

# JOURNAL OF THE SENATE

Tuesday, April 10, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 9, 1945.

The President in the Chair.

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

Mr. President	Carroll	Johns	Perdue
Ausley	Clarke	Johnson	Riddle
Barringer	Coleman 13th	King 7th	Sanchez
Baynard	Coleman 28th	King 27th	Shands
Beacham	Davis	Lewis	Sheldon
Black	Fraser 29th	Lindler	Sturgis
Boyle	Fraser 31st	Mathews	Thomas
Brackin	Gray	McArthur	Wilson
Branch	Griner	Moon	
Bryant			

A quorum present.

Senator McKenzie was excused from attendance upon the session.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of Monday, April 9, was corrected as follows:

Page 4, column 1, line 35 from the bottom of the page, strike out the period at the end of the line and add the following:

" , the Committee on County Organizations, and the Committee on Finance and Taxation, in the order named."

And as corrected was approved.

## REPORTS OF COMMITTEES

Your Committee on Education, to whom was referred:

H. B. No. 5—A bill to be entitled An Act relating to education: To amend Section 242.05 Florida Statutes of 1941, by increasing the value of the instruction unit; by providing for the establishment of a State Supervisory Fund, and a State Foundation Program Fund for the Public Schools of Florida; by making appropriations therefor, and by providing for the apportionment and distribution and expenditure thereof.

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

Very Respectfully,

HARRISON E. BARRINGER,  
Chairman of Committee.

And House Bill No. 5, contained in the above report, was placed on the Calendar of Bills on second reading.

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

S. B. No. 29—A bill to be entitled An Act to provide for an additional Circuit Judge for the Fourth Judicial Circuit of Florida as authorized by Florida Constitution on basis of population thereof; and fixing his powers, duties and compensation.

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

Very Respectfully,

JOHN E. MATHEWS,

Chairman of Committee.

And House Bill No. 29, contained in the above report, was placed on the Calendar of Bills on second reading.

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

S. B. No. 20—A bill to be entitled An Act relating to State standards of weights and measures and the use and regulation of such weights and measures and weighing and measuring devices and providing for the administration and enforcement of the provisions of this act and providing penalties for its violation.

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

And Senate Bill No. 20, contained in the above report, was placed on the Calendar of Bills on second reading.

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

S. B. No. 19—A bill to be entitled An Act prescribing the time when judgments or decrees entered in any of the Courts of this State shall create a lien and be binding upon the personal property of the defendant judgment debtor.

Had have the same under consideration, and recommend that the same do pass.

Very Respectfully,

JOHN E. MATHEWS,  
Chairman of Committee.

And Senate Bill No. 19, contained in the above report, was placed on the Calendar of Bills on second reading.

Your Committee on Constitutional Amendments, to whom was referred:

S. J. R. No. 6—A joint resolution proposing an amendment to Article VII of the Constitution of the State of Florida by adding an additional section thereto to provide that there shall be one Senator for each County of the State of Florida.

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

Very Respectfully,

WALLACE E. STURGIS,  
Chairman of Committee.

And Senate Joint Resolution No. 6, contained in the above report, was laid on the table.

## INTRODUCTION OF RESOLUTIONS

By Senators Baynard and Sanchez—  
Senate Concurrent Resolution No. 3:

A RESOLUTION AUTHORIZING AND REQUESTING THE STATE BOARD OF EDUCATION OF FLORIDA AND THE STATE BOARD OF CONTROL TO MAKE A JOINT SURVEY AND STUDY DESIGNED TO PROVIDE A PROGRAM FOR THE FUTURE DEVELOPMENT OF THE SYSTEM OF HIGHER EDUCATION FOR THE STATE OF FLORIDA AND TO REPORT TO THE LEGISLATURE THE FINDINGS AND RESULTS OF SUCH SURVEY AND STUDY, TOGETHER WITH THEIR RECOMMENDATIONS IN REGARD TO SAID PROGRAM.

WHEREAS, the State of Florida, after the termination of the present war will experience tremendous growth and development not only in population, construction, transportation and industry but also in its natural resources; and,

WHEREAS, there will be in the State a large number of Veterans of World War II, eligible and desirous of participating in the various State and Federal programs offering them opportunities to obtain a higher education; and,

WHEREAS, the institutions of higher learning of the State, by reason of the growth and development of the State, will of necessity be called upon to provide for substantially increased enrollments, more and enlarged facilities and expansion of their respective educational programs; and,

WHEREAS, it is necessary, in order for those institutions to make plans and prepare for their proper growth and the expansion and development of their respective educational programs, and for the Legislature to make provision for the necessary and proper support thereof, that a thorough and competent analysis, survey and study be made by some competent authority of this State, and that the findings and results of such analysis, study and survey, together with the recommendations of such authorities, be reported to the Legislature in order that the program for the future development of higher education in the State and the support therefor be pro-

vided upon a basis of efficiency, economy and coordination; Now, therefore,

**BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:**

Section 1. That the State Board of Education of Florida and the State Board of Control be authorized and requested to make a joint analysis, survey and study designed to provide a sound program for the future development of the system of higher education for the State of Florida with the purpose to determine and fulfill the obligation of the State to its citizens with reference to post high school education; such study to include among the subjects thereof, the advisability of the establishment and support by the State of junior colleges, and vocational training schools, coeducation in the institutions of higher learning, the establishment of the State medical and dental school, the location of the various professional and vocational colleges and schools and the proper allocation of functions to given institutions.

