed Senator Mathews, McKenzie and Perdue as the committee.

Pursuant to the motion made by Senator Collins on May 19, 1943 and the hour having arrived, the Senate took up for consideration Senate Bill No. 533, House Bills Nos. 540 and 656, and Senate Bill No. 387, in the order mentioned, as a Special and Continuing Order.

Senate Bill No. 533 was taken up in its order and the consideration thereof was informally passed.

Senator Collins moved that the rules be waived and the Senate take up and consider House Bill No. 668, out of its order, at this time.

Which was agreed to by a two-thirds vote.

#### House Bill No. 668:

A bill to be entitled An Act relating to taxation, levying and imposing a tax on cigarettes; defining cigarettes; requiring all cigarette dealers as herein defined to obtain a cigarette permit and exacting a fee therefor in addition to other taxes imposed by law; providing for the report of sale or other disposition of cigarettes, and the collection and payment of cigarette taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and fees, and prescribing the duties of the State Comptroller with reference thereto; providing for the enforcement of this Act and penalties for violation hereof, and providing that this Act shall expire June 30, 1945.

Was taken up and read the second time in full.

Senator Rose offered the following amendment to House Bill No. 668:

In Section 17 strike out the last sentence thereof which reads as follows: "As collections are received by the Comptroller from such cigarette taxes, he shall pay the same into a fund into the State Treasury designated 'Cigarette Tax Collection Fund,' all of which shall be transferred from month to month to the General Revenue Fund of the State of Florida, except the amounts transferred to the 'Cigarette Administration Fund,' as hereinbefore provided," and insert in lieu thereof the following:

"As collections are received by the Comptroller of such cigarette taxes, he shall pay the same into a fund in the State Treasury designated 'Cigarette Tax Collection Fund,' to be distributed as follows: the first three million and eight hundred thousand dollars collected each year shall be transferred to a special fund to be called the 'State Welfare Fund' and is hereby appropriated to and shall be used solely for the purpose of paying old age pensions or old age assistance, aid to the needy blind and dependent children's assistance, to insure the payment of the appropriation for such purposes provided by Section 409.22 of Florida Statutes, 1941, and shall be paid out and disbursed in accordance with law. After paying the three million and eight hundred thousand dollars appropriation as herein provided, the balance of the money collected under this Act shall be transferred to the General Revenue Fund of the State of Florida, except the amounts transferred to the 'Cigarette Tax Administration Fund,' as hereinbefore provided."

Senator Rose moved the adoption of the amendment.

Upon which a roll call was demanded.

Upon call of the roll on the adoption of the amendment

offered by Senator Rose to House Bill No. 668, the roll was called and the vote was:

Yeas—Mr. President; Senators Beacham, Cliett, Maddox, Mathews, Rose, Sheldon, Taylor—8.

Nays—Senators Adams, Baker, Barringer, Black, Brewton, Carroll, Clarke, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, King, Lewis, Linder, Maines, McArthur, McKenzie, Perdue, Shands, Shuler, Sturgis, Upchurch, Wilson—27.

So the amendment failed of adoption.

Senator Collins offered the following amendment to House Bill No. 668:

In Section 2, line 53 (typewritten bill), add the following after the period: "Further, no tax shall be required to be paid upon cigarettes sold to ship stores or slop chests maintained on ships of the United States Merchant Marine for resale to members of the Merchant Marine."

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson offered the following amendment to House Bill No. 668:

In Section 1, Sub-section 9 (typewritten bill), strike out the words: "State Comptroller," and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 1, Sub-section 10 (typewritten bill), strike out the words: "Comptroller." The Comptroller of the State of Florida, and insert in lieu thereof the following: "Director." The Director of the Beverage Department of the State of Florida as provided for in Section 561.05, Florida Statutes, 1941.

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 2, lines 59 and 68, (typewritten bill) strike out the words: "State Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 3, lines 6, 11, 14, 23 and 29, (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 4, lines 14 and 38, (typewritten bill) strike out the words: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 5, line 3, (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 6, lines 15, 20, 21, 25, 29 and 36 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 7, lines 1, 2 and 7 (typewritten bill) strike out

the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668.

In Section 8, lines 7, 8, 10, 14, and 16 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 9, lines 2, 7, 8, 21, 25, 27, 35, and 41 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 10, lines 11 and 13 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 11, lines 8, 10 and 12 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 12, lines 6, 7, 14, 15, 16 and 26 (typewritten bill) strike out the word: "Comptroller" and in line 22 of said Section: "State Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 13, lines 3, 10, 29, 31 and 36 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 14, lines 5, 7, 13, 20, 29, 33, 43, 48 and 51 (typewritten bill) strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 15, lines 2, 5, 12, and 28, (typewritten bill), strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 16, lines 17 and 28, (typewritten bill), strike out the word: "Comptroller" and insert in lieu thereof the following: "Director."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 17, lines 2, 4, 5, 13, and 20, (typewritten bill),

strike out the word: "Comptroller" and insert in lieu thereof the following: "Director".

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Section 17, lines 12 and 16, (typewritten bill), strike out the word: "Comptroller's" and insert in lieu thereof the following: "Director's".

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senators Graham and Wilson also offered the following amendment to House Bill No. 668:

In Title, line 10, (typewritten bill), strike out the words: "State Comptroller" and insert in lieu thereof the following: "Director of the State Beverage Department".

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Cliett offered the following amendment to House Bill No. 668:

At the end of Section 2 add the following: "Provided that the tax imposed herein shall not apply or be collected upon any cigarettes sold to any person more than 65 years of age."

Senator Cliett moved the adoption of the amendment.

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

Senator Collins moved that the rules be further waived and House Bill No. 668, 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. 668, as amended, was read the third time in full.

Senator Beacham moved that the rules be waived and the hour of adjournment be extended fifteen (15) minutes.

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

Senator Beacham moved that when the Senate adjourns it recess until 3:00 o'clock P. M. this day.

Which was agreed to and it was so ordered.

Upon the passage of House Bill No. 668, as amended, the roll was called and the vote was:

Yeas—Senator Adams, Baker, Barringer, Black, Brewton, Carroll, Coleman Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, King, Lewis, Maines, McKenzie, Perdue, Rose, Sheldon, Shuler, Sturgis, Upchurch, Wilson—25.

Nays—Mr President; Senators Beacham, Clarke, Cliett, Johnson, Landler, Maddox, Mathews, McArthur, Shands, Taylor—11.

