

# JOURNAL OF THE SENATE

Thursday, May 27, 1943

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, May 26, 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 26, 1943, was corrected as follows:

On page 26, column 2, strike out lines 1 to 48 both inclusive, counting from the top of the column.

And as corrected was approved.

## REPORTS OF COMMITTEES

Your Committee on Agriculture and Livestock, to whom was referred:

Senate Bill No. 481:

A bill to be entitled An Act to provide for and require a thorough and comprehensive study of the diseases of poultry by the Agricultural Experiment Station of the University of Florida during the biennium beginning July 1, 1943, and providing for the payment of the expenses incident thereto from the appropriation made to the Agricultural Experiment Station under the special item "Main Experiment Station" in the general appropriation bill for the biennium beginning July 1, 1943.

House Bill No. 560:

A bill to be entitled An Act authorizing the Board of Control of Florida to locate, establish and maintain a branch Experiment Station in the northern part of either Santa Rosa County or Okaloosa County near the county line dividing said counties for the purpose of carrying on experiments in general farm and vegetable crops and livestock and pastures.

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

Very respectfully,

A. L. WILSON,

Chairman of Committee.

And Senate Bill No. 481 and House Bill 560, contained in the above report, were 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. 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.

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

Very respectfully

K. GRINER,

Chairman of Committee.

And Senate Bill No. 280, contained in the above report, was certified to the House of Representatives.

Senator Black moved that the following letter from Mrs.

Walton Lanier Smith, wife of the late Senator J. Slater Smith, be spread upon the Journal.

Which was agreed to and it was so ordered.

Green Cove Springs, Florida,  
May 26, 1943.

Senator J. Graham Black,  
Florida State Senate,  
Tallahassee, Florida.  
Dear Senator Black:

I find that words are not adequate enough for me in trying to express to you members of the Florida State Senate, the appreciation I feel for your kindness to me, and your consideration in helping me during the recent illness and death of my husband.

My son and daughter join me in this expression of gratitude for the Senate Resolution and for the many thoughtful deeds which you members have extended to us in our bereavement.

Sincerely yours,

MRS. WALTON LANIER SMITH,

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beall—

Senate Bill No. 666:

A bill to be entitled An Act relating to and affecting the Civil Service of the City of Pensacola.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 666 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 Wilson moved that the rules be waived and Senate Bill No. 666 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 666 was read the second time by title only.

Senator Wilson moved that the rules be further waived and Senate Bill No. 666 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. 666 was read the third time in full.

Upon the passage of Senate Bill No. 666 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. 666 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

Senate Bill No. 667:

A bill to be entitled An Act affecting Duval County, Florida, and directing and requiring the Clerk of the Circuit Court of said County to accept a sum certain as a compromise settlement of the amount due on tax sale certificates, including all omitted taxes covered by said certificates, which certificates are designated as follows: No. 5092 of the sale of 1936; Nos. 4354 to 4425, both inclusive, of the sale of 1938; and Nos. 9215, 9216, 9219, 9221, 9222, 9265, 9272, 9273, 11592, 11593, 11596, 11598 to 11602, both inclusive; 11758, and 11762, of the sale of 1942, all of which are held by the State of Florida for taxes levied and assessed against a public toll road situated in said County, known as "Heckscher Drive."

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 667 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 Mathews moved that the rules be waived and Senate Bill No. 667 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 667 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 667 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. 667 was read the third time in full.

Upon the passage of Senate Bill No. 667 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. 667 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

Senate Bill No. 668:

A bill to be entitled An Act providing that no part of the taxes levied for road and bridge purposes in Duval County, Florida, under authority of Section 343.17 of Florida Statutes, 1941, shall be turned over to any cities or towns in Duval County, Florida, but all of such taxes so levied shall be retained and used by Duval County, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 668 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 Mathews moved that the rules be waived and Senate Bill No. 668 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 668 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 668 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. 668 was read the third time in full.

Upon the passage of Senate Bill No. 668 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. 668 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Taylor and Sheldon—

Senate Bill No. 669:

A bill to be entitled An Act authorizing any two or more counties in the State of Florida to enter into a joint program for the construction of a bridge or bridges, together with causeways and approaches thereto, connecting such counties with each other over any body of water; and authorizing such counties to purchase any existing bridge or causeway and permitting the participation of such counties in such a program with the Federal Government or any agency thereof and the State Road Department of the State

of Florida or any agency of such State and authorizing such State Road Department to assist financially and otherwise in the construction of such a bridge program and setting forth the procedure for such a program; and providing for the purchase of any existing facility.

Which was read the first time by title only.

Senator Taylor moved that the rules be waived and Senate Bill No. 669 be placed on the Calendar of Bills on Second Reading, without reference.

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

By permission the following Memorial was introduced:

By Senator Baker—

Senate Memorial No. 4:

WHEREAS, the Honorable George F. Westbrook, a former member of the State Senate and also of the House of Representatives, from Lake County, departed this life June 24, 1941, and

WHEREAS, the Honorable George F. Westbrook served with high distinction in both branches of the Legislature, and was held in high esteem by the members of both bodies, and by the citizens of his home county and his numerous friends throughout the State, and

WHEREAS, it is appropriate that this Senate make record of the death of Senator Westbrook and pay fitting tribute to his memory,

NOW THEREFORE, be it resolved by the Senate of the State of Florida that this body does hereby place upon its permanent records this expression of bereavement at his demise.

#### IN MEMORIAM—GEORGE F. WESTBROOK

George F. Westbrook, son of Captain and Mrs. D. J. Westbrook, was born near Clermont, Florida, September 26, 1888. He received his education in the public schools of Lake County. For many years he was employed in the service of the government as a postal clerk. Later he studied law in Jacksonville in the office of the Honorable John W. Martin, later Governor of Florida.

Returning to his native county, he engaged in the practice of law at Clermont, where he ultimately established a notable practice, which continued until his death.

He was elected to the House of Representatives from Lake County for the Session of 1929 and served continuously through the succeeding Sessions of 1931, 1933, and 1935. During these eight years of service in the House, George Westbrook became a commanding figure and his aid was sought in solving many legislative problems. He served as chairman of many important House Committees, including Judiciary, Finance and Taxation, Rules and Calendar, Roads and Highways, and many outstanding accomplishments marked his leadership in the Legislature. No man in the Legislature ever enjoyed the confidence and respect of his fellow members to a higher degree than George F. Westbrook. He repeatedly declined the elevation to the Speakership, feeling that he could render more effective service in other capacities. He became an authority on taxation, and accepted an invitation from the Legislature of Georgia to appear before that body and discuss the tax problems and solutions offered in Florida.

He was made chairman of a joint committee of the House and Senate to study and submit recommendations relating to the Public Highway system of Florida, the report of which was accepted as authoritative guidance.

Mr. Westbrook was chosen in 1936 by his constituents as a member of the Senate and served during the Sessions of 1937 and 1939, exercising the same high degree of ability and personal influence which characterized his career in the House.

Senator Westbrook served his community in many capacities and in many constructive ways left his impress for the betterment of the welfare of his local fellow citizens.

Senator Westbrook enjoyed the affection, esteem and respect of his fellow men. He was a man of great legal ability and possessed a practical mind to a degree enjoyed by few men.

George Westbrook was a modest man, seeking the accomplishment of those things which lightened the burdens and added to the comfort and progress of his community,

caring not at all to whom went the honor or the glory of such accomplishments but content in the thought that he had done his duty and thereby served his fellow man.

He cared little if anything for the limelight, never seeking to promote his personal affairs or advance his own interest at the sacrifice of another, yet he was tireless in his efforts to assist in the development of the natural resources of his county and State and rarely missed an opportunity to bring to the attention of those who might lend a listening ear the joys of his community.

Almost single handed and alone he brought to the city of his choice, Clermont, a great Postal Colony, which is now a tribute to his efforts and his energy and a monument to his zeal, and which today, although he is gone, is still attracting numerous retired postal clerks who are successfully engaging in the development and directing hundreds of acres of groves.

During the twelve years of his service in the Florida Legislature he left many evidences of his ability and his zeal, and his community, county and State are better places to live by reason of his efforts.

Be it further resolved, that a copy of these resolutions, certified by the Secretary of State under the Great Seal of the State, be immediately forwarded to his wife and family.

Be it further resolved, that a copy of these resolutions be spread upon the Journal of the Senate and made a permanent record of this Legislature, and that a copy of these resolutions be furnished to the press.

Which was read the first time in full.

Senator Baker moved that the rules be waived and Senate Memorial No. 4 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 4 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to and Senate Memorial No. 4 was unanimously adopted.

Senator Shands moved that a committee be appointed to escort Hon. Jess G. Davis, Postmaster of the City of Gainesville, and Commander of the Florida Department of the American Legion, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Shands, Sturgis and Barringer as the Committee.

By Senators Beacham, Adams and Carroll—

Senate Joint Resolution No. 670:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 3, OF THE CONSTITUTION OF THE STATE OF FLORIDA, RELATIVE TO CENSUS AND APPORTIONMENT, BY AMENDING SECTION 3 OF SAID ARTICLE SO AS TO DESIGNATE OSCEOLA AND OKEECHOBEE COUNTIES AS A SENATORIAL DISTRICT, DESIGNATE BROWARD COUNTY AS A SENATORIAL DISTRICT AND DESIGNATE CALHOUN AND GULF COUNTIES AS A SENATORIAL DISTRICT.

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

That the following amendment to Section 3 of Article VII of the Constitution of the State of Florida relative to census and apportionment designating Osceola and Okeechobee Counties as the Thirty-ninth (39) Senatorial District, Broward County as the Fortieth (40) Senatorial District, and Calhoun and Gulf Counties as the Forty-first (41) Senatorial District be and the same is hereby agreed to and shall be submitted to the electors of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, 1944, as follows:

"Section 3. The Legislature that shall meet in regular session, A. D. 1925, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, and shall provide for forty-one (41) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each District shall have one Senator; provided that Osceola and Okeechobee Counties, Florida shall constitute the Thirty-ninth (39th) Senatorial District, Broward County, Florida shall constitute the Fortieth (40th) Senatorial Dis-

trict, and Calhoun and Gulf Counties, Florida shall constitute the Forty-first (41st) Senatorial District; and, at the same time, the Legislature shall also apportion the representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous counties, and two (2) Representatives to each of the next eighteen more populous counties, and one (1) Representative to each of the remaining counties of the State at the time of such apportionment. Should the Legislature fail to apportion the representation in the Senate and in the House of Representatives, at any Regular Session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such Regular Session of the Legislature, either in Special or Regular Session, to apportion the representation in the Senate and in the House of Representatives, as herein provided. The preceding regular Federal or regular State census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making such apportionment. In the event the Legislature shall fail to re-apportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the Regular Session), call the Legislature together in Extraordinary Session to consider the question of re-apportionment and such Extraordinary Session of the Legislature is hereby mandatorily required to re-apportion the representation as required by this amendment before its adjournment (and such Extraordinary Session so called for re-apportionment shall not be limited to expire at the end of twenty days or at all, until re-apportionment is effected, and shall consider no business other than such re-apportionment).

Should this amendment be ratified in the General Election in 1944, special elections shall be called within ninety days thereafter for the election of Senators in the Thirty-ninth (39th), Fortieth (40th), and Forty-first (41st) Senatorial Districts. In such special elections, the Senators in the Thirty-ninth (39th) and Forty-first (41st) Districts shall be elected for a term of four years and the Senator from the Fortieth (40th) District elected for a term of two years from the time of the General Election of 1944, and thereafter said Senators shall be elected for a term of four years except in case of a vacancy in office.

Which was read the first time in full.

Senator Adams moved that the rules be waived and Senate Joint Resolution No. 670 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 670 was read the second time in full.

Senator Maines offered the following amendment to Senate Joint Resolution No. 670:

In line 12, strike out "1925" and insert in lieu thereof the following: "1955".

Senator Maines moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Adams moved that the rules be further waived and Senate Joint Resolution No. 670, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 670, as amended, was read the third time in full as follows:

Senate Joint Resolution No. 670:

A Joint Resolution proposing an amendment to Article VII, Section 3, of the Constitution of the State of Florida, relative to Census and Apportionment, by amending Section 3 of said Article so as to designate Osceola and Okeechobee Counties as a Senatorial District, designate Broward County as a Senatorial District and designate Calhoun and Gulf Counties as a Senatorial District.