Section 2. That the necessary expenses incurred in connection with such survey and study shall be paid from any funds specifically appropriated therefor or any other funds available for such purpose.

Section 3. That the State Board of Education of Florida and the State Board of Control are requested to report to the Legislature, as soon as possible, the findings and results of such analysis, study and survey, together with their recommendations, to the end that a program for the future development of higher education in the State and support therefor be based and provided upon principles of efficiency, economy and coordination.

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

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

By Senator Sheldon—

S. J. R. No. 85—A Joint Resolution proposing the amendment of Section 2 of Article III of the Constitution of the State of Florida relating to extraordinary sessions of the Legislature.

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

That the following amendment to Section 2 of Article III of the Constitution of the State of Florida relating to sessions of the Legislature be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next General Election to be held in 1946, as follows:

Section 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special sessions convened by the Governor shall exceed twenty days.

The Legislature shall also be convened by proclamation of the Secretary of State upon the filing of a petition with him by Three-Fifths (3/5) of the members of the House of Representatives and Three-Fifths (3/5) of the members of the Senate. The petition may or may not state the purpose for which the session of the Legislature is to be called but in the event said petition does state the purpose for which the session is called, then and in such event no business other than that set forth in the petition shall be transacted.

It shall be the duty of the Secretary of State within ten days after the receipt of such petition as herein provided to issue a proclamation calling into session the Legislature, ten days after the issuance of the proclamation and not less than thirty days after the issuance of the proclamation.

No session of the Legislature called under the provisions of this Section shall extend for more than twenty days.

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

By Senator Sheldon—

S. J. R. No. 86—A Joint Resolution proposing the amendment of Section 4 of Article III of the Constitution of the

State of Florida relating to the pay of members of the Senate and House of Representatives.

Be it resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article III of the Constitution of the State of Florida relating to compensation of members of the House of Representatives and Senate be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the next General Election to be held in 1946, as follows:

Section 4. Senators and Members of the House of Representatives shall be duly qualified electors in the respective counties and districts from which they were chosen. The pay of members of the Senate and House of Representatives shall be One Hundred (\$100.00) Dollars per month during their term of office.

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

By Senator Mathews—

S. B. No. 87—A bill to be entitled An Act relating to taxation, levying and imposing a tax on cigarettes; defining cigarettes; requiring all cigarette dealers as herein defined to obtain a cigarette permit and exacting a fee therefor in addition to other taxes imposed by law; providing for the report of sale or other disposition of cigarettes, and the collection and payment of cigarette taxes; providing for the deposit, appropriation and disposition of the proceeds derived from such taxes and fees, and prescribing the duties and powers of the Director of the State Beverage Department and other officers and employees under this Act and providing for payment of their salaries and other expenses of the administration of this Act; providing for bonds by agents and dealers; providing for the enforcement of this Act and penalties for violation hereof.

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

By Senator Gray—

S. B. No. 88—A bill to be entitled An Act providing for an additional Assistant State Attorney for the Fourteenth Judicial Circuit who shall reside in Bay County.

Which was read the first time by title only and referred to the Committee on Judiciary "A" and the Committee on Appropriations, in the order named.

By Senator Wilson—

S. B. No. 89—A bill to be entitled An Act relating to the City of Quincy, a Municipal Corporation in the County of Gadsden, State of Florida, adding additional territory thereto, and enlarging the territory thereof, subject to a referendum.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 89 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. 89 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 89 was read the second time by title only.

Senator Wilson moved that the rules be further waived and Senate Bill No. 89 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill 89 was read the third time in full.

Upon the passage of Senate Bill No. 89 the roll was called and the vote was:

Yeas—36

Mr. President	Carroll	Johns	Perdue
Ausley	Clarke	Johnson	Riddle
Barringer	Coleman 13th	King 7th	Sanchez
Baynard	Coleman 28th	King 27th	Shands
Beacham	Davis	Lewis	Sheldon
Black	Fraser 29th	Lindler	Sturgis
Boyle	Fraser 31st	Mathews	Thomas
Brackin	Gray	McArthur	Wilson
Branch	Griner	Moon	
Bryant			

Nays—None.

So Senate Bill No. 89 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Sanchez, Johns, and Fraser (29th Dist.)—

S. B. No. 90—A bill to be entitled An Act to provide for the distribution of anti-hog cholera serum and hog cholera virus to bona fide farmers by the State Live Stock Sanitary Board.