So House Bill No. 668 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

#### EXPLANATION OF VOTE

It is my sincere belief that sufficient economies could have been effected that would at least wipe out a large part, if not all, of the State deficit, making this tax unnecessary. However, having failed in our efforts to bring about such economies I feel I am forced to vote for the cigarette tax as an emergency measure, in order to avoid a \$2,000,000.00 reduction in the State Welfare Appropriation, which would be disastrous to the welfare of our aged people and dependent children.

WALTER W. ROSE,  
19th Senatorial District.

#### EXPLANATION OF VOTE ON HOUSE BILL NO. 668

It is with great reluctance that I vote for the passage of this Bill. If I could see any other way to take care of the old folks, the dependent children and the small counties, my vote would have been "Nay" and I would have been on the floor of this Senate, vigorously opposing the passage of this Bill.

HAL Y. MAINES,  
15th District.

The hour of adjournment having arrived a point of order was called and the Senate recessed at 1:18 o'clock P. M., until 3:00 o'clock P. M. this day.

## AFTERNOON SESSION

The Senate reconvened at 3:00 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, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

A quorum present.

## REPORTS OF COMMITTEES

Your Committee on Drainage, to whom was referred:

House Bill No. 286:

A bill to be entitled An Act to amend Chapter 298 of the Florida Statutes, 1941, to provide that special or local legislation may be enacted pertaining to any drainage district heretofore or hereafter organized and created as provided for by said Chapter 298 relating to any power, right, authority or function given such drainage district by said Chapter 298 or any Section thereof; to provide that special or local legislation may be enacted by the Legislature of the State of Florida, to change the method of voting for a Board of Supervisors, changing their term of office and changing the qualifications of members of the Board of Supervisors and providing for changing the governing authority or governing board of any drainage district heretofore or hereafter organized and created as provided for by said Chapter 298.

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

Very respectfully,

W. H. BREWTON,

Chairman of Committee.

And House Bill No. 286, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Senator Upchurch, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill and recommends that the same pass, with Committee amendment:

Senate Bill No. 441:

A bill to be entitled An Act for the relief of R. J. Pascual of Tampa, Hillsborough County, Florida; appropriating money to be paid him as compensation for personal injuries received by him while on duty in June, 1934, as a member of the 116th Field Artillery of the Florida National Guard; and authorizing and requiring the payment to him of said appropriation; repealing all laws and parts of laws, general and special, in conflict with this Act; and providing when this Act shall take effect.

Which amendment reads as follows: Strike out the figure \$4,000.00, wherever it appears, and insert in lieu thereof \$200.00.

Very respectfully,

FRANK D. UPCHURCH,

Chairman.

And Senate Bill No. 441, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on Second Reading.

Senator Upchurch, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following bill and recommends that the same pass, with Committee amendment:

Senate Bill No. 280:

A bill to be entitled An Act for the relief of Gus Cheshire of Jacksonville, Duval County, Florida, and providing an appropriation for injuries and damages sustained by him by reason of an accident with a truck belonging to and being operated by the State Road Department, and providing for the payment of same.

Which amendment reads as follows: Strike out the figure

\$15,000.00, wherever it appears, and insert in lieu thereof \$2500.00.

Very respectfully,

FRANK D. UPCHURCH,  
Chairman.

And Senate Bill No. 280, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on Second Reading.

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

House Bill No. 583:

A bill to be entitled An Act to abolish the Charter of the City of Fort Myers, in Lee County, Florida, and to grant a new Charter for the "City of Fort Myers" created under this Act; to define its boundaries, jurisdiction, powers, privileges and immunities; to confirm the title to all city property including all riparian and foreshore rights, the title to all the tide water and other lands and river bottoms heretofore granted by the State of Florida, or otherwise acquired, to validate all taxes and other assessments and levies heretofore made; to preserve the validity and binding force of all debts, obligations and liabilities of the former City of Fort Myers, and to continue the same as the debts and liabilities of the City of Fort Myers created by this Act; and to preserve the validity and binding force of all credits and assets of the former City of Fort Myers and to continue the same as the credits and assets of the City of Fort Myers created by this Act; fixing the date when this Act shall take effect; and to provide for the election and fixing of salaries of the city officials created by this Act; creating a Municipal Court and defining its powers and jurisdiction; dividing the City of Fort Myers, created by this Act, into wards and defining the boundaries of each such ward; creating a Municipal Corporation in the State of Florida to be known as the City of Fort Myers, and granting unto it specific and general power and authority incident and necessary to the running and operation of a Municipal Corporation.

House Bill No. 590:

A bill to be entitled An Act providing for nominations for election to the offices of State Senator and Representative by a political party in a Primary Election and providing for the qualifying of candidates therefor.

House Bill No. 715:

A bill to be entitled An Act to legalize and validate the assessment and levies of taxes for the years A. D. 1939, 1940, 1941 and 1942 by the City of Dania, Florida, and to legalize and validate the liens acquired by the City of Dania, Florida, against any and all lots or parcels of land within the City of Dania, Florida, representing said assessment and levies of taxes and representing liens for the making of any local improvements within said City of Dania, Florida, and providing for a referendum.

House Bill No. 730:

A bill to be entitled An Act providing for the ratification and confirmation of each and every tax settlement made by the City Clerk, Tax Collector, and City Council of the City of Okeechobee, Florida, on Tax Certificates heretofore issued for non-payment of taxes, and delinquent taxes on lands situate in said city.

Have examined the same and find them correctly enrolled.

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

Very respectfully

S. A. HINELY,

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

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.

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

House Bill No. 696:

A bill to be entitled An Act providing for the re-registration

of all voters of the City of Deland and for the annual revision and purging of the registration books of the City of Deland by the City Commission.

**House Bill No. 703:**

A bill to be entitled An Act providing for the eligibility of Pete Franks to participate as a member of the Police Department of the City of Tampa, Florida, in all of the benefits of the City Pension Fund for firemen and policemen in the City of Tampa, created by Chapter 21590 of the Special Acts of 1941, or any other Acts; requiring the Board of Trustees administering said fund to list the name of Pete Franks among the names of those eligible to participate in said benefits; requiring the City of Tampa to enter into a contract with the said Pete Franks in the same manner as other members of said department who are eligible to participate in said benefits; and to repeal any and all laws in conflict herewith.