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

That the following amendment to Section 3 of Article VII of the Constitution of the State of Florida relative to census and apportionment designating Osceola and Okeechobee Counties as the Thirty-Ninth (39) Senatorial District, Broward County as the Fortieth (40) Senatorial District, and Calhoun and Gulf Counties as the Forty-First (41) Senatorial District, be and the same is hereby agreed to and shall

be submitted to the electors of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, 1944, as follows:

"Section 3. The Legislature that shall meet in Regular Session, A. D. 1955, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, and shall provide for Forty-One (41) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each district shall have one Senator; provided that Osceola and Okeechobee Counties, Florida shall constitute the Thirty-Ninth (39th) Senatorial District, Broward County, Florida shall constitute the Fortieth (40th) Senatorial District, and Calhoun and Gulf Counties, Florida shall constitute the Forty-First (41st) Senatorial District; and, at the same time, the Legislature shall also apportion the representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous counties, and two (2) Representatives to each of the next eighteen more populous counties, and one (1) Representative to each of the remaining counties of the State at the time of such apportionment. Should the Legislature fail to apportion the representation in the Senate and in the House of Representatives, at any Regular Session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such Regular Session of the Legislature, either in Special or Regular Session, to apportion the representation in the Senate and in the House of Representatives, as herein provided. The preceding Regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making such apportionment. In the event the Legislature shall fail to re-apportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the Regular Session) call the Legislature together in Extraordinary Session to consider the question of re-apportionment and such Extraordinary Session of the Legislature is hereby mandatorily required to re-apportion the representation as required by this amendment before its adjournment (and such Extraordinary Session so called for re-apportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such re-apportionment).

Should this amendment be ratified in the General Election in 1944, Special Elections shall be called within ninety days thereafter for the election of Senators in the Thirty-Ninth (39th), Fortieth (40th), and Forty-First (41st) Senatorial Districts. In such Special Elections, the Senators in the Thirty-Ninth (39th) and Forty-First (41st) Districts shall be elected for a term of four years and the Senator from the Fortieth (40th) District elected for a term of two years from the time of the General Election of 1944, and thereafter said Senators shall be elected for a term of four years except in case of a vacancy in office.

Upon the passage of Senate Joint Resolution No. 670, 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, Franklin, Graham, Griner, Hinely, Housholder, Johnson, King, Lewis, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Upchurch, Wilson—33.

Nays—Senators Davis, McArthur, Taylor—3.

So Senate Joint Resolution No. 670 passed, as amended, by the required Constitutional three-fifths vote of all members elected to the Senate for the 1943 Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Maddox—

Senate Bill No. 671:

A bill to be entitled An Act imposing a tax upon admissions to places of amusement; to provide for the collection of such taxes; to provide for the disposition of the moneys derived from such taxes, and providing for the penalty for the evasion thereof.

Which was read the first time by title only.

Senator Maines moved that the rules be waived and Senate Bill No. 671 be referred to the Committee on Finance and Taxation with the reservation and understanding that if same is not reported back by the Committee by the Legislative day immediately following Friday, May 28, 1943, the bill may be withdrawn from the Committee on request and placed on the Calendar of Bills on Second Reading.

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

By Senator Beacham—

Senate Bill No. 672:

A bill to be entitled An Act relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining the same; regulating licensing of same; prescribing filing fees; making provisions for a resident agent in the State; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein; prohibiting radio networks from making certain contracts; allowing combinations of authors, composers and publishers to do business in this State when the right to deal directly with the owner of copyrighted music is preserved to the public; and repealing Sections 543.08, 543.09, 543.16, 543.17, 543.26, 543.28 and 543.34 of Florida Statutes, 1941, relating to musical compositions and combinations restricting the use thereof.

Which was read the first time by title only.

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

Which was agreed to by a two-thirds vote.

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

Senator Beacham moved that the rules be further waived and Senate Bill No. 672 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 672 was read the third time in full.

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

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

Nays—None.

So Senate Bill No. 672 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Adams—

Senate Bill No. 673:

A bill to be entitled An Act to fix and provide for the compensation of members of the Board of County Commissioners in the Counties in the State of Florida having a population of not less than 8,100 and not more than 8,400 according to the 1940 Federal census.

Which was read the first time by title only.

Senator Adams moved that the rules be waived and Senate Bill No. 673 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 673 was read the second time by title only.

Senator Adams moved that the rules be further waived and Senate Bill No. 673 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. 673 was read the third time in full.

Upon the passage of Senate Bill No. 673 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. 673 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By the Committee on Temperance—

Senate Bill No. 674:

A bill to be entitled An Act amending Section 561.42, Florida Statutes, 1941, providing for limitations of credits and discounts upon the sale of liquors and further defining financial assistance between manufacturers and distributors and vendors.

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

By the Committee on Motor Vehicles—

Senate Bill No. 675:

A bill to be entitled An Act prescribing a maximum rate of speed for motor vehicles and motorcycles operating over and upon the highways, roads and streets of the State; authorizing the Governor, upon the written recommendation of the State Defense Council, to regulate and limit by proclamation the speed of motor vehicles and motorcycles over and upon the highways, roads and streets of the State of Florida and the several counties and municipalities thereof; providing that such proclamation shall have the force and effect of law; providing a penalty for violation hereof and limiting the effective period of this Act.

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

By the Committee on Public Health—

Senate Bill No. 676:

A bill to be entitled An Act amending Section 470.08, Florida Statutes, 1941, relating to the qualifications of applicants for examination by the State Board of Funeral Directors and Embalmers.

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

By Senator McKenzie—

Senate Bill No. 677:

A bill to be entitled An Act relating to the creation of a Commission to be known as the William D. Moseley Commission and providing for the appointment of the members thereof; and fixing their term of office and defining their powers and duties.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida,  
May 26, 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 its amendments to:

Senate Bill No. 381:

A bill to be entitled An Act making appropriations for the salaries of the officers and employees of the State and for the current operating expenses of the departments and branches of the State Government for the annual periods beginning July 1, 1943, and July 1, 1944.

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 appointed by the Speaker of the House of Representatives to adjust the differences existing between the two bodies on House Amend-

ments to Senate Bill No. 381, said Committee on the part of the House being Messrs. Dowda, Crofton and Murray.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

Senator Housholder moved that the President appoint a Committee on the Part of the Senate to confer with the Committee appointed by the Speaker of the House of Representatives to adjust the differences between the two Houses on the House Amendments to Senate Bill No. 381.

Which was agreed to.

The President appointed Senators Housholder, Wilson and Rose as the Committee on the part of the Senate.

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

Tallahassee, Florida,  
May 26, 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 Senator Lewis—

Senate Bill No. 267:

A bill to be entitled An Act adopting a comparative negligence rule for negligence actions.

for the purpose of further consideration.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

The Senate was unable to comply with the request of the House of Representatives, as contained in the above Message, as the records of the Senate disclose that Senate Bill No. 267 had previously been enrolled, signed by the officers of the Senate and House of Representatives, and transmitted to the Governor.

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

Tallahassee, Florida,  
May 27, 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 refused to concur, reconsidered the vote by which it refused to concur, and concurred in Senate Amendment to:

By Miss Baker, of Pinellas, Messrs. Cobb of Orange, Usina of St. Johns, Brackin of Okaloosa, Hancock of Madison, Crews of Duval, Livingston of Highlands, Stewart of Lee, Gautier and Peters of Dade, Boynton of Gadsden, Shivers of Washington, Lane of Manatee, Thomas of Escambia, and Parker of Leon—

House Bill No. 275:

A bill to be entitled An Act relating to the rights of married women in Florida.

Which amendment reads as follows:

Strike Section 3-A.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 indefinitely postponed:

By Senator Davis—  
Senate Bill No. 607:

A bill to be entitled An Act providing for the distribution to and use by the Board of Public Instruction of Madison County, Florida, of one-half of race track funds allocated to Madison County under Chapter 14832, Laws of Florida, Acts of 1931, or any Act amendatory or supplementary thereto, or any other race track Acts.

By Senator Mathews—  
Senate Bill No. 576:

A bill to be entitled An Act abolishing the position of Inspector of Weights and Measures in the City of Jacksonville, Florida, and requiring that the duties heretofore performed by the person filling such position shall be performed by the Municipal Inspector or his deputies.

By Senator Mathews—  
Senate Bill No. 523:

A bill to be entitled An Act to amend Section 3, Chapter 16866, General Laws of the State of Florida, Acts of 1935, entitled "An Act providing Civil Service for employees of cities having a population of more than one hundred thirty thousand according to the last preceding State census, which cities are hereby designated as belonging to Class 'J'."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 26, 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 indefinitely postponed:

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.

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.

By Senator Lewis—  
Senate Bill No. 556:

A bill to be entitled An Act to amend Sub-section (N) of Section 14 of Chapter 21,368, Acts of 1941, relating to the general powers of the City of Marianna and eliminating therefrom the power and authority to levy and collect a transaction tax or sales tax upon such sales and transactions within the City of Marianna as to the City Commission may seem proper.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 26, 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 indefinitely postponed:

By Senator Lewis—  
Senate Bill No. 555:

A bill to be entitled An Act to amend Section 33 of Chapter 21,368, Acts of 1941, relating to the powers and duties of the City Manager of the City of Marianna and granting to the City Commission of the City of Marianna the right to empower and authorize the City Manager to sign or countersign checks and vouchers drawn upon the funds of the City of Marianna.

By Senator Mathews—  
Senate Bill No. 526:

A bill to be entitled An Act relating to employees of the Civil Service Board of the City of Jacksonville, Florida.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 26, 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 adopted the report of the Conference Committee on:

Senate Bill No. 254:

A bill to be entitled An Act imposing additional twenty cents per gallon excise tax upon fortified wines, in addition to taxes imposed upon wines by Section 2 of Chapter 20830, Laws of Florida, Acts of 1941; appropriating ten cents per gallon of all excise taxes levied and payable by Chapter 20830, Laws of Florida, Acts of 1941, and the additional taxes levied by this Act for aid to dependent children; prohibiting the sale of mixed drinks by beer and wine vendors; amending Section 561.47, Florida Statutes, 1941, relating to sale of stamps and providing for a discount; repealing Chapter 20829, Laws of Florida, Acts of 1941; all pertaining to the beverage laws.

Which Conference Committee report reads as follows:

Tallahassee, Florida,  
May 21, 1943.

Hon. Philip D. Beall,  
President of the Senate,  
and  
Hon. Richard H. Simpson,  
Speaker of the House of Representatives.  
Sirs:

Your Conference Committee appointed to confer upon Senate Bill No. 254, recommends the following:

House Finance and Taxation Committee Amendment No. 1 be changed in the following particulars:

1. That the last sentence in the first paragraph in Section 1 be rewritten so as to omit a reference to Section 561.62 Florida Statutes, and to refer to Section 561.46. This change makes clear the fact that the aid to dependent children includes both (1) an appropriation of ten cents of the thirty-cent tax imposed on wines by Section 561.46, (2) an appropriation of the additional twenty-cent tax imposed by Senate Bill No. 254.

2. That a typographical error occurring by the omission of the figure "2" after the word "Sub-section" in the last line of Section 2 be corrected.

3. That Sections 4, 5 and 6 be renumbered and a new section added repealing Chapter 20829, Laws of Florida, Acts of 1941, in order to clarify a confusion in that Chapter and subsequent Chapter 20830, Laws of Florida, 1941. These two chapters cover identical matter, and in all probability, Chapter 20830 repealed Chapter 20829, but in any case, the duplication should be eliminated.

Your Committee attaches hereto its substitute for House

Finance and Taxation Committee Amendment No. 1, and recommends that the Senate and House, by appropriate action adopt the substitute amendment.

Your Committee has examined House Finance and Taxation Committee Amendment No. 2 relating to the title of the Act and has drawn a substitute amendment. The whole and entire change made by this substitute amendment is to elaborate on the title in such a way as to make certain it covers the subject and sets forth the fact that the several sections of the Act are related sections all pertaining to the beverage law.

Your Committee attaches hereto a substitute for House Finance and Taxation Committee Amendment No. 2, and recommends that the Senate and House, by appropriate action adopt the substitute amendment.

Respectfully submitted,

(Signed) EVANS CRARY,  
 (Signed) MARSHALL C. WISEHEART,  
 (Signed) GEORGE H. INMAN,  
 (Signed) JNO. R. BEACHAM,  
 (Signed) ERNEST F. HOUSHOLDER,  
 (Signed) D. M. JOHNSON.

The House has receded from House Amendments Nos. 1 and 2 to Senate Bill No. 254 and the House has concurred in and adopted Conference Committee Amendments Nos. 1 and 2, which Amendments read as follows:

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, as amended by Section 2 of Chapter 20830, Laws of Florida, Acts of 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. There is hereby appropriated out of the excise taxes levied, imposed and paid under the provisions of paragraph (b) of Section 561.46, Florida Statutes, 1941, as amended by paragraph (b) of Section 2 of Chapter 20830, Laws of Florida, 1941, a sum equal to ten cents a gallon paid upon the therein described beverages, and all excise and floor taxes levied, imposed and collected upon fortified wines by and under this section to be paid into the General Revenue Fund of the State of Florida to be used solely for the aid of dependent children in the 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 beverage 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 Paragraph (2) of Section 561.34.