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

By Senator Mathews—

S. J. R. No. 91—A Joint Resolution proposing to amend Section 24 of Article III of the Constitution of the State of Florida relating to County and Municipal Governments, by eliminating the requirement for a uniform system of municipal government and repealing the requirement that the Legislature shall enact uniform charters for Florida cities and towns.

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

That the following amendment of Section 24 of Article III of the Constitution of the State of Florida, relating to county and municipal governments, be, and the same is, hereby agreed to and shall be submitted to the electors of the State of Florida at the General Election of Representatives to be held in 1946 for approval or rejection; that is to say, that Section 24 of Article III of the Constitution of the State of Florida be amended so as to eliminate the requirement for a uniform system of municipal government, to repeal the requirement that the Legislature shall enact uniform charters for Florida cities and towns, and to read as follows:

Section 24. The Legislature shall establish a uniform system of county government. General laws for county and municipal government shall be applicable, except in cases where local or special laws have been or hereafter may be provided by the Legislature that may be inconsistent therewith.

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

By Senator Fraser (29th Dist.)—

S. B. No. 92—A bill to be entitled An Act to amend Sections 1, 2, 4, 5 and 14, of Chapter 20977, Laws of Florida, 1941, the same being "An Act assessing, levying and imposing an annual license tax upon every person, firm, co-partnership, joint adventure, joint stock company, association, corporation, estate, fiduciary, or any other association of persons conducting, engaging in or carrying on the business of a retailer in this state, and operating an independent store or one or more chain stores within this state: And to classify such stores for the purpose of such license taxes and of graduating the license tax in accordance with the number of stores operated under a single ownership, management or supervision, whether operated in this state or not: And also assessing, levying, and imposing a separate and additional annual license tax based on the amount of inventory of the merchandise of such stores in this state and the merchandise warehoused for the benefit of such stores in this state, and providing the time and manner of determination of the amount of such tax and the dates of payment thereof; defining "independent store" and "chain stores" and other words and phrases used in this act; to provide for the administration and enforcement of this act: To provide for the creation and enforcement of a lien upon the property of persons and associations liable for the payment of such license tax: To provide penalties for the violation of this Act: To provide for the filing of sworn reports by the person or association on which such license tax is imposed: And to repeal conflicting laws, including all parts and sections of Chapter 16848, laws of Florida, 1935: And to appropriate the revenues derived hereunder, "so as to define "department store," assess, levy and impose an annual license tax upon each person, firm, co-partnership, joint adventure, joint stock company, association, corporation, estate, fiduciary, or any other association of persons, conducting, engaging in or carrying on the business of a retailer in this state and operating a department store as defined in this Act whether as an independent store or as one or more chain stores: To provide for the filing of sworn reports by the person or association on which such license tax is imposed: And to amend the title of said Chapter 20,977 so as to make it conform to the body of Chapter 20,977 as it is amended by this Act: And to give the effective date of this Act.

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

By Senator Fraser (29th Dist.)—

S. B. No. 93—A bill to be entitled An Act relating to the manner of determining the full cash value of goods, wares and merchandise for purposes of taxation thereof: and to define what is meant by full cash value when used in such connection.

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

By Senator Sheldon—

S. B. No. 94—A bill to be entitled An Act to amend Section 443.05, 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.

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

**HOUSE BILLS ON SECOND READING**

H. B. No. 5—A bill to be entitled An Act relating to education: To amend Section 242.05 Florida Statutes of 1941 by increasing the value of the instruction unit; by providing for the establishment of a State Supervisory Fund, and a State Foundation Program Fund for the Public Schools of Florida; by making appropriations therefor, and by providing for the apportionment and distribution and expenditure thereof.

Was taken up in its order.

Senator Barringer moved that the rules be waived and House Bill No. 5 be read the second time by title only.

Which was agreed to by two-thirds vote.

And House Bill No. 5 was read the second time by title only.

Senator Barringer moved that the rules be further waived and House Bill No. 5 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. 5 was read the third time in full.

Upon the passage of House Bill No. 5 the roll was called and the vote was:

Yeas—36.

Mr. President	Carroll	Johns	Perdue
Ausley	Clark	Johnson	Riddle
Barringer	Coleman 13th	King 7th	Sanchez
Baynard	Coleman 28th	King 27th	Shands
Beacham	Davis	Lewis	Sheldon
Black	Fraser 29th	Linder	Sturgis
Boyle	Fraser 31st	Mathews	Thomas
Brackin	Gray	McArthur	Wilson
Branch	Griner	Moon	
Bryant			

Nays—None.

So House Bill No. 5 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Barringer moved that Senate Bills Nos. 11 and 12 be recalled from the Committee on Education.

Which was agreed to and it was so ordered.

By unanimous consent Senator Barringer withdrew Senate Bills Nos. 11 and 12.

Senator King (7th Dist.) moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:37 o'clock A. M., until 11:00 o'clock A.M., Wednesday, April 11, 1945.