**House Bill No. 708:**

A bill to be entitled An Act authorizing the Clerk of the Circuit Court of Broward County, Florida, and the Tax Collector of Broward County, Florida, to sell and cancel memorandum or memoranda representing tax sale certificates pursuant to Chapter 20658, Acts of 1941, Laws of Florida, upon lands sub-divided by recorded plat situate in Broward County, Florida, upon application of the owner thereof pursuant to said Chapter 20658, Acts of 1941, Laws of Florida, upon payment of Clerk's fee and Collector's fee, which shall in no event exceed the amount of the tax due upon sub-divided lands as established by Chapter 20658, Acts of 1941, Laws of Florida.

**House Bill No. 717:**

A bill to be entitled An Act providing for the cancellation of all outstanding tax sale certificates held and owned by the State of Florida and the County of Hillsborough, or either of them, and all tax liens for subsequent unpaid taxes on certain lands in Hillsborough County, Florida.

**House Bill No. 718:**

A bill to be entitled An Act validating and confirming the issue of \$215,500.00 of refunding bonds issued by the Town of Tavares, Lake County, Florida, under date of July 1, 1941, and the action of the Town Council of said town in relation thereto.

**House Bill No. 719:**

A bill to be entitled An Act legalizing, ratifying, validating and confirming all tax levies and tax assessments heretofore made by the Town of Tavares, Lake County, Florida, in validating and confirming all Acts and proceedings of all the public officials of said town in relation thereto.

**House Bill No. 728:**

A bill to be entitled An Act providing for the ratification and confirmation of each and every tax settlement made by the Clerk of the Circuit Court and/or Tax Collector of Okeechobee County, Florida, on tax certificates heretofore issued for non-payment of taxes on lands situated in said county, and providing that all assessments for State taxes shall be paid in full as provided by law.

**House Bill No. 573:**

A bill to be entitled An Act to amend Paragraph 9 of Section 100 of Chapter 21234, Laws of Florida, Special Acts of 1941, entitled "An Act to amend Sections 100, 101 and 198 of Chapter 10552, Laws of Florida, Special Acts of 1925, being the Charter of the City of Fort Lauderdale, Broward County, Florida, by providing a method and procedure for the enforcement of the collection of taxes on real estate in the City of Fort Lauderdale, Florida; authorizing said city to advertise and sell all real estate within the corporate limits of said city, upon which city taxes are delinquent; to issue tax sale certificates to purchaser or purchasers at such sale, and to purchase, in the name of the city, all property not purchased at such sale by other persons; providing for redemption, sale and assignment of tax sale certificates and authorizing the said city to issue tax deeds, based upon tax sale certificates issued, assigned or sold by said city; providing for the foreclosure of such tax sale certificates and the issuance of deeds to the purchasers"; by providing a method for sale or redemption of City of Fort Lauderdale tax certificates held by said city, which have been issued for a period of two (2) years or more upon such terms and conditions as the City Commission of said city may determine.

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

Very respectfully,

S. A. HINELY,  
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

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.

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

**Senate Bill No. 173:**

A bill to be entitled An Act relating to public assistance warrants heretofore or hereafter issued, prescribing time within which such warrants may be paid, and imposing certain duties upon certain officers with respect thereto.

**Senate Bill No. 229:**

A bill to be entitled An Act to amend Section 27.20, Florida Statutes, 1941, relating to the apportionment of Assistant State Attorneys and their place of residence.

**Senate Bill No. 231:**

A bill to be entitled An Act to amend Chapter 11972 of the Laws of Florida, 1927, entitled "An Act to create and establish a Juvenile Court in and for Pinellas County, Florida; to provide for a Judge of said Court and to define his powers and duties; to provide for the expense of said Court and compensation of said Judge; and to provide for the appointment of Probation and Assistant Probation Officers and a Clerk of the Juvenile Court" as amended by Chapter 13679 of the Laws of Florida, 1929, entitled "An Act to amend Section One of Chapter 11972 of the Laws of Florida, Session 1927, entitled 'An Act to create and establish a Juvenile Court in and for Pinellas County, Florida, and to provide for a Judge of said Court and to define his powers and duties; to provide for the expenses of said Court and compensation for said Judge, and to provide for the appointment of a Probation Officer and Assistant Probation Officers and a Clerk of the Juvenile Court,'" as amended by Chapter 16060 of the Laws of Florida, 1933, entitled "An Act to amend Chapter 11972 of the Laws of Florida for the year 1927; prescribing the compensation of the Judge and the Probation Officer of said Court, and reducing the operating expenses thereof and for other purposes," enlarging the jurisdiction of the said Court and prescribing the length of the term and the compensation of the Judge thereof.

**Senate Bill No. 298:**

A bill to be entitled An Act to amend Chapter 20,671, Laws of Florida, approved June 4, 1941, entitled: "An Act relating to the State Treasurer; to provide for additional powers and duties of the State Treasurer as Ex-Officio Insurance Commissioner in connection with fires; to provide for payment of expenses of administration; to provide for appointment of an Advisory Committee; and to repeal all laws in conflict herewith" by adding thereto five new Sections relating to the powers and duties of the State Fire Marshal and his deputies, and further relating to the enforcement of said Act and the regulations prescribed by the State Fire Marshal, and repealing all laws in conflict herewith.

**Senate Bill No. 303:**

A bill to be entitled An Act to amend Section 638.12, Florida Statutes, 1941, relating to duty of Insurance Commissioner with reference to investigation and examination of insurers doing a sick and funeral insurance business, by imposing additional duties and powers upon Insurance Commissioner and Attorney General with reference thereto.

**Senate Bill No. 305:**

A bill to be entitled An Act to amend Section 638.03, Florida Statutes, 1941, relating to deposit required of insurers doing a sick and funeral benefit insurance business as condition to doing business, by increasing said deposit.

## Senate Bill No. 514:

A bill to be entitled An Act fixing the minimum monthly salary rate for guards employed to guard State convicts which are imprisoned and kept in custody each night at the State Penitentiary at Raiford, Florida, and for truck drivers employed at the State Penitentiary at Raiford, Florida, by the Board of Commissioners of State Institutions or the State Road Department.

## Senate Concurrent Resolution No. 8:

A Resolution urging the Congress of the United States to take action on a project for the construction of a waterway connecting the St. Johns River and Indian River in Florida in the interest of flood control and navigation.

## Senate Concurrent Resolution No. 9:

A Concurrent Resolution proposing that the Commissioner of Agriculture of the State of Florida engage in a program designed to bring to the attention of men in the Armed Forces of the United States the advantages of the State of Florida to the end of attracting such service men as citizens of the State at the end of the present conflict.

Be it left to report that the same have this day been presented to the Governor for his approval.