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

561.47. 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 dollars 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 beverage 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. Chapter 20829 Laws of Florida, Acts of 1941, is hereby specifically repealed.

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 Act shall become effective on July 1, 1943.

Section 7. This Act shall become a law when signed by the Governor, or upon its becoming a law without such signature.

Amendment No. 2:

Strike out the entire Title and substitute in lieu thereof:

A bill to be entitled An Act imposing additional twenty cents per gallon excise tax upon fortified wines, in addition to taxes imposed upon wines by Section 2 of Chapter 20830, Laws of Florida, Acts of 1941; appropriating ten cents per gallon of all excise taxes levied and payable by Chapter 20830, Laws of Florida, Acts of 1941, and the additional taxes levied by this Act for aid to dependent children; prohibiting the sale of mixed drinks by beer and wine vendors; amending Section 561.47, Florida Statutes, 1941, relating to sale of stamps and providing for a discount; repealing Chapter 20829, Laws of Florida, Acts of 1941; all pertaining to the beverage laws.

And the House has passed Senate Bill No. 254, as amended by the foregoing amendments, title to which, as amended, reads as follows:

Senate Bill No. 254:

A bill to be entitled An Act imposing an additional twenty cents per gallon excise tax upon fortified wines, in addition to taxes imposed upon wines by Section 2 of Chapter 20830, Laws of Florida, Acts of 1941; appropriating ten cents per gallon of all excise taxes levied and payable by Chapter 20830, Laws of Florida, Acts of 1941, and the additional taxes levied by this Act for aid to dependent children; prohibiting the sale of mixed drinks by beer and wine vendors; amending Section 561.47, Florida Statutes, 1941, relating to sale of stamps and providing for a discount; repealing Chapter 20829, Laws of Florida, Acts of 1941; all pertaining to the beverage laws.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
 May 27, 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 King—

Senate Bill No. 602:

A bill to be entitled An Act to establish the Lake Mattie Conservation District in Polk County, Florida, and describing the lands to be included therein; declaring the purpose of the creation of the said district to be that of raising by artificial means the ground level of the water and the water table in a portion of Lake Mattie Marsh to be incorporated into said district so as to provide frost protection to citrus fruit groves located within the said district and along the southern rim thereof, and to provide additional water for the irrigation of groves, to create a Board of Commissioners of said district and to define the powers of the said board; to authorize construction of dams, dikes, ditches, levees, spillways and other works necessary to maintain the water level in the said marsh at levels not higher than the normal high-water mark; to provide for the maintenance of the said district and for the

levy of taxes on citrus fruit groves to be benefited by the creation of said district and to provide a method for the enforcement of the lien of such taxes; to provide for the adoption by the district of a plan of conservation and for a hearing on said plan before the Circuit Court, Polk County, Florida, for a finding and judgment by the said Circuit Court as to damages that might accrue to marsh lands in said district by carrying out the objects of the district; to authorize the said district to exercise the right of eminent domain for the purpose of acquiring property for the use of the district; to provide for a referendum election for the ratification and approval of this Act; and to prevent injury to any works constructed under this Act, and to provide a penalty for violating such provisions.

Proof of Publication attached.

Which amendments read as follows:

Amendment No. 1:

In Section 3, line 10, of the bill, strike out the words: "of interested property owners."

Amendment No. 2:

In Section 8, line 9, of the bill, strike out the word: "bearing."

Amendment No. 3:

In Section 10, line 9, of the bill, strike out the figure: "1943." and insert the following in lieu thereof: "1944."

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And Senate Bill No. 602, contained in the above Message, was read by title, together with House Amendments thereto.

Senator King moved that the Senate do concur in House Amendment No. 1 to Senate Bill No. 602.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 602.

Senator King moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 602.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 602.

Senator King moved that the Senate do concur in House Amendment No. 3 to Senate Bill No. 602.

Which was agreed to and the Senate concurred in House Amendment No. 3 to Senate Bill No. 602.

And Senate Bill No. 602, 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 27, 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. Thomas of Escambia—

House Bill No. 850:

A bill to be entitled An Act to provide for the payment to the members of the Board of Public Instruction of Escambia County, Florida, of mileage in addition to the amounts now provided by law to be paid such members for their services.

Proof of Publication attached.

By Mr. Stewart of Hendry—

House Bill No. 964:

A bill to be entitled An Act relating to the creation and establishment of a bird sanctuary in the City of Clewiston, Hendry County, Florida; providing for the protection, preservation, and encouragement of birds and bird life; and providing a penalty for the violation of this Act.

Proof of Publication attached.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 850, contained in the above Message, was read the first time by title only.

Senator Wilson moved that the rules be waived and House Bill No. 850 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 850 was read the second time by title only.

Senator Wilson moved that the rules be further waived and House Bill No. 850 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. 850 was read the third time in full.

Upon the passage of House Bill No. 850 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. 850 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

And House Bill No. 964, contained in the above Message, was read the first time by title only.

Senator Franklin moved that the rules be waived and House Bill No. 964 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 964 was read the second time by title only.

Senator Franklin moved that the rules be further waived and House Bill No. 964 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. 964 was read the third time in full.

Upon the passage of House Bill No. 964 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. 964 passed, title as stated, 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 27, 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. 515:

A bill to be entitled An Act to amend An Act entitled "An Act creating in the City of Tampa a system of pensions for disability and retirement from service of members of Police and Fire Departments employed by appointment or otherwise in said department in said city, and to provide a fund in said city to be known as the City Pension Fund for firemen and policemen and providing further for the creation of a Board of Trustees in said city, prescribing the powers and duties of such board, providing for the payment of certain sums to all persons employed in the Fire and Police Departments in said city as shall have retired and have been retired and their dependents, to further prescribe the qualifications as to who shall be eligible and who shall receive a pension under this Act; providing for the investment and safekeeping of the funds created under this Act, providing for the regulation of the subject of pensions to all persons entitled to re-

ceive the same and to provide rules and regulations for the administration of the fund created hereunder; providing for the levy of ad valorem and excise taxes for said Pension Fund; and providing for the enforcement of this Act," being Chapter 21,590, Laws of Florida, Acts of 1941, by amending Section Seven (7), Paragraph (A) thereof so as to provide for the retirement of any member of the Fire or Police Department of the City of Tampa who was employed at the time of the enactment of Chapter 17164, Laws of Florida, Acts of 1935, by appointment or otherwise in said departments of said city and who has twenty (20) years of actual service therein, and the payment to such member of the sum of \$100.00 per month; to provide for the preservation of retirement rights and privileges of members who, since December 7, 1941, enlist or are called into active military service of the armed forces of the United States of America and for the payment by such member into the Pension Fund of 2% of his last monthly salary for the full period of time of such active military service; to provide that the period of active military service shall be deemed continuous actual service in the Police or Fire Departments of said city for purposes of computation to determine whether a member is entitled to retirement under this Act; to provide for restoration of a member to his former position upon release from active military service; and repealing conflicting laws.

Proof of Publication attached.

Which amendments read as follows:

Amendment No. 1:

In line 26 of the Title strike out the semi-colon, insert a comma, and add the following: "with certain limitations upon the privilege of such retirement for the duration of the present war."

Amendment No. 2:

Strike the last two lines of page one of the typewritten bill, beginning with the words "Provided, further," and strike the first five lines of the second page of the typewritten bill, and insert the following in lieu thereof:

"Provided, further, that every member who was employed at the time of the enactment of Chapter 17164, Laws of Florida, Acts of 1935, by appointment or otherwise in said departments of said city and who has performed twenty (20) years of actual service in said Fire or Police Departments, shall be retired by the board upon application of the member and shall receive in equal monthly installments \$100.00 per month, subject, however, to the following limitation, that for the duration of the present war only, such member shall not be entitled to such retirement unless he becomes physically unfit or is incapable of performing his duties in such departments or has attained a total of twenty-five (25) years of actual service before or during the present war."

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P FULLER,

Chief Clerk House of Representatives.

And Senate Bill No. 515, 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. 515.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 515.

Senator Sheldon moved that the Senate do concur in House Amendment No. 2 to Senate Bill No. 515.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 515.

And Senate Bill No. 515, 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 27, 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 Committee on General Appropriations—

House Bill No. 865:

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

of all State warrants not presented for payment within one year after issuance thereof; to provide appropriation therefor whenever the warrant so voided is charged against an expired appropriation or against a fund which is no longer operative; and to repeal all laws in conflict therewith, including Sections 291.33-291.36, Florida Statutes, 1941.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 865, contained in the above Message, was read the first time by title only.

Senator Collins moved that the rules be waived and House Bill No. 865 be placed on the Calendar of Bills on Second Reading, without reference.

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

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

Tallahassee, Florida,  
May 26, 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 Committee on Finance and Taxation—  
House Bill No. 950:

A bill to be entitled An Act amending Sections 3, 13 and 33 of Chapter 20724, Laws of Florida, Acts of 1941, entitled: "An Act relating to taxation; defining and classifying intangible personal property for the purpose of taxation; providing for the assessment and valuation of intangible personal property for the purpose of taxation, and the levy and collection of taxes upon such intangible personal property; providing rates of taxation on the different classes thereof under Section 1, Article IX of the Constitution of the State of Florida; providing for making returns by persons owning intangible personal property and providing a penalty for failure to make such returns; prescribing the duties of the Tax Collector, Tax Assessor, Boards of County Commissioners and the Comptroller in connection therewith; providing for an appropriation for expenses; providing for the distribution of intangible personal property taxes and making appropriations thereof; and other provisions relating to intangible personal property, and repealing all laws in conflict herewith."

And respectfully requests the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 950, contained in the above Message, was read the first time by title only.

Senator Collins moved that the rules be waived and House Bill No. 950 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 950 was read the second time by title only.

Senator Collins moved that the rules be further waived and House Bill No. 950 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. 950 was read the third time in full.

Upon the passage of House Bill No. 950 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, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—34.

Nays—None.

So House Bill No. 950 passed, title as stated, 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 26, 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. Troxler and Curtis of Marion—  
House Bill No. 387:

A bill to be entitled An Act limiting the license tax which may be required of a citizen for the privilege of non-commercial fishing with poles and lines in the county of his or her residence.

And respectfully requests the concurrence of the Senate therein.

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

And House Bill No. 387, contained in the above Message, was read the first time by title only.

Senator Sturgis moved that the rules be waived and House Bill No. 387 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 387 was read the second time by title only.

Senator Sturgis moved that the rules be further waived and House Bill No. 387 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. 387 was read the third time in full.

Upon the passage of House Bill No. 387 the roll was called and the vote was:

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

Nays—Senator Carroll—1.

So House Bill No. 387 passed, title as stated, 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 26, 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 adopted:

By Mr. Avriett of Hamilton—  
House Concurrent Resolution No. 18:

WHEREAS, it has been brought to the attention of the members of the Legislature, that the basic Act now administered by the present State Welfare Board or that the State Welfare Board is not administering said Act efficiently, economically and without great criticism and confidence, and,

WHEREAS, this Legislature is not advised whether it is the basic Act as it now stands or whether it is the administration of said Act that has caused so much complaint and lack of confidence, and,

WHEREAS, in order that the State of Florida may participate to the fullest in Federal Grants of funds administered by the said State Welfare Board, and,

WHEREAS, it is absolutely essential that recipients under this program be assured the greatest sums possible from the monies appropriated and with the least expense, and,

WHEREAS, the proper study and investigation to set up a satisfactory basic welfare Act cannot be done in a short period of time and without great study, investigation and inquiry, and,

WHEREAS, an investigation of the present set up might be effective, and,

WHEREAS, the expense incident to such study, investigation and inquiry should result in substantial sums of money being saved for the actual recipients under the said program.

NOW THEREFORE BE IT RESOLVED by the House of Representatives the Senate Concurring:

Section 1. That a Committee of five members of the Legislature, three members of the House of Representatives and two members of the Senate, the said House members to be appointed by the Speaker of the House and the said Senate members to be appointed by the President of the Senate, to make such study, investigation and inquiry as will properly advise said committee as to whether or not the said present basic law is wrong, or whether the present law is not being administered economically and efficiently as was intended within the spirit of the Act.

Section 2. That said Committee shall be prepared to report to the 1945 session of the Legislature its findings with such recommendations and or such new basic law as will carry out the intention of the Legislature as is expressed in this resolution.

Section 3. There is hereby appropriated out of the Treasury of the State of Florida a sum of money to pay the necessary expenses of said study, investigation and preparation of such new basic law if found by the said Committee to be needed. Said sum to be for actual expenses of said Committee which shall serve without compensation but shall be entitled to actual expenses same to be paid by the Comptroller of the State of Florida upon requisition of the members of said Committee.

And respectfully request the concurrence of the Senate therein.