Very respectfully

S. A. HINELY,

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

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

## House Bill No. 361:

A bill to be entitled An Act dispensing with the requirement of publishing a list of qualified electors by the Supervisor of Registration in all counties of the State of Florida having a population of not less than 60,000 and not more than 80,000 according to the last official Federal census of the State of Florida and repealing all laws in conflict therewith.

## House Bill No. 564:

A bill to be entitled An Act authorizing the Comptroller of the State of Florida and the Clerk of the Circuit Court of Volusia County, Florida, to cancel on behalf of the State of Florida, Volusia County, and the Special Taxing Districts of Volusia County, Florida, certain outstanding tax sale certificates on the following described property, to-wit: Lots 1, 2 and 3 Parrish and Harper Re-Sub Map Book 6, Page 194, Lots 4 to 7 inclusive Parrish and Harper Re-Sub Map Book 6, Page 194, Volusia County, Florida.

## House Bill No. 670:

A bill to be entitled An Act relating to Civil Courts of Record, their jurisdiction and the number of Judges in certain counties and validating Acts and proceedings heretofore had in Civil Courts of Record.

## House Bill No. 691:

A bill to be entitled An Act authorizing the creation of a Municipal Tax Adjustment Board for the City of Inverness, Citrus County, Florida; prescribing its powers, duties and limitations; prescribing the length of time such Board shall exist; providing for the officers of said Board; and authorizing said Board to adjust, settle, and compromise taxes and special assessments, liens and claims.

## House Bill No. 695:

A bill to be entitled An Act to amend Section 29 of Chapter 11466, Laws of Florida, Acts of 1925, same being an Act entitled "An Act to abolish the present municipal government of the City of Deland, Volusia County, Florida, and to organize, incorporate and establish a new city government for the same and to provide for its jurisdiction and powers" as amended by Chapter 18491, Laws of Florida, Acts of 1937, so as to provide for the appointment of the Municipal Judge by the City Commission of the City of Deland; fixing the term of the Municipal Judge and limiting the salary of the Municipal Judge.

## House Bill No. 729:

A bill to be entitled An Act to provide for the nomination

in primaries of candidates for office of County Commissioner, by the voters of the county at large, in Okeechobee County, Florida.

## House Bill No. 618:

A bill to be entitled An Act relating to and to amend Chapter 21032, Laws of Florida, General Acts of the Regular Session of the Legislature for the year 1941, entitled "An Act relating to Napoleon B. Broward Drainage District in Broward County, Florida, authorizing the Board of Supervisors of said District to cancel taxes and/or tax liens due said District for the year 1936, and any years prior thereto, upon payment of all taxes due the District for the year 1937, and subsequent years," by amending Sections 1 and 2 of said last-named Act, authorizing the Board of Supervisors of the Napoleon B. Broward Drainage District to cancel maintenance taxes assessed and levied for the year 1942 and prior years, upon the payment in full of all taxes due said District representing acreage and debt service taxes for the year 1937, and subsequent years, to and including the year 1942, provided said acreage or debt service tax is paid on or before August 1, A. D. 1943.

Have examined the same and find them correctly enrolled.

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

Very respectfully,

S. A. HINELY,

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

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.

The Senate took up for consideration, as a Special and Continuing Order of Business, House Bill No. 540 and Committee Substitute for House Bill No. 656.

## House Bill No. 540:

A bill to be entitled An Act guaranteeing to the "Old Age Assistance Tax Fund" of the State of Florida two million dollars annually in addition to all other appropriations to said fund except those revenues paid into said fund from racing; making an appropriation to said fund from the General Revenue Fund of the State of Florida of such amounts which, when added to monies derived from racing under Chapter 20306 and 20307, Laws of Florida, Acts of 1941, or any law or laws enacted at the 1943 Session of the Legislature imposing a tax on racing and appropriated to the "Old Age Assistance Tax Fund," will provide two million dollars annually for said "Old Age Assistance Tax Funds"; prescribing the duties of certain State officials in connection herewith; and repealing all laws in conflict with the provisions of this Act.

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

Senator King moved that the rules be waived and House Bill No. 540 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. 540 was read the third time in full.

Upon the passage of House Bill No. 540 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, King, Lewis, Lindler, Maines, Mathews, McKenzie, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—29.

Nays—None.

So House Bill No. 540 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

## Committee Substitute for House Bill No. 656:

A bill to be entitled An Act appropriating funds to the several counties of the State of Florida; providing for the payment of such funds and the method thereof; defining the duties of State officials relative thereto; providing for the distribution by County Commissioners of funds paid

under provisions of this Act; providing for the rules of construction applicable to this Act; and providing for the period in which this Act shall be effective.

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

Senator Beal offered the following amendment to Committee Substitute for House Bill No. 656:

After Section 5 insert the following: "Section 5-A. In all counties of this State having a population of not more than 84,000 or less than 71,000 by the last Federal census, the distribution and use of the proceeds accruing to such county shall be free of any control by the Budget Commissions of such counties."

Senator Shuler moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shuler offered the following amendment to Committee Substitute for House Bill No. 656:

In Section 1, line 7, strike out the words: "or so much thereof as shall be in force and effect."

Senator Shuler moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shuler also offered the following amendment to Committee Substitute for House Bill No. 656:

In Section 2, beginning in line 5, (typewritten bill), strike out the words: "to the Board of County Commissioners of each county of the State of Florida" and insert the following: "respectively to the Board of County Commissioners, the County Board of Public Instruction of each county of the State of Florida, or to such other authority as is authorized by law to receive the same, as now or hereafter provided by law for the apportionment of Racing Commission Funds".

Senator Shuler moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shuler also offered the following amendment to Committee Substitute for House Bill No. 656:

In Section 3, beginning with line 2, strike out the words: "by the Board of County Commissioners it shall be the duty of such Board" and insert the following: "by the respective Boards or officials authorized by law to receive the same it shall be the duty of such Boards or officials".

Senator Shuler moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shuler also offered the following amendment to Committee Substitute for House Bill No. 656:

In Title, line 5, strike out the words: "By County Commissioners".

Senator Shuler moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Shuler moved that the rules be waived and Committee Substitute for House Bill No. 656, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for House Bill No. 656, as amended, was read the third time in full.

Upon the passage of Committee Substitute for House Bill No. 656, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—33.

Nays—None.

So Committee Substitute for House Bill No. 656, passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Collins withdrew Senate Bill No. 533.

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

Tallahassee, Florida.

May 20, 1943.