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

And House Concurrent Resolution No. 18, contained in the above Message, was read the first time in full and referred to the Committees on Welfare and Legislative Expenditures, jointly.

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

Tallahassee, Florida,  
May 27, 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. Crofton of Brevard—  
House Bill No. 841:

A bill to be entitled An Act relating to an airport and landing field in Brevard County; and to authorize and empower the municipalities of Titusville and Cocoa of said county, the Board of County Commissioners, as to the two most northern County Commissioners' Districts of said county, and Special Road and Bridge Districts Nos. 5, 6, 7 and 8 of said county to sponsor and participate in the acquisition, establishment, construction, maintenance, leasing and operation of an airport and landing field and approaches thereto and to use and share in the use of all the powers, rights and privileges conferred upon the several counties and municipalities of the State of Florida under the provisions of the County Airport Act, being Chapter 17708, Acts of 1937, Laws of Florida, and under the provisions of Chapter 20861, Laws of Florida, Acts of 1941, or any other General Law thereunto enabling, and to validate all Acts of said cities relating to such airport.

Proof of Publication attached.

And respectfully request the concurrence of the Senate therein.

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

And House Bill No. 841, contained in the above Message, was read the first time by title only.

Senator Housholder moved that the rules be waived and House Bill No. 841 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 841 was read the second time by title only.

Senator Housholder moved that the rules be further waived and House Bill No. 841 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. 841 was read the third time in full.

Upon the passage of House Bill No. 841 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. 841 passed, title as stated, 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 27, 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 Committee on General Appropriations—  
House Bill No. 912:

A bill to be entitled An Act to provide for the safeguarding, safekeeping and for the receipt and disbursement of public money; to prescribe the duties of county officers and State officers in connection herewith; and to repeal Sections 30.18, 144.08, 193.43, and 839.03, Florida Statutes, 1941, and all other laws in conflict therewith.

And respectfully request the concurrence of the Senate therein.

Respectfully,

WALTER P. FULLER,

Chief Clerk House of Representatives.

And House Bill No. 912, contained in the above Message, was read the first time by title only and referred to the Committee on Finance and Taxation.

Senator Black moved that a committee be appointed to escort Honorable John M. Coe, former member of the Senate from the 2nd Senatorial District, to a seat on the rostrum.

Which was agreed to.

The President appointed Senators Black, McKenzie and Upchurch as the committee.

Senator Graham moved that the rules be waived and the Senate take up and consider, out of its order, at this time, the motion made by him on May 26, 1943, to reconsider the vote by which Senate Bill No. 653 passed the Senate on May 26, 1943.

Senate Bill No. 653:

A bill to be entitled An Act to extend the employer's liability for compensation, medical and other benefits under the Florida Workmen's Compensation Law to certain occupational diseases; limiting and defining the diseases covered and extending the jurisdiction of the Florida Industrial Commission to such cases; and providing for the same practice and procedure as is prescribed by the Workmen's Compensation Law for determining the merits of claims for injuries by accident arising out of and in the course of the employment.

Which was agreed to by a two-thirds vote and the motion was taken up.

The President put the question.

Which was agreed to and the Senate reconsidered the vote by which Senate Bill No. 653 passed the Senate on May 26, 1943.

Pending roll call on Senate Bill No. 653, Senator Graham moved that Senate Bill No. 653 be recommitted to the Committee on Labor and Industry.

Which was agreed to and it was so ordered.

Senator Mathews moved that the rules be waived and the Senate take up and consider House Bill No. 334, out of its order, at this time.

Which was agreed to by a two-thirds vote.

House Bill No. 334:

A bill to be entitled An Act to make unlawful any lewd, lascivious or indecent assault or act upon or in the presence of a child and providing punishment therefor.

Was taken up.

Senator Mathews moved that the rules be further waived and House Bill No. 334 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 334 was read the second time by title only.

Senator Mathews moved that the rules be further waived and House Bill No. 334 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. 334 was read the third time in full.

Upon the passage of House Bill No. 334 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. 334 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Franklin moved that Senate Joint Resolution No. 356, reported unfavorably by the Committee on Constitutional Amendments, be placed on the Calendar of Bills on Second Reading.

Which was agreed to and it was so ordered.

Senator Franklin moved that the rules be waived and the Senate take up and consider Senate Joint Resolution No. 356, out of its order, at this time.

Pending consideration of the motion made by Senator Franklin, Senator Sturgis, Chairman of the Committee on Constitutional Amendments, as required by the rule, moved that Senate Joint Resolution No. 356 be indefinitely postponed.

The question was put on the motion made by Senator Sturgis.

Which was agreed to and Senate Joint Resolution No. 356 was indefinitely postponed.

Senator Franklin moved that the rules be waived and the Senate take up and consider House Bill No. 346, out of its order, at this time.

Which was not agreed to.

Senator Maddox moved that Senate Bill No. 372 be recommitted to the Committee on County Organizations.

Which was agreed to and it was so ordered.

Senator Graham moved that House Bill No. 757 be recommitted to the Committee on Miscellaneous Legislation.

Which was agreed to and it was so ordered.

Senator Wilson moved that the rules be waived and the Senate take up and consider Senate Bill No. 106, out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 106:

A bill to be entitled An Act to amend Section 112.05, Florida Statutes, 1941, as amended by Chapter 20499, Laws of Florida, Acts of 1941, relating to the retirement of State officials or State employees.

Was taken up and read the second time in full.

Senator Wilson moved that the rules be further waived and Senate Bill No. 106 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. 106 was read the third time in full.

Upon the passage of Senate Bill No. 106 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Beacham, Cliett, Coleman, Franklin, Housholder, Johnson, McKenzie, Rose, Taylor, Upchurch, Wilson—15.

Nays—Senators Brewton, Clarke, Collins, Davis, Graham, Griner, Hinely, King, Lewis, Lindler, Maines, Mathews, Perdue, Sheldon, Shuler, Sturgis—16.

So Senate Bill No. 106 failed to pass.

Senator Coleman moved that Senate Bill No. 481 be recommitted to the Committee on Agriculture and Livestock.

Which was agreed to and it was so ordered.

Senator Cliett moved that the Senate do now proceed to the consideration of Executive Communications.

Which was agreed to.

And the Senate went into Executive Session at 12:57 o'clock P. M.

The Senate emerged from Executive Session at 1:36 o'clock P. M. and resumed its Session.

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.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 1:37 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 Welfare, to whom was referred:

House Bill No. 398:

A bill to be entitled An Act making it unlawful for any person to commit any act or omit the performance of any duty, which act causes or tends to cause or encourage any person under the age of eighteen years to become a delinquent or dependent child within the meaning of the Laws of Florida, or which act contributes thereto, or any person who shall, by act, or by threats, or commands, or persuasion, induce or endeavor to induce any such person, under the age of eighteen years, to do or to perform any act or to follow any course of conduct, or to so live as would cause or manifestly tend to cause any person under the age of eighteen years to become or to remain a delinquent or dependent child within the provisions of the Laws of Florida, shall be guilty of a misdemeanor.

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

Very respectfully,

J. EDWIN BAKER,

Chairman of Committee.

And House Bill No. 398, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Welfare, to whom was referred:

Senate Bill No. 656:

A bill to be entitled An Act to amend Section 415.10 of the Florida Statutes of 1941, fixing the duties and powers of Probation Officers.

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

Very respectfully,

J. EDWIN BAKER,

Chairman of Committee.

And Senate Bill No. 656, contained in the above report was laid on the table.

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 does not pass.

Very respectfully,

J. GRAHAM BLACK,

Chairman of Committee.

And Senate Bill No. 527, contained in the above report, was laid on the table.

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

Senate Bill No. 400:

A bill to be entitled An Act to amend Section 733.20, Subsection Four, Florida Statutes, 1941, known as "Class Four," so as to authorize the family allowance therein provided for undiminished by the fact that the widow has been allowed or is entitled to dower out of her husband's estate. And to provide for the granting of family allowance in cases where at the time of the death of the husband he was domiciled in some other State or foreign country, and his wife was residing or domiciled in Florida at the time of his death, where the husband left real or personal property in the State of Florida, and whether the said husband died testate or intestate, provided no separation agreement or settlement had been made by said husband with his wife, which amply provided for her maintenance and support.

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

Very respectfully,

J. GRAHAM BLACK,

Chairman of Committee.

And Senate Bill No. 400, contained in the above report, was laid on the table.

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

Senate Bill No. 654:

A bill to be entitled An Act to put into effect and operation Section 860.01 of the Florida Statutes, 1941.

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

Very respectfully,

J. GRAHAM BLACK,

Chairman of Committee.

And Senate Bill No. 654, 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. 602:

A bill to be entitled An Act to establish the Lake Mattie Conservation District in Polk County, Florida, and describing the lands to be included therein; declaring the purpose of the creation of the said district to be that of raising by artificial means the ground level of the water and the water table in a portion of Lake Mattie Marsh to be incorporated into said district so as to provide frost protection to citrus fruit groves located within the said district and along the southern rim thereof, and to provide additional water for the irrigation of groves, to create a Board of Commissioners of said district and to define the powers of said board; to authorize construction of dams, dikes, ditches, levees, spillways and other works necessary to maintain the water level in the said marsh at levels not higher than the normal high-water mark; to provide for the maintenance of the said district and for the levy of taxes on citrus fruit groves to be benefited by the creation of said district and to provide a method for the enforcement of the lien of such taxes; to provide for the adoption by the district of a plan of conservation and for a hearing on said plan before the Circuit Court, Polk County, Florida, for a finding and judgment by the said Circuit Court as to damages that might accrue to marsh lands in said district by carrying out the objects of the district; to authorize the said district to exercise the right of eminent domain for the purpose of acquiring property for the use of the district; to provide for a referendum election for the ratification and approval of this Act; and to prevent injury to any works constructed under this Act, and to provide a penalty for violating such provisions.

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

Very respectfully,

K. GRINER,

Chairman of Committee.

And Senate Bill No. 602, 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. 663:

A bill to be entitled An Act for the issuance of diplomas to all high school pupils in the public schools of the State of Florida which pupils have entered upon the military service of the United States and who at the time of their entry into such service were in good scholastic standing and who have completed at least two years of high school; and providing the conditions upon which certain colleges and universities in the State of Florida shall admit such applicants possessing such diplomas as students in such colleges and universities.

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

Very respectfully,

K. GRINER,  
Chairman of Committee.

And Senate Bill No. 663, contained in the above report, was certified to the House of Representatives.

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

Senate Bill No. 515:

A bill to be entitled An Act to amend An Act entitled "An Act creating in the City of Tampa a system of pensions for disability and retirement from service of members of police and fire departments employed by appointment or otherwise in said department in said city, and to provide a fund in said city to be known as the City Pension Fund for Firemen and Policemen and providing further for the creation of a Board of Trustees in said city, prescribing the powers and duties of such board, providing for the payment of certain sums to all persons employed in the Fire and Police Departments in said city as shall have retired, and have been retired and their dependents, to further prescribe the qualifications as to who shall be eligible and who shall receive a pension under this Act; providing for the investment and safekeeping of the funds created under this Act, providing for the regulation of the subject of pensions to all persons entitled to receive the same and to provide rules and regulations for the administration of the fund created hereunder; providing for the levy of ad valorem and excise taxes for said Pension Fund; and providing for the enforcement of this Act," being Chapter 21,590, Laws of Florida, Acts of 1941, by amending Section Seven (7), Paragraph (A) thereof so as to provide for the retirement of any member of the Fire or Police Department of the City of Tampa who was employed at the time of the enactment of Chapter 17164, Laws of Florida, Acts of 1935, by appointment or otherwise in said departments of said city and who has twenty (20) years of actual service therein, and the payment to such member of the sum of \$100.00 per month; to provide for the preservation of retirement rights and privileges of members who, since December 7, 1941, enlist or are called into active military service of the armed forces of the United States of America and for the payment by such member into the Pension Fund of 2% of his last monthly salary for the full period of time of such active military service; to provide that the period of active military service shall be deemed continuous actual service in the Police or Fire Departments of said city for purposes of computation to determine whether a member is entitled to retirement under this Act; to provide for restoration of a member to his former position upon release from active military service; and repealing conflicting laws.

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

Very respectfully,

K. GRINER,  
Chairman of Committee.

And Senate Bill No. 515, 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. 670:

A Joint Resolution proposing an amendment to Article VII, Section 3, of the Constitution of the State of Florida,

relative to census and apportionment, by amending Section 3 of said Article so as to designate Osceola and Okeechobee Counties as a Senatorial District, designate Broward County as a Senatorial District and designate Calhoun and Gulf Counties as a Senatorial District.

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

Very respectfully,

K. GRINER,  
Chairman of Committee.

And Senate Bill No. 670, contained in the above report, was certified to the House of Representatives.