Hon. Philip D. Beall,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform

the Senate that the House of Representatives respectfully requests the return of:

By Mr. Stewart of Lee—

House Bill No. 579:

A bill to be entitled An Act to prohibit the operation of all automobiles, motorcycles, or other motor driven vehicles on the beaches of Estero Island, Lee County, Florida, otherwise known as Fort Myers Beach; to provide a penalty for violation thereof, and providing a referendum.

for the purpose of further consideration.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

Senator Franklin moved that the request of the House of Representatives, as contained in the above Message, be granted.

Which was agreed to and it was so ordered.

By unanimous consent, Senator Collins withdrew Senate Bill No. 344.

Senator Beacham moved that the rules be waived and Senate take up and consider House Bills on Second Reading, out of order.

Which was agreed to by a two-thirds vote.

House Bill No. 365:

A bill to be entitled An Act to amend Section 440.44, Florida Statutes, 1941, as amended by Chapter 20299, Acts of 1941, creating the Florida Industrial Commission; providing for the establishment of the merit system principle of personnel administration in the Workmen's Compensation Division of the Florida Industrial Commission; authorizing said Commission to adopt and promulgate such rules and regulations as may be necessary to carry said merit system into effect; providing for the appointment and fixing the salary of a director for this division of the Commission.

Was taken up and read the second time in full.

Senator Upchurch offered the following amendment to House Bill No. 365:

In Section 1, page 3, line 18 (typewritten bill), change period to a comma, and insert: "Provided the provisions of this paragraph shall not apply to any Commissioner or Deputy Commissioner or lawyer, none of whom are hereby put under the merit system."

Senator Upchurch moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Sheldon moved that the rules be further waived and House Bill No. 365, 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. 365, as amended, was read the third time in full.

Pending roll call and the passage of House Bill No. 365, as amended, Senator Graham moved that the further consideration thereof be informally passed.

Which was agreed to and it was so ordered.

House Bill No. 427:

A bill to be entitled An Act to amend Section 450.02, Florida Statutes, 1941, relating to "Exemption" of certain labor from the provision of Chapter 450, Florida Statutes, 1941, relating to child labor by adding a provision to said Section defining the term "Farm Work."

Was taken up and read the second time in full.

The Committee on Agriculture and Livestock offered the following amendment to House Bill No. 427:

In Section 1, line 11, (typewritten bill) immediately following the word "products" add the following: ", citrus groves, cattle or livestock raising."

Senator Wilson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

And House Bill No. 427, as amended, was placed on the Calendar of Bills on Third Reading.

Committee Substitute for House Bill No. 252:

A bill to be entitled An Act to regulate the sale, offering for sale and transportation of agricultural and vegetable seed and providing for inspection and testing thereof; to

prevent misrepresentation and fraud in the advertisement and sale thereof; providing for the enforcement hereof and repealing Chapter 20251, Laws of Florida, Acts of 1941, and all laws in conflict herewith.

Was taken up and read the second time in full.

The Committee on Agriculture and Livestock offered the following amendment to Committee Substitute for House Bill No. 252:

In Section VIII, lines 8 and 9 (typewritten bill) strike out the words and figures "where the gross sales for the preceding year were not more than \$100.00."

Senator Wilson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The Committee on Agriculture and Livestock also offered the following amendment to Committee Substitute for House Bill No. 252:

Also strike out the entire 10th and 11th lines of Section VIII, as follows: "(b) For each place of business, if a retailer only, where the gross sales for the preceding year were more than \$100.00, a fee of \$10.00."

Senator Wilson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Wilson moved that the rules be waived and Committee Substitute for House Bill No. 252, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for House Bill No. 252, as amended, was read the third time in full.

Upon the passage of Committee Substitute for House Bill No. 252, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Barringer, Beacham, Black, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Housholder, Johnson, Lewis, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Shuler, Taylor, Upchurch, Wilson—25.

Nays—Senators Adams, Brewton, Carroll, Griner, King, Lindler, Sheldon, Sturgis—8.

So Committee Substitute for House Bill No. 252 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Education "A."

House Bill No. 584:

A bill to be entitled An Act to amend Sections 231.07, 231.17, 234.14, 235.32, 236.37, 236.38, 236.43, 236.45, 236.47, 236.48, 236.55, 237.19 and 237.22, Florida Statutes, 1941; Section 237.23, Florida Statutes, 1941, as amended by Section 10 of Chapter 20970, Laws of Florida, Acts of 1941; Section 238.10, Florida Statutes, 1941, as amended by Section 4 of Chapter 20749, Laws of Florida, Acts of 1941; and Section 1 and 2 of Chapter 20915, Laws of Florida, Acts of 1941 (Section 236.60, Florida Statutes, 1941); and to repeal Sections 242.07, 242.08, 242.09, 242.25, 242.26, 242.27, 242.28, 242.29, 242.30, 242.31 and 242.32 Florida Statutes, 1941, relating to Public Education.

Was taken up in its order.

Senator Shuler moved that the rules be waived and House Bill No. 584 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 584 was read the second time by title only.

Senator Shuler moved that the rules be further waived and House Bill No. 584 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. 584 was read the third time in full.

Upon the passage of House Bill No. 584 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch—31.

Nays—Senator Carroll—1.

So House Bill No. 584 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Shuler moved that Senate Bill No. 370 be recalled from the House of Representatives.

Which was agreed to and it was so ordered.

House Bills Nos. 684 and 104 were taken up in their order and the consideration thereof was informally passed.

House Bill No. 445:

A bill to be entitled An Act providing for the re-designation and re-establishment of the eastern portion of State Road 17 extending from Haines City to Deer Park, Florida, so the same shall hereafter extend east from Haines City, Florida, to terminate at or near Holopaw, Florida.

Was taken up in its order.

Senator King moved that the rules be waived and House Bill No. 445 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 445 was read the second time by title only.

Senator King moved that the rules be further waived and House Bill No. 445 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. 445 was read the third time in full.

Upon the passage of House Bill No. 445 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So House Bill No. 445 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 563:

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

Was taken up in its order.

Senator King moved that the rules be waived and House Bill No. 563 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 563 was read the second time by title only.

Senator King moved that the rules be further waived and House Bill No. 563 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. 563 was read the third time in full.

Upon the passage of House Bill No. 563 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So House Bill No. 563 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 681 was taken up in its order and the consideration thereof was informally passed.

Committee Substitute for House Bill No. 52:

A bill to be entitled An Act to amend Section 46.09 of Florida Statutes of 1941.

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

Senator Beacham moved that the rules be waived and Committee Substitute for House Bill No. 52 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for House Bill No. 52 was read the third time in full.

Upon the passage of Committee Substitute for House Bill No. 52 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Shuler, Taylor, Upchurch, Wilson—30.

Nays—None.

So Committee Substitute for House Bill No. 52 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 210 was taken up in its order and the consideration thereof was informally passed.

House Bill No. 226:

A bill to be entitled An Act authorizing the taxing of costs incurred in executing rules nisi and citations to appear, issued by any of the Courts of this State, against the county, when the Judge or one of the Judges of such Court shall so direct.

Was taken up and read the second time in full.

Senator Collins moved that the rules be waived and House Bill No. 226 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. 226 was read the third time in full.

Upon the passage of House Bill No. 226 the roll was called and the vote was:

Yeas—Senators Beacham, Brewton, Cliett, King, Sheldon—5.

Nays—Mr. President; Senators Adams, Barringer, Black, Carroll, Clarke, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, Lewis, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Shuler, Sturgis, Taylor, Upchurch, Wilson—26.

So House Bill No. 226 failed to pass.

House Bill No. 289:

A bill to be entitled An Act to prohibit the dumping of garbage, refuse or rubbish of any kind whatsoever on or upon any public park or upon private property without the consent of the owner thereof and providing for the punishment therefor.

Was taken up and read the second time in full.

Senator Collins moved that the rules be waived and House Bill No. 289 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. 289 was read the third time in full.

By unanimous consent Senator Collins offered the following amendment to House Bill No. 289:

In Section 2, (typewritten bill) strike out the word: "less" each place it appears and insert in lieu thereof the following: "more."

Senator Collins moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Upon the passage of House Bill No. 289, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Shuler, Sturgis, Taylor, Upchurch, Wilson—31.

Nays—Senator Sheldon—1.

So House Bill No. 289 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 481:

A bill to be entitled An Act amending Section 41.03 of Florida Statutes, 1941, relating to the drawing of Jurors for regular and special terms of the County Judges' Court.

Was taken up and read the second time in full.

Senator Clarke moved that the rules be waived and House Bill No. 481 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. 481 was read the third time in full.

Upon the passage of House Bill No. 481 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—32.

Nays—None.

So House Bill No. 481 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 198:

A bill to be entitled An Act relating to court's charge to the jury, direction of verdict, and amending Section 54.17 Florida Statutes, 1941.

Was taken up and read the second time in full.

Senator King moved that the rules be waived and House Bill No. 198 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. 198 was read the third time in full.

Upon the passage of House Bill No. 198 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—33.

Nays—None.

So House Bill No. 198 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Bill No. 366:

A bill to be entitled An Act to make uniform the law of transfer of shares of stock in corporations with certain exceptions.

Was taken up and read the second time in full.

Senator Collins moved that the rules be waived and House Bill No. 366 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. 366 was read the third time in full.

Upon the passage of House Bill No. 366 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch—32.

Nays—None.

So ~~Senate~~ Bill No. 366 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

House Joint Resolution No. 523 was taken up in its order and the consideration thereof was informally passed.

House Bill No. 754 was taken up in its order and the consideration thereof was informally passed.

#### MEMORIALS AND PETITIONS

House Memorial No. 13:

A bill to be entitled a Memorial to the President of the United States of America, petitioning the President to place the United States Employment Service offices in the State of Florida under the jurisdiction of the Florida Industrial Commission.

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

The question was put on the adoption of the Memorial.

Which was agreed to and House Memorial No. 13 was adopted, and the action of the Senate was ordered certified to the House of Representatives.

Senator King moved that a committee be appointed to escort Honorable Dewey A. Dye, former member and President Pro Tempore of the Senate from the 36th Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Upchurch, Barringer and Lewis as the committee.

Senator Sheldon moved that Senate Bill No. 499, as amended, be withdrawn from the Committee on Labor and Industry and placed on the Calendar of Bills on Second Reading.

Pending consideration of the motion made by Senator Sheldon, Senator Shands moved that the Senate do now adjourn.

Which was not agreed to.

The question recurred on the motion made by Senator Sheldon.

Upon which a roll call was demanded.

Upon the adoption of the motion made by Senator Sheldon that Senate Bill No. 499, as amended, be withdrawn from the Committee on Labor and Industry and placed on the Calendar of Bills on Second Reading the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Beacham, Black, Brewton, Cliett, Davis, Franklin, Griner, Housholder, Johnson, King, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Sheldon, Shuler, Taylor, Upchurch—22.

Nays—Senators Barringer, Carroll, Clarke, Coleman, Collins, Graham, Hinely, Lewis, Lindler, Shands, Sturgis, Wilson—12.

So Senate Bill No. 499, as amended, was ordered withdrawn from the Committee on Labor and Industry and placed on the Calendar of Bills on Second Reading.

Senator Mathews moved that the rules be waived and the Senate take up and consider Senate Bill No. 423 out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 423:

A bill to be entitled An Act to amend Section 733.28, Florida Statutes, 1941, relating to orders of sale of property of estates of decedents.

Was taken up and read the second time in full.

Senator Mathews moved that the rules be further waived and Senate Bill No. 423 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. 423 was read the third time in full.

Upon the passage of Senate Bill No. 423 the roll was called and the vote was:

Yeas—Mr. President; Senators Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Collins, Davis, Graham, Griner, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch—29.

Nays—None.

So Senate Bill No. 423 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Beacham moved that when the Senate adjourns at the morning session tomorrow, May 21, 1943, it recess until 2:30 o'clock, P. M.

Which was agreed to and it was so ordered.

Senator Beacham moved that the rules be waived and when the Senate adjourns at the afternoon session tomorrow, May 21, 1943, it adjourn to meet again at 11:00 o'clock A. M., Monday, May 24, 1943.

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator McArthur—

Senate Bill No. 567:

A bill to be entitled An Act amending Section 589.05, Florida Statutes, 1941, relating to the State Forester and fixing his salary.

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

By the Committee on County Organizations—

Senate Bill No. 568:

A bill to be entitled An Act to amend Section 193.65 of the Florida Statutes, 1941, as amended by Chapter 20936, Acts 1941, relating to the commissions of Assessors of Taxes and Tax Collectors.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Brewton—

Senate Bill No. 569:

A bill to be entitled An Act directing the Board of County Commissioners and the Board of Public Instruction of all counties in this State having a population of not less than 13,000 and not more than 14,000 according to the last preceding Federal census to pay commissions to the Assessor of Taxes and Tax Collector on the tax rolls for the years 1941 and 1942 on the basis of the non-exempt valuation.