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

Senate Bill No. 254:

A bill to be entitled An Act imposing additional twenty cents per gallon excise tax upon fortified wines, in addition to taxes imposed upon wines by Section 2 of Chapter 20830, Laws of Florida, Acts of 1941; appropriating ten cents per gallon of all excise taxes levied and payable by Chapter 20830, Laws of Florida, Acts of 1941, and the additional taxes levied by this Act for aid to dependent children; prohibiting the sale of mixed drinks by beer and wine vendors; amending Section 561.47, Florida Statutes, 1941, relating to sale of stamps and providing for a discount; repealing Chapter 20829, Laws of Florida, Acts of 1941; all pertaining to the beverage laws.

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

Very respectfully,

K. GRINER,  
Chairman of Committee.

And Senate Bill No. 254, contained in the above report, was referred to the Committee on Enrolled Bills.

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

House Bill No. 589:

A bill to be entitled An Act forbidding the defense of voluntary payment in any court in the State of Florida, where, by the terms of the contract, the payment sought to be recovered could not have been lawfully demanded by the person receiving it.

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.

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.

House Bill No. 734:

A bill to be entitled An Act creating a Small Claims Court in each county in the State of Florida having a population of 260,000 or more, according to the last State or Federal census whichever may be the later; prescribing the jurisdiction of said court; providing for the Justice of the Peace to be the Judges of said Court; providing for the pleading, practice and service of Notice of proceeding therein; providing for a Clerk and prescribing their duties.

House Bill No. 790:

A bill to be entitled An Act relating to Eagle Bay Sub-drainage District, a drainage district organized and existing under the Laws of Florida and embracing certain lands in Okeechobee County, Florida; cancelling 1942 taxes of the district against certain lands and exempting said lands from further district taxes; permitting landowners at their option to pay district's taxes direct to Treasurer of the district, providing for record to be made thereof and fee to be paid tax collector in connection therewith, ratifying, confirming and validating certain Acts of the Board of Supervisors, Officers and Receiver of the district.

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. 33:

A bill to be entitled An Act to cancel and discharge tax sale certificates Nos. 243, 244, 245 and 1344, sales of 1938, and tax liens for State and County taxes now outstanding and unpaid through the year 1940, the said tax sale certificates covering certain property described therein located in Sections 37, 38, 39, 40 and 41, in Township 2 South, Range 30 West, in Escambia County, Florida.

Senate Bill No. 33:

A bill to be entitled An Act authorizing, empowering and directing the State of Florida, through the Trustees of the Internal Improvement Fund, to convey to any municipality, county or Board of Public Instruction of the State of Florida, for public purposes, without consideration and without sale, any lands the title to which vested in the State of Florida pursuant to Chapter 18296, Laws of Florida, Acts 1937 Legislature; providing that request for such conveyance shall be evidenced by certified copy of Resolution of Board of County Commissioners or County Board of Public Instruction, as the case may be, setting forth the public purpose to which said lands shall be devoted.

Senate Bill No. 91:

A bill to be entitled An Act to provide for the relief of the Palmer National Bank and Trust Company of Sarasota, Florida, by providing for the reimbursement to it of payments made by said bank to the Tax Collector of Sarasota County, Florida, under assessments levied for the years 1930 to 1940, both inclusive, upon the tangible personal property of said bank.

Senate Bill No. 214:

A bill to be entitled An Act authorizing the Governor of the State of Florida, upon the request of the Board of County Commissioners of any county in the State of Florida with the population in excess of 50,000, to appoint and detail to service in such county one additional Assistant State Auditor for the purpose of continuously examining and auditing the offices, records and accounts of all the county officials, boards and other public institutions of said county, except municipalities; the county in such cases paying the compensation of such additional Assistant State Auditor so appointed and detailed, and authorizing the State Auditor to employ additional Assistant State Auditors so appointed.

Senate Bill No. 360:

A bill to be entitled An Act fixing the compensation and mileage of County Commissioners in counties having a population of not less than 74,000 and not more than 80,000 by the last preceding Federal census.

Senate Bill No. 412:

A bill to be entitled An Act to amend Chapter 20061, Laws of Florida, entitled: An Act providing a pension system for certain officers and employees of the City of Pensacola, Florida; creating a Pension Board of said city; providing pensions for retired and disabled officers and employees of said city; creating a Retirement Fund and making provision for contributions into same by officers and employees of said city and for payments to pensioners from same; providing for the investment of funds held in such Retirement Fund; providing that the provisions of this Act shall not affect present pensioners; and repealing all laws in conflict with the provisions of this Act.

Senate Bill No. 494:

A bill to be entitled An Act fixing the final date for qualification of candidates for the Legislature of the State of Florida

in counties having a population of not less than 31,000 and not more than 31,300, according to the last Federal census.

Senate Bill No. 510:

A bill to be entitled An Act to declare, designate and establish a certain State road.

Senate Bill No. 558:

A bill to be entitled An Act to amend Section 32 of Chapter 21,368, Acts of 1941, relating to the removal of the City Manager of the City of Marianna.

Senate Bill No. 561:

A bill to be entitled An Act fixing the compensation of members of the Boards of County Commissioners in all counties of the State of Florida having a population of not less than thirty-four thousand and not more than thirty-five thousand according to the last preceding Federal census, and designating the fund out of which such compensation shall be paid.

Senate Bill No. 579:

A bill to be entitled An Act to amend Section 5 of Chapter 15467—(No. 829) of the Special Acts of the Legislature of Florida, Regular Session of 1931, entitled "An Act to abolish the present municipal corporation of the City of Lake Jovita, Pasco County, Florida, and to create and establish a new municipal corporation in said county to be known as the City of San Antonio, Florida; fixing the boundaries and prescribing the powers and jurisdiction thereof and providing that said city hereby created shall operate under the General Laws of the State of Florida as its charter, except as herein otherwise mentioned; providing that the property, uncollected taxes, dues and other assets of the municipality hereby abolished shall pass to and be vested in the municipal corporation hereby created and established; that the ordinances of the former municipality shall be and remain the ordinances of the new municipality until amended or repealed; and that the contracts and obligations of the former municipality shall be and remain obligations of the municipality hereby established," by making the offices of Clerk, Tax Collector, Tax Assessor and Marshal appointive instead of elective, and by empowering the Tax Assessor to fix valuations of property for city assessment purposes independent and regardless of the valuation of the same property for assessment purposes fixed by the County Tax Assessor; and providing for a referendum.

Senate Bill No. 582:

A bill to be entitled An Act authorizing the City of Winter Haven, Florida, to provide by ordinance for the enforcement of collection of its ad valorem taxes on personal property in manner similar to that provided by law for the enforcement of collection of county ad valorem taxes on personal property.

Senate Bill No. 584:

A bill to be entitled An Act providing for the eligibility of Manuel Onis to participate as a member of the Fire 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 Act; requiring the Board of Trustees administering said fund to list the name of Manuel Onis among the names of those eligible to participate in said benefits; requiring the City of Tampa to enter into a contract with the said Manuel Onis 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.

Senate Bill No. 589:

A bill to be entitled An Act to amend Section 1 of Chapter 17693, Special Acts of the Legislature, of Florida, 1935, the same being entitled, "An Act to provide for the examination and selection of persons employed by the City of Wauchula in the operation of its Light, Water and Fire Departments; to confirm the qualifications of all persons now employed in said department; to provide a commission for the purpose of securing applications and conducting an examination of applicants for employment in said departments, and providing for the discharge of employees in said departments for cause only, and for a method of preferring charges and conducting hearings thereon." Creating the Office of Chief of Fire Department of the City of Wauchula; providing for the election of Chief of the Fire Department of the City of Wauchula by the qualified electors of said city and prescribing the powers and duties of said Chief of Fire Department, and providing for the salary to be paid such officer.

## Senate Bill No. 590:

A bill to be entitled An Act approving, confirming and validating all adjustments, compromises, discounts, reductions, abatements, waivers, releases, discharges or refunds of taxes and delinquent tax certificates on real and personal property, and assessments and improvement liens, including interest, costs and penalties thereon, levied and assessed upon property in the Town of Umatilla, Florida, heretofore effected, made and allowed by the Town Council of the Town of Umatilla, Florida, and/or by the officers and governing authorities of said town, in the collection of said taxes, tax certificates, assessments and improvement liens, providing for the effective date of such law and for the repeal of all laws or parts of laws in conflict therewith.

## Senate Bill No. 597:

A bill to be entitled An Act providing for the members of the Board of County Commissioners and members of the Board of Public Instruction of Hamilton County, Florida, to receive a compensation of \$40.00 per month and in addition thereto to receive the sum of \$40.00 per year for their travel expense.

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 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.

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

## 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.

## House Bill No. 311:

A bill to be entitled An Act providing for the designation and marking of certain trees; providing that title to said trees shall not pass by conveyance or transfer of the real estate on which same are located; requiring the owner to expressly exclude said trees from any deed or conveyance of the real estate on which same are located; providing a penalty for cutting or destroying a seed tree. Defining the duties of the Commissioner of Agriculture of Florida and the Florida Board of Forestry and Parks in connection therewith.

## House Bill No. 678:

A bill to be entitled An Act providing for cancellation of all unpaid State and county taxes and all outstanding State or county owned tax certificates on certain real estate in the City of Tarpon Springs, Florida, owned by said city and dedicated to public use.

## House Bill No. 747:

A bill to be entitled An Act creating the office of Motor Vehicle Tag Agent in all counties of this State having a population of not less than 14,240 nor more than 14,260, according to the last preceding State or Federal census, and providing for the appointment, powers, duties, and compensation of such agent.

## House Bill No. 783:

A bill to be entitled An Act defining the nets which may be used in taking mullet in the counties of the State of Florida bordering on the Gulf of Mexico and having a population of not less than thirteen thousand and not more than fourteen thousand according to the last preceding Federal Census.

## House Bill No. 793:

A bill to be entitled An Act to designate and establish a certain State Road and Highway in Volusia County, Florida,

declaring the same to be a part of the System of State Highways and providing for the survey, location and numbering thereof by the State Road Department of Florida.

## House Bill No. 796:

A bill to be entitled An Act to amend Sections 6, 10 and 11 of Chapter 9692, Laws of Florida, Acts of 1923, entitled "An Act to incorporate the City of Bradenton, in Manatee County, Florida, and to provide for its government and prescribe its jurisdiction and powers and to abolish the present corporation of the City of Bradenton, in Manatee County, Florida."

## House Bill No. 798:

A bill to be entitled An Act fixing the compensation of the members of the Board of County Commissioners of St. Lucie County, Florida, at nine hundred dollars per year, each, payable in twelve equal payments out of and from the General Fund of said county, and repealing all laws and parts of laws in conflict herewith.

## House Bill No. 799:

A bill to be entitled An Act to provide for the exemption from all taxation against the property known as the United Service Organization Property, in Fort Pierce, St. Lucie County, Florida, more particularly described as Lot I and east 20 feet of Lot 2 of M. A. Tyler's Re-subdivision as per Plat Book I, page 169, of the Public Records of St. Lucie County, Florida, and the Mary Ann Sub-division as per said Public Records for the duration of the present National Emergency or so long as said properties are used by the Government of the United States of America, the United Service Organization or similar use or organization, whichever period of time is shorter.

## House Bill No. 809:

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.

## House Bill No. 825:

A bill to be entitled An Act re-designating and re-establishing State Road 175 in Wakulla County.

## House Bill No. 842:

A bill to be entitled An Act providing for and authorizing the Clerk of the Circuit Court, Orange County, Florida, to turn over and pay to the legal representatives of the estate of B. M. Robinson, former Clerk of the Circuit Court of Orange County, Florida, certain moneys in the sum of \$1647.03, proceeds of claims against the insolvent the State Bank of Orlando & Trust Co.

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. 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.

House Bill No. 932:

A bill to be entitled An Act for the relief of the Federation of Pan-American Clubs, Patriotic, Social, Benevolent, Fraternal, and Non-Profit Corporation, on account of taxes improperly and illegally collected from it by the City of Tampa, Florida, on real property owned and occupied by said Federation in Hillsborough County, Florida, and on account of City of Tampa, Florida, taxes for 1943 assessed and/or levied or to be assessed and/or levied against, and constituting or to constitute liens on real property situated in Hillsborough County, Florida, owned and occupied by said Federation, and directing the Tax Assessor of the City of Tampa, Florida, to exempt from taxation all property owned, occupied and used, at present or in the future, by said Federation in Hillsborough County, Florida.

House Bill No. 933:

A bill to be entitled An Act for the relief of the Federation of Pan-American Clubs, Patriotic, Social, Benevolent, Fraternal and Non-Profit Corporation, on account of 1943 State and County taxes assessed and/or levied or to be assessed and/or levied against, and constituting or to constitute liens on, real property owned and occupied by said Federation situated in Hillsborough County, and directing the Tax Assessor of Hillsborough County to exempt from taxation all property owned, occupied and used, at present or in the future, by said Federation in Hillsborough County, Florida.