Which was read the first time by title only.

Senator Brewton moved that the rules be waived and Senate Bill No. 569 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 569 was read the second time by title only.

Senator Brewton moved that the rules be further waived and Senate Bill No. 569 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. 569 was read the third time in full.

Upon the passage of Senate Bill No. 569 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 569 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Beacham and Graham—

Senate Bill No. 570:

A bill to be entitled An Act exempting from taxation boats and airplanes in private ownership while in the use of the Federal Government, and providing for obtaining such exemptions.

Which was read the first time by title only.

Senator Graham moved that the rules be waived and Senate Bill No. 570 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 570 was read the second time by title only.

Senator Graham moved that the rules be further waived and Senate Bill No. 570 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. 570 was read the third time in full.

Upon the passage of Senate Bill No. 570 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 570 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Maddox, Johnson and Adams—

Senate Bill No. 571:

A bill to be entitled An Act to provide for the reimbursement of Ira C. Bush, Superintendent of Public Instruction of Holmes County, Florida, for loss of salary in consequence of his suspension from office by the Governor of the State of Florida, under Section 16 of Article IV of the Constitution of the State of Florida, and providing for an appropriation.

Which was read the first time by title only.

Senator Maddox moved that the rules be waived and Senate Bill No. 571 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 571 was read the second time by title only.

Senator Maddox moved that the rules be further waived and Senate Bill No. 571 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. 571 was read the third time in full.

Upon the passage of Senate Bill No. 571 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—36.

Nays—None.

So Senate Bill No. 571 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator McKenzie—

Senate Bill No. 572:

A bill to be entitled An Act providing for issuance of a temporary license to practice funeral directing and embalming in this State, and providing qualifications of licensee and providing that such license shall be in effect only during present war and six (6) months thereafter.

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

Senator Davis moved that Senate Bill No. 566 be withdrawn from the Committee on Transportation and Traffic and re-referred to the Committee on Judiciary "A".

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 20, 1943.

Hon. Philip D. Beall,  
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 Sturgis—

Senate Bill No. 339:

A bill to be entitled An Act to exempt certain persons in the military service from filing application for homestead tax exemption; providing for reductions where tax is erroneously assessed in such cases; and repealing all laws in conflict herewith.

By Senator Taylor—

Senate Bill No. 348:

A bill to be entitled An Act to provide under certain conditions suit money, including a reasonable attorney's fee, to a divorced wife, or husband in proceedings subsequent to the rendition of a final decree of divorce by the courts of this State.

Respectfully,  
WALTER P. FULLER,  
Chief Clerk House of Representatives.

And Senate Bills Nos. 339 and 348, contained in the above Message, were referred to the Committee on Enrolled Bills.

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

Tallahassee, Florida,  
May 20, 1943.

Hon. Philip D. Beall,  
President of the Senate.

Sir:

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

By Senator Sheldon—

Senate Bill No. 107:

A bill to be entitled An Act to amend Section 5 of Chapter 17060, Laws of Florida, Acts of 1935, Legislature, entitled "An Act regulating the allowance of the exemption of home-

steads from taxation, and prescribing the duties of county and city officials with reference thereto," being Section 192.16, Florida Statutes, 1941, by providing for the execution and delivery of a receipt to each applicant for homestead exemption.

Which amendments read as follows:

Amendment No. 1:

At the end of Section One add the following: "Provided, however, this Act shall not apply to counties of the State of Florida having a population of not more than 27,500 according to the official Federal Census of 1940."

Amendment No. 2:

At the end of the Title strike out the period and insert a semi-colon in lieu thereof and add the following: "Provided, however, this Act shall not apply to counties having a population not more than 27,500, according to the official Federal Census of 1940."

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

And Senate Bill No. 107, contained in the above Message, was read by title, together with House Amendments thereto.

Senator Sheldon moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 107.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 107.

Senator Sheldon moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 107.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 107.

And Senate Bill No. 107, as amended, was referred to the Committee on Engrossed Bills, and the action of the Senate was ordered certified to the House of Representatives.

Senator Collins moved that a committee be appointed to escort the Honorable Claude Pepper, United States Senator from Florida, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Collins, Wilson and Lewis as the committee.

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

Tallahassee, Florida,  
May 20, 1943.

Hon. Philip D. Beall,  
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives refuses to recede from House Amendments Nos. 1 and 2 to:

By the Committee on Finance and Taxation—

Senate Bill No. 254:

A bill to be entitled An Act to amend Sections 561.34 and 561.46, Florida Statutes of 1941, relating to license tax of vendors of alcoholic beverages and to excise taxes upon alcoholic beverages.

Which amendments read as follows:

House Amendment No. 1:

Strike out everything after the enacting clause and insert the following in lieu thereof:

Section 1. That in addition to the excise taxes imposed upon wines as is provided in Section 561.46, Florida Statutes, 1941, there is hereby imposed upon all wines containing fourteen per cent by weight of alcohol or more, except natural sparkling wines, an additional tax of twenty cents per gallon, which tax shall on or after the effective date of this Act be paid by all manufacturers and distributors, in the way and manner now required for the payment of those excise taxes imposed by Section 561.46, Florida Statutes, 1941. As to all such wines containing fourteen per cent of alcohol by weight or more there is further levied and assessed a floor tax upon vendors of twenty cents per gallon upon all such wines, except natural sparkling wines, in excess of ten gallons owned and possessed by vendors authorized to sell wines in

the State of Florida, as of July 1, 1943, at which time the said floor tax shall become effective upon all fortified wines possessed by each vendor in excess of ten gallons. Provided that the increase in tax of ten cents per gallon on all wines except natural sparkling wines, sold in Florida provided for in Section 561.62, Florida Statutes, 1941, and the increase in tax of twenty cents per gallon on all wines containing fourteen per cent or more of alcohol by weight sold in Florida, and the floor tax herein imposed are hereby appropriated each year to the General Revenue Fund of the State of Florida, to be used solely for the aid to dependent children in manner now or hereafter provided by law.

Section 2. Vendors licensed to sell alcoholic beverages under paragraph (2) of Section 561.34, Florida Statutes, 1941, are hereby prohibited from selling or dealing in or possessing for sale any alcoholic beverages except malt and vinous beverages, commonly termed beers, wines and ales, it being intended hereby to forbid the sale of what is known as prepared mixed drinks by those vendors who are licensed under Section 561.34, Sub-section thereof.