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. 34:

A bill to be entitled An Act for the relief of Thelma B. Gibson.

Senate Bill No. 281:

A bill to be entitled An Act to require the approval of the State Budget Commission for the payment or agreement to pay any expenses, by any State Officer, Officers, or Board, under any law heretofore enacted or hereafter enacted, whereby a tax is imposed and authority is given for the expenditure of any portion of the revenue derived from such tax in the enforcement and collection thereof.

Senate Bill No. 520:

A bill to be entitled An Act regulating the issuance of licenses to individuals or corporations for the purpose of selling at retail any beverage containing more than twenty-five per cent of alcohol by weight or volume within the city limits of the City of Tampa; establishing the distance between such retail establishments and any school or church; establishing the distance between such places selling at retail; repealing all laws or parts of law in conflict with the provisions of this Act.

Senate Bill No. 525:

A bill to be entitled An Act to amend Chapter 14678 of the Acts of 1931 and Chapter 16884 of the Acts of 1935, relating to the powers and duties of the Duval County Budget Commission, and Chapter 20722 of the Acts of Florida

of 1941, relating to the Duval County Budget, vesting in the Duval County Budget Commission control over the budgets of all County Officers and all County Boards of Duval County, Florida, and repealing all conflicting laws including those requiring the Comptroller's approval of the budget.

Senate Bill No. 529:

A bill to be entitled An Act providing that Franklin J. Jones, a member of the Police Department of the City of Tampa, and entitled to participate in the City Pension Fund for Firemen and Policemen in the City of Tampa, and in all benefits thereof, shall in such participation receive credit for the entire time of his actual service, even though not continuous, rendered in the Fire Department of the City of Tampa, as well as for the time of his service rendered in the Police Department of the City of Tampa, as such times of such actual service are specified in this Act; and that in computing the time of actual service of said Franklin J. Jones to determine his eligibility to be retired on a pension as a member of said Police Department, the Board of Trustees of said City Pension Fund are hereby required to give him credit for and to compute, the aggregate of his time of actual service in both of said Departments; repealing all laws and parts of laws, general and special, in conflict with this Act, and providing when this Act shall take effect.

Senate Bill No. 530:

A bill to be entitled An Act providing that Joe Gonzalez, a former member of the Fire Department of the City of Tampa, shall be permitted to participate in the City Pension Fund for Firemen and Policemen in the City of Tampa, and in all benefits thereof, although he did not complete twenty-five years continuous actual service in the Fire Departments of the City of Tampa and the City of West Tampa; and that he shall receive from said City Pension Fund, in equal monthly installments, a certain pension during the remainder of his natural life, and at his death his widow, and child or children, shall receive all benefits of said City Pension Fund; repealing all laws and parts of laws, general and special, in conflict with this Act; and providing when this Act shall take effect.

Senate Bill No. 543:

A bill to be entitled An Act to amend Section 93 of the Charter of the City of Fernandina, Nassau County, Florida, the same being Chapter 8949, Laws of Florida, Special Acts of 1921; as amended by Chapter 19815, Laws of Florida, Special Acts of 1939.

Senate Bill No. 549:

A bill to be entitled An Act creating the position of Criminal Court Reporter in each county of the State of Florida having a population of not less than 95,000 nor more than 125,000 by the last census of such county whether made by the State or Federal Government in a regular or special census authorized by law, in which county there has been already or may hereafter be a Criminal Court of Record created by the Legislature and in which county there has not been already provided by law an official Criminal Court Reporter; providing a method of appointment of such Criminal Court Reporter, prescribing the term of such position, the duties thereof, and fixing the method of compensation of such position.

Senate Bill No. 557:

A bill to be entitled An Act to amend Chapter 21,368, Acts of 1941, by adding thereto Section 96-A, immediately following Section 96 thereof, and providing that the City Commission of the City of Marianna shall not be authorized to purchase, construct or condemn any facility to be used in supplying ice, water service or electric service in the City of Marianna without first having the approval of the qualified electors of said city.

Senate Bill No. 560:

A bill to be entitled An Act to relieve the members of the Board of County Commissioners of Jackson County, Florida, from liability accruing against them by virtue of being overpaid for the years 1940, 1941, 1942 and 1943.

Senate Bill No. 569:

A bill to be entitled An Act directing the Board of County

Commissioners and 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.

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.

Senate Bill No. 612:

A bill to be entitled An Act making it unlawful for any person to take from any of the waters of St. Johns County Florida, salt water trout between the fifteenth of June and the fifteenth of August of each year.

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 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.

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

House Bill No. 589:

A bill to be entitled An Act forbidding the defense of voluntary payment in any court in the State of Florida, where, by the terms of the contract, the payment sought to be recovered could not have been lawfully demanded by the person receiving it.

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.

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.

House Bill No. 734:

A bill to be entitled An Act creating a Small Claims Court in each county in the State of Florida having a population of 260,000 or more, according to the last State or Federal census whichever may be the later; prescribing the jurisdiction of said court; providing for the Justice of the Peace to be the Judges of said Court; providing for the pleading, practice and service of Notice of proceeding therein; providing for a Clerk and prescribing their duties.

House Bill No. 790:

A bill to be entitled An Act relating to Eagle Bay Sub-drainage District, a drainage district organized and existing under the Laws of Florida and embracing certain lands in Okeechobee County, Florida; cancelling 1942 taxes of the district against certain lands and exempting said lands from further district taxes; permitting landowners at their option to pay district's taxes direct to Treasurer of the district, providing for record to be made thereof and fee to be paid tax collector in connection therewith, ratifying, confirming and validating certain Acts of the Board of Supervisors, Officers and Receiver of the district.

Beg leave 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.

Senator Mathews moved that the rules be waived and the Senate take up and consider House Bill No. 371, out of its order, at this time.

Which was agreed to by a two-thirds vote.

House Bill No. 371:

A bill to be entitled An Act relating to the removal of disabilities of married women, prescribing the jurisdiction of Circuit Courts with reference thereto, providing the procedure therefor, and repealing Sections 62.27 to 62.31, inclusive, Florida Statutes, 1941, and all other laws or parts of laws in conflict with this Act.

Was taken up and read the second time in full.

Senator Mathews moved that the rules be further waived and House Bill No. 371 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. 371 was read the third time in full.

Upon the passage of House Bill No. 371 the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Baker, Barringer, Black, Brewton, Carroll, Clarke, Cliett, Coleman, Collins, Davis, Franklin, Graham, Hinely, King, Lewis, Maines, Mathews, Perdue, Rose, Shands, Sheldon, Shuler, Taylor, Upchurch, Wilson—27.

Nays—Senators Griner, Lindler, Maddox—3.

So House Bill No. 371 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Sheldon moved that Senate Bill No. 473 be withdrawn from the Committee on Judiciary "A" and placed on the Calendar of Bills on Second Reading.

Which was agreed to and it was so ordered.

Senator Sheldon moved that the rules be waived and the Senate do now reconsider the vote by which Senate Bill No. 663 failed to pass the Senate on May 26, 1943.

Senate Bill No. 663:

A bill to be entitled An Act providing for the issuance of diplomas to all high school pupils in the public schools of the State of Florida which pupils have entered upon the military service of the United States and who at the time of their entry into such service were in good scholastic standing and who have completed at least one year of high school; and providing the conditions upon which certain colleges and universities in the State of Florida shall admit such applicants possessing such diplomas as students in such colleges and universities.

Which was agreed to by a two-thirds vote.

And the Senate reconsidered the vote by which Senate Bill No. 663 failed to pass the Senate on May 26, 1943.

Pending roll call on the passage of Senate Bill No. 663, by unanimous consent, Senator Sheldon offered the following amendment to Senate Bill No. 663:

In Section 1, line 5 (typewritten bill), strike out the words: "one year," and insert in lieu thereof the following: "two years."

Senator Sheldon moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent Senator Sheldon also offered the following amendment to Senate Bill No. 663:

In Title, line 7 (typewritten bill), strike out the words: "one year," and insert in lieu thereof the following: "two years."

Senator Sheldon moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

By unanimous consent Senator Sheldon also offered the following amendment to Senate Bill No. 663:

In Section 1, line 7 (typewritten bill), strike out the words after the words "United States," and insert the following: "and continued in such service during the time he would have normally spent in the completion of his high school education."

Senator Sheldon moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Upon the passage of Senate Bill No. 663, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Baker, Beacham, Black, Clarke, Cliett, Coleman, Collins, Graham, Griner, Hinely,

Johnson, King, Lewis, Maddox, Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Taylor, Upchurch—25.

Nays—Senators Barringer, Brewton, Carroll, Davis, Franklin, Lindler, McArthur, Sturgis, Wilson—9.

So Senate Bill No. 663 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Sheldon moved that the rules be waived and the Senate take up and consider House Bill No. 475, out of its order, at this time.

Which was agreed to by a two-thirds vote.

House Bill No. 475:

A bill to be entitled An Act to amend Sections 443.03 to 443.06, inclusive, of Chapter 443, Florida Statutes, 1941, as amended by Chapter 20,685, Laws of Florida, Acts of 1941, and known as the "Florida Unemployment Compensation Law," relating to definitions, payment of benefits, benefit eligibility conditions, and disqualifications for benefits by providing for a revision of the base period; by clarifying the definition of employment; by defining casual labor; by defining other employing units as employers; by clarifying the definition of wages; by revising the duration of benefits; by extending the rights of persons called into the military service; by clarifying the definition of seasonal employment and including canning of fresh citrus fruits as seasonal employment; by revising the definition of seasonal worker; by revising earning requirements for eligibility; by excepting claims filed prior to July 1, 1943, until the expiration of the benefit year, and by revising the disqualification provisions and repealing all laws in conflict herewith and making this Amendatory Act effective July 1, 1943.

Was taken up.

Senator Sheldon moved that the rules be further waived and House Bill No. 475 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 475 was read the second time by title only.

The Committee on Labor and Industry offered the following amendment to House Bill No. 475:

In Section 3, line 17, page 16 (typewritten bill) strike out the words: "(3) he is able to work and is available for work" and insert in lieu thereof the following: "(3) He is able to work and is available for work. Provided, however, that this section shall not be construed to deny benefits to any otherwise eligible individual who by reason of pregnancy of such individual is unable to work for a period of 30 days preceding confinement or for a period of 60 days immediately succeeding the period of confinement; nor shall this provision be construed to deny benefits by reason of any voluntary separation from employment because of pregnancy."

Senator Sheldon moved the adoption of the amendment.

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

Senator Beall offered the following amendment to House Bill No. 475:

In Section 1, line 9, page 11 (typewritten copy) add the following sentence:

"Provided, however, the employing unit may recover from such contractor or sub-contractor any contributions paid by the employing unit on account of remuneration received by the individuals in the service of the contractor or sub-contractor."

Senator Wilson moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Graham offered the following amendment to House Bill No. 475:

In Section 4, paragraph 1, line 21, page 20 (printed bill), strike out the word "twice" and insert the following: "ten times."

Senator Graham moved the adoption of the amendment.

Pending adoption of the amendment offered by Senator Graham to House Bill No. 475, Senator Sheldon offered the following substitute amendment for the amendment offered by Senator Graham to House Bill No. 475:

In Section 4, line 21, page 20 (typewritten bill), strike out the words: "Twice his weekly benefit amount" and insert the following: "Two to ten times his weekly benefit amount as determined by the Commission in each case."

Senator Sheldon moved the adoption of the substitute amendment for the amendment offered by Senator Graham.

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

The question recurred on the adoption of the foregoing amendment offered by Senator Graham to House Bill No. 475.

Which was agreed to and the amendment was adopted.

Senator Graham also offered the following amendment to House Bill No. 475:

In Section 4, paragraph 2, page 21, line 6, (typewritten bill), strike out the word "twice" and insert the following: "ten times".

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Graham also offered the following amendment to House Bill No. 475:

In Section 4, paragraph 2, page 21, line 14, (typewritten bill), at the end of sub-paragraph (a) add the following: "Provided, however, that the position which an individual has left voluntarily without good cause, attributable to the employer, shall be deemed to be suitable employment and any individual who is either unable, unwilling or not available to continue at or return to such suitable employment, if same is available, shall be ineligible for unemployment benefits as provided in paragraph one of this section."

Senator Graham moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator King offered the following amendment to House Bill No. 475:

In Section 2, page 18, lines 14 and 15, strike out the words "each calendar quarter" and insert the following: "each of three separate calendar quarters".