Section 3. That Section 561.47, Florida Statutes, 1941, relating to stamps upon alcoholic beverages be amended to read as follows:

561.37. Stamps sold distributors only and price thereof; affixing stamps. The stamps provided for shall be sold by the director to distributors who are licensed in this State and who have furnished the bond required herein, and to none else. The director shall sell all such stamps to distributors for cash only at a price of ninety-nine cents for each dollar's worth of stamps purchased. Each such purchaser of stamps shall by such purchase become obligated and required to affix such stamps to the bottles or immediate containers in which beverages requiring stamps are sold and stamps of the required amount shall be affixed thereto before such beverages are sold by any distributor. Such stamps shall be affixed in accordance with regulations of the director, which said regulations the director may make, promulgate and change from time to time. The director may at any time require reports additional to the monthly reports hereinbefore required, as to the disposition of the beverages herein defined, for the purpose of assessment and collection of the excise taxes herein provided, and the burden of proof shall be on the distributors to satisfy the director as to the disposition of said beverages.

Section 4. This Act shall become effective on July 1, 1943.

Section 5. If any word, phrase, sentence, section or part of section of this Act is declared unconstitutional, the remainder shall remain in full force and effect.

Section 6. This Bill shall become a law when signed by the Governor, or upon it becoming a law without said signature.

House Amendment No. 2:

Strike out the entire Title, and insert the following in lieu thereof: A bill to be entitled An Act imposing additional excise taxes on fortified wines; providing for an appropriation to aid to dependent children; prohibiting the sale of mixed drinks by beer and wine vendors; and to amend Section 561.47, Florida Statutes, 1941, relating to sale of stamps and providing for the price for which the same shall be sold.

And respectfully requests the President of the Senate to appoint a Conference Committee composed of three members of the Senate to confer with a like committee to be appointed by the Speaker of the House of Representatives to adjust the differences existing between the two bodies on House Amendments to Senate Bill No. 254.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

Senator Beacham moved that the President appoint a Committee on the Part of the Senate, and that the Speaker of the House of Representatives be requested to appoint a Committee on the Part of the House, to adjust the differences between the House and the Senate on House Amendments Nos. 1 and 2 to Senate Bill No. 254.

Which was agreed to.

The President appointed Senators Beacham, Johnson and Housholder as the Committee on the part of the Senate.

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

Tallahassee, Florida,  
May 20, 1943.

Hon. Philip D. Beall  
President of the Senate.

Sir:

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

By Senator Franklin—

Senate Bill No. 112:

A bill to be entitled An Act amending Chapter 20214, Acts of the Legislature of Florida, 1941, by adding thereto an additional Section to be designated Section 15-A providing for the preparation by the Adjutant General of Florida of suitable medals, service bars, ribbons, awards, or other indicia of service in Florida Defense Force and for the preparation of regulations for awarding the same and providing for the awarding thereof to the officers and enlisted men of Florida Defense Force.

Which amendments read as follows:

Amendment No. 1:

In Section 1, line 12, of the bill, strike out semi-colon after the words "Florida Defense Force" and thereafter where said name "Florida Defense Force" appears, and insert the following words thereafter, to-wit: "or Florida State Guard".

Amendment No. 2:

In line 9 of the Title of bill, after the name "Florida Defense Force" add the words: "or Florida State Guard".

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

And Senate Bill No. 112, contained in the above Message, was read by title, together with House Amendments thereto.

Senator Franklin moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 112.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 112.

Senator Franklin moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 112.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 112.

And Senate Bill No. 112, as amended, was referred to the Committee on Engrossed Bills, 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 20, 1943.

Hon. Philip D. Beall,  
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. Brackin of Okaloosa—

House Bill No. 492:

A bill to be entitled An Act granting a Confederate pension to Mrs. Eliza F. McKinney, of Okaloosa County, Florida, the widow of James S. McKinney, deceased veteran of the Confederate army.

By Mr. Lewis of Gulf—

House Bill No. 650:

A bill to be entitled An Act authorizing and permitting any telephone company having more than one point of connection or outlet with any other telephone company to use and enjoy any of its connections or outlets with such other company as may suit the convenience and necessity of such company and its subscribers; providing that it shall be unlawful to refuse to make the requested connection where such connection is not in use, a hearing before the Railroad Commissioners of the State, the penalty for violation of this Act and the enforcement thereof.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

And House Bill No. 492, contained in the above Message, was read the first time by title only and referred to the Committee on Pensions and Claims.

And House Bill No. 650, contained in the above Message, was read the first time by title only and referred to the Committee on Public Utilities.

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

Tallahassee, Florida,  
May 20, 1943.

Hon. Philip D. Beall,  
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 1943 Session of the Florida Legislature:

By Mr. Lewis of Gulf—  
House Bill No. 545:

A bill to be entitled An Act for the relief of H. C. Lister of Gulf County, Florida, and to refund and repay to the said H. C. Lister certain State, County and School District taxes erroneously assessed against certain lands situate in Gulf County, Florida, and paid by the said H. C. Lister who purchased tax sale certificates issued therefor; and appropriating sufficient funds for the refunding and repayment thereof and other provisions necessary to carry out this Act.

And respectfully requests the concurrence of the Senate therein.

Respectfully,  
WALTER P. FULLER,  
Chief Clerk House of Representatives.

And House Bill No. 545, 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 20, 1943.

Hon. Philip D. Beall,  
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. Wotitzky of Charlotte, Lane of Manatee and Collins of Sarasota—

House Bill No. 660:

A bill to be entitled An Act to amend Section 731.33, Florida Statutes, 1941, relating to escheats, by requiring the County Judge to notify the Attorney General of estates likely to escheat to the State of Florida.

By Messrs. Wotitzky of Charlotte, Lane of Manatee and Collins of Sarasota—

House Bill No. 659:

A bill to be entitled An Act to amend Section 54.06, Florida Statutes, 1941, relating to unclaimed funds on deposit with State Treasurer in Court Registry Fund, by providing for the escheatment to the State of Florida of such funds, prescribing the proceedings therefor, and repealing all laws in conflict herewith.

By Mr. Clement of Pinellas—

House Bill No. 667:

A bill to be entitled An Act to amend Section 38.22, Florida Statutes, 1941, relating to the authority of Courts to punish for contempts.

And respectfully requests the concurrence of the Senate therein.

Respectfully,  
WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 660, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A."

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

And House Bill No. 677, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A."

Senator King moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 5:33 o'clock P. M., until 11:00 o'clock A. M., Friday, May 21, 1943.