Senator King moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Graham offered the following amendment to House Bill No. 475:

In Section 4, page 23, line 12, (typewritten bill), add an additional sub-paragraph (7) as follows, to-wit:

"(7) During the present National war emergency for the period of unemployment immediately following his refusal to accept work which has been classified as "essential" to the war effort by the appropriate Federal agency or by the Commission, and for which such individual is reasonably qualified, and provided that the wages offered for such work are reasonably comparable to the average earnings of such individual during the 12-months period immediately preceding the termination date of his most recent employment and are reasonably comparable to wages paid for similar work in the community where such offered work is available; provided, further, that this disqualification shall apply only where the work has been offered through an employment office handling benefit claims for the Commission, the Commission, or an employer who has advised the Commission in writing of such offer and refusal within twenty-four hours of such refusal.

Senator Graham 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. 475, 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. 475, as amended, was read the third time in full.

Upon the passage of House Bill No. 475, as amended, the roll was called and the vote was:

Yeas—Mr. President; Senators Adams, Barringer, Beacham, Carroll, Clarke, Cliett, Collins, Davis, Graham, Griner, Hinely, Lewis, Lindler, Maddox, Maines, Mathews, McArthur, McKenzie, Shands, Shuler, Sturgis, Taylor, Upchurch, Wilson—25.

Nays—Senators Baker, Brewton, Franklin, King, Perdue, Rose, Sheldon—7.

So House Bill No. 475 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

Senator McArthur moved that Senate Bill No. 667 be with-

drawn from the Committee on Forestry and Parks and placed on the Calendar of Bills on Second Reading.

Which was agreed to and it was so ordered.

Senator Maines moved that the rules be waived and the Senate take up and consider Senate Bill No. 358, out of its order, at this time.

Which was agreed to by a two-thirds vote.

Senate Bill No. 358:

A bill to be entitled An Act amending Section 205.63, Florida Statutes, 1941, relating to license taxes to be imposed upon coin operated machines operated for amusement and coin operated vending machines.

Was taken up.

Senator Maines moved that the rules be further waived and Senate Bill No. 358 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 358 was read the second time by title only.

Senator Maines offered the following amendment to Senate Bill No. 358:

Strike out all of Sections 1 and 2 and insert in lieu thereof the following:

Section 1. Section 205.63, Florida Statutes, 1941, is hereby amended to read as follows:

"205.63 Vending Machines.—Every person who operates for profit any machine, contrivance, or device which is set in motion or made or permitted to function by the insertion of a coin or slug, shall pay a license tax of fifty dollars for each machine, contrivance or device; provided that when any merchandise vending machine is located in and operated only in a place of business for which a license has been duly issued for trading, buying, bartering, serving or selling tangible personal property under this or other law of this State the license tax thereon shall be five dollars for each machine, contrivance, or device; provided that when any machine, contrivance, or device as described herein operates by the insertion of a penny the license tax thereon shall be one dollar for each machine, contrivance, or device. This section shall license all coin operated machines, contrivances or devices operated for amusement and that do not dispense any form of prize or reward, but shall not be construed to authorize the use of any machine, contrivance or device for gambling or as a game of chance. No license shall be required on coin operated parcel checking lockers, machines dispensing sanitary napkins, and toilet locks used in railroad, bus, airport stations, or depots, and in hotels, boarding houses, restaurants, and rest rooms for the convenience of, and in rendering service to the public or maintained by business establishments for the convenience of their patrons and employees, nor on penny operated vending machines located in licensed places of business and dispensing only nuts, citrus juice and other food products."

Section 2. The license taxes collected by the State of Florida under this section are hereby allocated as follows:

(a) Fifty per cent to the State Welfare Board to be used for the payment of Old Age Assistance.

(b) Fifty per cent to the State Welfare Board to be used for the payment of grants for Aid to Dependent Children.

Senator Maines moved the adoption of the amendment.

Pending adoption of the amendment offered by Senator Maines to Senate Bill No. 358, Senator Davis offered the following amendment to the amendment offered by Senator Maines to Senate Bill No. 358:

In Section 1, line 6, (typewritten bill) strike out the word: "Fifty" and insert in lieu thereof the following: "Twenty-five".

Senator Davis moved the adoption of the amendment to the amendment offered by Senator Maines.

Which was agreed to and the amendment to the amendment was adopted.

Pending adoption of the amendment, as amended, offered by Senator Maines to Senate Bill No. 358, Senator Mathews offered the following substitute amendment for the amendment, as amended, offered by Senator Maines to Senate Bill No. 358:

Strike out everything after the enacting clause in the typewritten bill and insert the following:

Section 1. Section 19 of Chapter 20956, Laws of Florida, Acts of 1941 (205.63 Florida Statutes, 1941), is hereby amended to read as follows:

"Section 19. Every person who operates for profit any machine, contrivance, or device which is set in motion or made or permitted to function by the insertion of a coin or slug, shall pay a license tax of \$5.00 for each machine, contrivance, or device; provided that when any merchandise vending machine is located in and operated only in a place of business for which a license has been duly issued for trading, buying, bartering, serving or selling tangible personal property under this or other law of this State the license tax thereon shall be \$2.00 for each machine, contrivance, or device; provided that when any machine, contrivance, or device as described herein operates by the insertion of a penny, the license tax thereon shall be fifty cents for each machine, contrivance, or device; provided that the license tax on each coin operated phonograph shall be \$10.00. This section shall license all coin operated games and devices operated for amusement and that do not dispense any prize or reward but shall not be construed to authorize the use of any machine, contrivance or device for gambling. No license shall be required on coin operated parcel checking lockers and toilet locks, used in railroad, bus, or airport stations or depots, and in hotels, boarding houses, restaurants, and rest rooms for the convenience of, and in rendering service to the public, nor on penny operated vending machines located in licensed places of business and dispensing only nuts, citrus juice and other food products.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect on becoming a law, provided that licenses theretofore issued shall remain in force until their expiration date without an additional license being required.

Senator Mathews moved the adoption of the substitute amendment for the amendment, as amended.

Upon which a roll call was demanded.

Upon call of the roll on the adoption of the substitute amendment offered by Senator Mathews for the amendment, as amended, offered by Senator Maines to Senate Bill No. 358, the roll was called and the vote was:

Yeas—Senators Beacham, Clarke, Coleman, Collins, Griner, Lindler, Mathews, McArthur, Upchurch—9.

Nays—Mr. President; Senators Adams, Baker, Barringer, Black, Brewton, Carroll, Cliett, Davis, Franklin, Graham, Hinely, Housholder, Lewis, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—25.

So the substitute amendment offered by Senator Mathews for the amendment, as amended, offered by Senator Maines to Senate Bill No. 358, failed of adoption.

Senator Sturgis offered the following amendment to the amendment, as amended, offered by Senator Maines to Senate Bill No. 358:

In Section 1, line 11, strike out the word: "five," and insert in lieu thereof the following: "two."

Senator Sturgis moved the adoption of the amendment to the amendment, as amended.

Which was agreed to and the amendment to the amendment, as amended, was adopted.

Senator Sturgis also offered the following amendment to the amendment, as amended, offered by Senator Maines to Senate Bill No. 358:

In Section 1, line 15, strike out the words: "one dollar," and insert in lieu thereof the following: "fifty cents."

Senator Sturgis moved the adoption of the amendment to the amendment, as amended.

Which was agreed to and the amendment to the amendment, as amended, was adopted.

Senator Collins offered the following amendment to the amendment, as amended, offered by Senator Maines to Senate Bill No. 358:

At the end of Section 1 (typewritten bill), strike out the words: "Provided no tax shall be charged upon any device which is operated by a religious or charitable organization without profit to the owner."

Senator Collins moved the adoption of the amendment to the amendment, as amended.

Which was agreed to and the amendment to the amendment, as amended, was adopted.

The question recurred on the adoption of the amendment, as amended, offered by Senator Maines to Senate Bill No. 358.

Which was agreed to and the amendment, as amended, offered by Senator Maines to Senate Bill No. 358 was adopted.

Senator Maines moved that the rules be further waived and Senate Bill No. 358, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 358, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 358, 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, Hinely, Housholder, King, Lewis, Lindler, Maddox, Maines, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Wilson—32.

Nays—Senators Mathews, McArthur, Upchurch—3.

So Senate Bill No. 358 passed, as amended, and was referred to the Committee on Engrossed Bills.

Senator Carroll moved that the rules be waived and when the Senate adjourns tomorrow, May 28, 1943, it adjourn to reconvene at 3:00 o'clock P. M., Monday, May 31, 1943.

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

By permission the following Bills were introduced:

By Senator Adams—

Senate Bill No. 678:

A bill to be entitled An Act providing additional compensation for certain County Commissioners.

Which was read the first time by title only.

Senator Adams moved that the rules be waived and Senate Bill No. 678 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 678 was read the second time by title only.

Senator Adams moved that the rules be further waived and Senate Bill No. 678 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. 678 was read the third time in full.

Upon the passage of Senate Bill No. 678 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. 678 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Hinely—

Senate Bill No. 679:

A bill to be entitled An Act to authorize the Comptroller to collect and remit to the Federal Government, Federal Victory and Income Taxes withheld from State Employees, and making appropriation thereof.

Which was read the first time by title only.

Senator Hinely moved that the rules be waived and Senate Bill No. 679 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 679 was read the second time by title only.

Senator Hinely moved that the rules be further waived and Senate Bill No. 679 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. 679 was read the third time in full.

Upon the passage of Senate Bill No. 679 the roll was called and the vote was:

Yeas—Mr. President; Senators Baker, Barringer, Beacham, Brewton, Clarke, Cliett, Coleman, Collins, Franklin, Graham, Griner, Hinely, Housholder, King, Lewis, Lindler, Maddox,

Maines, Mathews, McKenzie, Perdue, Rose, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—30.

Nays—None.

So Senate Bill No. 679 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Johnson—

Senate Bill No. 680:

A bill to be entitled An Act to provide for the reimbursement of Phil Roberts, County Commissioner of Hardee County, Florida, for loss of salary in consequence of his suspension from office by the Governor of the State of Florida, under Section 15 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 Cliett moved that the rules be waived and Senate Bill No. 680 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 680 was read the second time by title only.

Senator Cliett moved that the rules be further waived and Senate Bill No. 680 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. 680 was read the third time in full.

Upon the passage of Senate Bill No. 680 the roll was called and the vote was:

Yeas—Mr. President; Senators Baker, Barringer, Beacham, Black, Brewton, Carroll, Cliett, Coleman, Collins, Davis, Franklin, Graham, Griner, Hinely, Housholder, King, Lindler, Maddox, Maines, Mathews, McKenzie, Perdue, Shands, Sheldon, Shuler, Sturgis, Taylor, Upchurch, Wilson—30.

Nays—None.

So Senate Bill No. 680 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Sheldon—

Senate Bill No. 681:

A bill to be entitled "An Act to provide for the payment of certain expenses of the office of State Attorney in Judicial Circuits of the State of Florida composed of only one county."

Which was read the first time by title only.

Senator Sheldon moved that the rules be waived and Senate Bill No. 681 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 681 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 681 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. 681 was read the third time in full.

Upon the passage of Senate Bill No. 681 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. 681 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Sheldon—

Senate Bill No. 682:

A bill to be entitled An Act to repeal Chapter 18149, Laws of Florida, Acts 1937, Legislature, being Sections 27.23 (2) and 27.28 respectively of Florida Statutes, 1941, entitled: "An Act to fix the annual salaries of all State Attorneys and Assistant State Attorneys in all Judicial Circuits of the State of Florida embracing not more than one county."

Which was read the first time by title only.

Senator Sheldon moved that the rules be waived and Senate Bill No. 682 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 682 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 682 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. 682 was read the third time in full.

Upon the passage of Senate Bill No. 682 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. 682 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Coleman—

Senate Bill No. 683:

A bill to be entitled An Act to repeal Chapter 18964, Laws of Florida, Acts of 1937, same being "An Act relating to the Public Free Schools of Volusia County, Florida; providing for permanent tenure of employment of teachers possessing certain qualifications, providing for dismissal of, or refusal to employ such teachers for certain causes, and prescribing procedure for hearings on dismissal charges, providing for appeal to State Board of Education and requiring the State Board of Education to prescribe rules and regulations for the appeal" and Chapter 20187, Laws of Florida, Acts of 1939, same being "An Act to amend Sections 1 and 3 of Chapter 18964, Laws of Florida, 1937, entitled 'An Act relating to the Public Free Schools of Volusia County, Florida; providing for permanent tenure of employment of teachers possessing certain qualifications; providing for dismissal of, or refusal to employ such teachers for certain causes, and prescribing procedure for hearings on dismissal charges; providing for appeal to State Board of Education and requiring the State Board of Education to prescribe rules and regulations for the appeal.'" and providing for a referendum to make this Act effective.

Which was read the first time by title only.

Senator Coleman moved that the rules be waived and Senate Bill No. 683 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 683 was read the second time by title only.

Senator Coleman moved that the rules be further waived and Senate Bill No. 683 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. 683 was read the third time in full.

Upon the passage of Senate Bill No. 683 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. 683 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Franklin—

Senate Bill No. 684:

A bill to be entitled An Act providing for the cancellation of penalties, interests and costs levied, assessed or imposed upon property situated within Iona Drainage District in Lee County, Florida; prescribing duties in connection therewith of the Supervisors of said District, or their successors in office, and prescribing a limitation within which such penalties, interests and costs shall be cancelled.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate

Bill No. 684 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 Franklin moved that the rules be waived and Senate Bill No. 684 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 684 was read the second time by title only.

Senator Franklin moved that the rules be further waived and Senate Bill No. 684 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. 684 was read the third time in full.

Upon the passage of Senate Bill No. 684 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. 684 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Sheldon—

Senate Bill No. 685:

A bill to be entitled An Act to remove and eliminate from the territory comprising the Golf View-Parkland Special Sanitary District as established under Chapter 18551, Laws of Florida Acts of 1937, that portion thereof described as "that part of revised map of Southland bounded on the east by Himes Avenue, on the south by Morrison Avenue, on the west by Sterling Avenue, and on the west and north by Henderson Boulevard" in Hillsborough County; and to cancel and discharge all assessments and liens heretofore imposed on said lands by said district.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 685 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 Sheldon moved that the rules be waived and Senate Bill No. 685 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 685 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 685 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. 685 was read the third time in full.

Upon the passage of Senate Bill No. 685 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. 685 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator McArthur—

Senate Bill No. 686:

A bill to be entitled An Act creating the Fernandina Utilities Commission; authorizing said commission to acquire in the name of the City of Fernandina, Florida, and to improve, extend, enlarge, re-construct, maintain, repair and operate the electric, water and ice utility properties now owned and operated by the Florida Public Utilities Company on Amelia Island, Nassau County, Florida; prescribing the powers and duties of said commission; authorizing the issuance by said

commission of revenue bonds of the City of Fernandina, Florida, payable solely from revenues, to pay all or a part of the cost of such acquisition, improvement, extension, or enlargement; authorizing the issuance of revenue refunding bonds; providing that no debt of Nassau County, Florida, or of the City of Fernandina, or of any other municipality or political sub-division of Nassau County shall be incurred in the exercise of any of the powers granted by this Act; authorizing said commission to fix, regulate and collect rates, fees and charges for the services and facilities furnished by any such utility property or properties, and providing for the application of such revenues, including the disposition of surplus revenues; providing for the execution of trust agreements to secure the payment of such bonds without mortgaging or encumbering any such utility property or properties; and exempting all such bonds and such properties from taxation.

Which was read the first time by title only.

Senator McArthur moved that the rules be waived and Senate Bill No. 686 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 686 was read the second time by title only.

Senator McArthur moved that the rules be further waived and Senate Bill No. 686 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. 686 was read the third time in full.

Upon the passage of Senate Bill No. 686 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. 686 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Housholder—  
Senate Bill No. 687:

A bill to be entitled An Act cancelling all unredeemed State and county and county tax certificates and subsequent unpaid taxes, together with interest, penalties, commissions and advertising costs, against certain real property in the City of Sanford, Florida, now owned by said City of Sanford and used by said city for municipal purposes.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 687 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 Housholder moved that the rules be waived and Senate Bill No. 687 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 687 was read the second time by title only.

Senator Housholder moved that the rules be further waived and Senate Bill No. 687 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. 687 was read the third time in full.

Upon the passage of Senate Bill No. 687 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. 687 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—  
Senate Bill No. 688:

A bill to be entitled An Act providing for the fingerprint-

ing of all persons charged with or convicted of criminal offenses.

Which was read the first time by title only.

Senator Mathews moved that the rules be waived and Senate Bill No. 688 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 688 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 688 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. 688 was read the third time in full.

Upon the passage of Senate Bill No. 688 the roll was called and the vote was:

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

Nays—None.

So Senate Bill No. 688 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By permission the following Memorial was introduced:

By Senators McKenzie and Upchurch—  
Senate Memorial No. 5:

WHEREAS, because of unfavorable weather conditions, a late freeze necessitating replanting in many cases, and because of increased costs of fertilizer and seed, as well as of labor, and of every other movement connected with the planting, growing and harvesting of the season's crop of Irish potatoes, and,

WHEREAS, the "Ceiling Price" of the new crop of Florida potatoes, as set by the Office of Price Administration, while not sufficient to meet the added costs, as above enumerated, and while not in line with the prices allowed and named on other essential food products, brought some needed relief to the growers in the line of compensation, and

WHEREAS, had this "Ceiling Price" been continued, the season would have been made more satisfactory to the growers, but,

WHEREAS, the "Ceiling Price," as above cited, will be reduced on June first by the Office of Price Administration, to such an extent as to bring financial hardship to the growers, and to possibly prevent completion of the present harvest and future planting and growing of an essential food product,

THEREFORE, BE IT RESOLVED, that the members of the Senate and of the House of Representatives of the Legislature of the State of Florida, do respectfully memorialize and petition the Office of Price Administration that the "Ceiling Price" be not reduced but be continued, comparable with prices fixed on other vegetable food products, and to make possible a reasonable financial return to the growers to compensate them for their work, time and labor in food production as a valuable contribution to sustain our citizens, our workers and soldiers in the all-out effort towards winning the war; and,

BE IT FURTHER RESOLVED, that copies of this Memorial be transmitted to the Office of Price Administration, the Federal Department of Agriculture, and to our Senators and Representatives in Congress from the State of Florida.

Which was read the first time in full.

Senator McKenzie moved that the rules be waived and Senate Memorial No. 5 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Memorial No. 5 was read the second time in full.

The question was put on the adoption of the Memorial.

Which was agreed to.

And Senate Memorial No. 5 was adopted and the action of the Senate was ordered certified to the House of Representatives.

By permission the following Messages from the House of Representatives were received and read:

Tallahassee, Florida,  
May 27, 1943.

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

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed Mr. West of Santa Rosa as the fourth member of the Conference Committee on the part of the House on: Senate Bill No. 381:

A bill to be entitled An Act making appropriations for the salaries of the officers and employees of the State and for the current operating expenses of the departments and branches of the State Government for the annual periods beginning July 1, 1943, and July 1, 1944.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

Senator Housholder moved that the President of the Senate appoint one additional member of the Conference Committee on the part of the Senate to confer with the Conference Committee on the part of the House of Representatives to adjust the differences between the Bodies on House Amendments to Senate Bill No. 381.

Which was agreed to.

Whereupon, the President announced the appointment of Senator Carroll as the fourth conferee on the part of the Senate, and the action of the Senate was ordered certified to the House of Representatives.

Senator Taylor moved that the rules be waived and the Senate take up and consider House Bill No. 833, out of its order, at this time.

Which was agreed to by a two-thirds vote.

House Bill No. 833:

A bill to be entitled An Act relating to the dissolution of Lake Largo-Cross Bayou Drainage District of Pinellas County, Florida, providing for the continuance of maintenance and the enlargement of the drains of said district; the liquidation of its indebtedness and disposition of its assets; the imposing of certain rights and duties upon the Board of County Commissioners of said county in relation thereto, including the optional method of levying a county tax for the purpose of liquidating said district; providing the procedure for dissolution and placing a limitation in which claims shall be brought against the district and repealing all laws in conflict therewith.

Was taken up.

Senator Taylor moved that the rules be further waived and House Bill No. 833 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 833 was read the second time by title only.

Senator Taylor moved that the rules be further waived and House Bill No. 833 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. 833 was read the third time in full.

Upon the passage of House Bill No. 833 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. 833 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Taylor moved that the rules be waived and the Senate take up and consider House Bill No. 834, out of its order, at this time.

Which was agreed to by a two-thirds vote.

House Bill No. 834:

A bill to be entitled An Act relating to the dissolution of Pinellas Park Drainage District of Pinellas County, Florida,

providing for the continuance of maintenance and the enlargement of the drains of said district; the liquidation of its indebtedness and disposition of its assets; the imposing of certain rights and duties upon the Board of County Commissioners of said county in relation thereto including the optional method of levying a county tax for the purpose of liquidating said district; providing the procedure for dissolution and placing a limitation in which claims shall be brought against the district and repealing all laws in conflict therewith.

Was taken up.

Senator Taylor moved that the rules be further waived and House Bill No. 834 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 834 was read the second time by title only.

Senator Taylor moved that the rules be further waived and House Bill No. 834 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. 834 was read the third time in full.

Upon the passage of House Bill No. 834 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. 834 passed, title as stated, 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 27, 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 concurred in Senate Amendment to:

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 of the division of the commission.

Which amendment reads as follows:

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."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 concurred in Senate Amendment to:

House Bill No. 528:

A bill to be entitled An Act making it unlawful to sell horse meat in the markets of Florida, and providing a penalty for the violation of this Act.

Which amendment reads as follows:

At the end of and as part of Section 1 add the following:

"Provided, however, this Act shall not apply to the sale of horse meat where the same is clearly stamped, marked and described as such."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 concurred in Senate Amendments to:

House Bill No. 775:

A bill to be entitled An Act relating to the salaries of the Judges of the Circuit Court residing in a circuit composed of four counties, with one county of said circuit having a population of fifty thousand or more, according to the latest Federal census, and having no Court of Record with full civil jurisdiction concurrent with the Circuit Court, and providing for an additional salary or salaries to be paid from the general revenue of such counties; and providing that during the absence of a resident Judge or Judges in the armed forces of the United States or on military leave that the remaining Judge shall be paid certain additional moneys provided for and to be paid by the counties under the provisions of this Act.

Which amendments read as follows:

Amendment No. 1:

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

Section One. In the event of the absence on military leave of any Judge or Judges of a Circuit composed of four counties, and having no Court of Record with a civil jurisdiction concurrent with the Circuit Court within said circuit, and there remains only one Judge of said circuit in said circuit, the remaining Judge of said circuit shall be entitled to receive and shall be paid during the entire period of such military leave or serving in the armed forces of the United States, and/or until the election and qualifications of a successor or successors to such Judge or Judges absent as aforesaid the salary otherwise allowed by law and paid by the State, and the additional sum of one thousand dollars per annum, each of said counties paying its proportionate share thereof, calculated on the basis of the population of each of said counties according to the last Federal census, provided, however, that the total salary payable shall never exceed the sum of seven thousand dollars per annum.

Section Two. Said amount or amounts of said supplemental salary shall be paid from the general revenue funds of said counties as provided for in this Act.

Section Three. All payments herein provided to be made by said counties are hereby declared to be payments of money for county purposes.

Section Four. This Act shall take effect upon its becoming a law.

Amendment No. 2:

In the Title of the typewritten bill, commencing in the sixth line, strike out the words: "and providing for an additional salary or salaries to be paid from the General Revenue of such counties."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 concurred in Senate Amendment to:

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 Courts and Civil Courts of Record and County Courts of the State of Florida.

Which amendment reads as follows:

Strike out Section 2 and renumber the sections consecutively.

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 concurred in Senate Amendment to:

House Bill No. 801:

A bill to be entitled An Act to provide for the election of the Board of Supervisors of the North St. Lucie River Drainage District; fixing the qualifications of members of the Board of Supervisors of said district; fixing the time for election of said Board; fixing the qualifications of electors of said district.

Proof of Publication attached.

Which amendment reads as follows:

In Section 1, line 10, (typewritten bill) strike out the words: "twenty (20)" and insert in lieu thereof the following: "seventy-five (75)."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

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

Tallahassee, Florida,  
May 27, 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 concurred in Senate Amendment to:

House Bill No. 829:

A bill to be entitled An Act to amend Section 16 of Chapter 20451, Acts of 1941, the same being Section 322.04, Florida Statutes, 1941, relating to drivers' license exemptions; Section 17 of Chapter 20451, Acts of 1941, the same being Section 322.05, Florida Statutes, 1941, relating to persons to whom drivers' license shall not be issued; and Section 18 of Chapter 20451, Acts of 1941, the same being Section 322.06, Florida Statutes, 1941, relating to special restrictions on drivers of school buses and public or common carrier motor vehicles.

Which amendment reads as follows:

In Section 3. Sub-section 1, line 5 immediately following the word: "school," insert the following: "except as prescribed by regulations of the State Board of Education in accordance with the provisions of law."

Respectfully,

WALTER P. FULLER,  
Chief Clerk House of Representatives.

Senator Graham moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 5:30 o'clock P. M. until 11:00 o'clock A. M., Friday, May 28, 1943.

EXECUTIVE SESSION ANNOUNCEMENT

The Senate, in Executive Session on May 27, 1943, refused to consent to the suspension and removal from office by the Governor of:

Phil Roberts, member of the Board of County Commissioners of Hardee County, State of Florida.