

# JOURNAL OF THE SENATE

Thursday, May 3, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Wednesday, May 2, 1945.

The President in the Chair.

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

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

—36.

A quorum present.

Senator McKenzie was excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Dear Father, the skies grow brighter and our path is clearer whenever we utter Thy sweet Name. Thy voice answers ours, and Thy words sound deep within our hearts. Thou art beside us and around us and within us, and the radiance of Thy love cheers us and leads us on, wherever we must go. Keep us joyful in the knowledge that we are never alone in a strange world, but that we live as welcome guests within our Father's house. Amen."

The reading of the Journal was dispensed with.

The Journal of Wednesday, May 2, 1945, was corrected and as corrected was approved.

## REPORTS OF COMMITTEES

Your Committee on Constitutional Amendments, to whom was referred:

Committee Substitute for House Joint Resolution No. 73, entitled:

A Joint Resolution proposing the amendment of Section 30, of Article III of the Constitution of the State of Florida relating to appropriations.

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

Very respectfully,  
WALLACE E. STURGIS,  
Chairman of Committee.

And House Joint Resolution No. 73, 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. 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.

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. 85, contained in the above report, was laid on the table.

Your Committee on Constitutional Amendments, to whom was referred:

Committee Substitute for House Joint Resolution No. 110, entitled:

A Joint Resolution proposing an Amendment to Article XVI, of the Constitution of the State of Florida, by adding thereto an additional Section to provide for the appointment by a

Concurrent Resolution of the Senate and House of Representatives of a director of the budget and to authorize the Legislature to prescribe his powers and duties, qualifications and term of office.

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

Very respectfully,  
WALLACE E. STURGIS,  
Chairman of Committee.

And House Joint Resolution No. 110, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Constitutional Amendments, to whom was referred:

H. J. R. No. 97—A Joint Resolution proposing an amendment of Section 2 of Article XVII of the Constitution of the State of Florida relating to the revision of the Constitution of the State of Florida.

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

Very respectfully,  
WALLACE E. STURGIS,  
Chairman of Committee.

And House Joint Resolution No. 97, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Constitutional Amendments, to whom was referred:

H. J. R. No. 217—A Joint Resolution proposing an amendment to Article VIII of the Constitution of the State of Florida relative to assessment of property for taxes and the collection of taxes, by adding thereto additional sections to provide that in the County of Bay, State of Florida, the county tax assessor shall assess the property of the county for the purpose of levying state, county, school and municipal taxes levied by the state, county, county school board, school districts, special tax school districts and municipalities of the county.

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

Very respectfully,  
WALLACE E. STURGIS,  
Chairman of Committee.

And House Joint Resolution No. 217, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

H. B. No. 180—A bill to be entitled An Act declaring the offer for sale or sale of tickets of any common carrier or tickets to any place of amusement, athletic contest or exhibition for which an admission price is charged, to be unlawful when the price demanded or sale is more than \$1.00 above the price charged by the original seller thereof, and providing for penalty for the violation of this Act.

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. 180, 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. 214—A bill to be entitled An Act to authorize, in suits hereafter instituted by any drainage district organized and existing under and by virtue of Chapter 6458 of the Acts of 1913, Laws of Florida, and other Acts amendatory thereof and supplemental thereto, for the foreclosure of any lien or liens in favor of such district for delinquent drainage taxes,

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upon any sale of the premises therein decreed to be sold, the immediate confirmation of such sale by the court and the issuance to the purchaser, upon compliance with the terms of his bid, of a deed of conveyance for the premises so sold by the master appointed to make such sale.

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

Very respectfully,

JOHN E. MATHEWS,

Chairman of Committee.

And Senate Bill No. 214, 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. 215—A bill to be entitled An Act prescribing, in any action by any drainage district created or organized under Chapter 6458, Laws of Florida, or Acts amendatory thereof or supplemental thereto, for the foreclosure of liens in favor of such district, the maximum amount required to be bid on behalf of such district by the Board of Supervisors at any sale therein decreed, for the lands so ordered sold.

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

Very respectfully,

JOHN E. MATHEWS,

Chairman of Committee.

And Senate Bill No. 215, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

House Memorial No. 2:

Requesting Congress to make study of Federal Governmental Bureaus and Agencies and where possible to do so without sacrificing efficiency, to abolish or consolidate such bureaus and agencies, and to provide for strict supervision of their affairs.

H. B. No. 27—A bill to be entitled An Act providing for the maintenance and working of prisoners convicted for violation of city ordinances in city, recorders and municipal courts of the several cities of the State of Florida and authorizing the cities and municipalities of the State of Florida to place such persons in the custody of the Board of County Commissioners of the several counties of the State of Florida, and in the county convict camps of such counties for custody and keeping and work while under sentence of the city, municipal and recorder's court, and authorizing the several cities and counties of the State of Florida to enter into agreements and contracts with the Board of County Commissioners and counties where-in such cities are located, for the maintenance, keeping and working of person under sentence for violation of such city ordinances, and providing generally for the keeping and working of persons under sentence by municipal and city courts for violation of ordinances.

H. B. No. 75—A bill to be entitled An Act to amend Section 2 of Chapter 21896, Laws of Florida, 1943, relating to the foreclosure of tax or assessment liens on property located in any city, village or town, of the State of Florida, by providing that the foreclosure sale may be held at the city hall door of the city, village or town in which said property is situated; by repealing all laws or parts of laws in conflict herewith.

H. B. No. 212—A bill to be entitled An Act providing for the protection of zoned property in the State of Florida and making it a felony to violate any such zoning ordinance and prescribing a penalty therefor.

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

Very respectfully,

CHAS. S. AUSLEY,

Chairman of Committee.

And House Bills Nos. 27, 75, and 212, and House Memorial No. 2, contained in the above report, were placed on the Calendar of Bills on Second Reading.

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

S. B. No. 212—A bill to be entitled An Act to amend Section 849.16, Florida Statutes, 1941, relating to and defining slot machines or devices.

S. B. No. 271—A bill to be entitled An Act providing that

the State of Florida set aside and reserve certain islands submerged lands in Biscayne Bay, in Township 53 So Range 42 East, Dade County, Florida, and authorizing directing the Trustees of the Internal Improvement Fund convey said lands to the Trustees of Harvey W. Seeds I No. 29 American Legion, for a consideration of \$1.00, with restriction or reservation; repealing all laws and parts of 1 in conflict herewith.

S. B. No. 279—A bill to be entitled An Act to provide t an act of an agent, constituted by a power of attorney other authority, for his principal, shall be valid and bind though the principal be dead at the time of such act, w the party treating with such agent dealt bona fide not kn ing at the time of the doing of such act of the death of principal and where the act would be lawful if the princ were living; to provide for an affidavit by the agent or torney in fact of the want of actual knowledge or notice the death of the principal, or notice of any facts indicat his death at the time of peereforming any act under the po of attorney, for the effect of such affidavit, and for recordation of such affidavit; and further to provide w shall not constitute or be interpreted as constituting ac knowledge or notice of death of the principal, or notice any facts indicating his death, and what shall not operat revoke the agency.

S. B. No. 299—A bill to be entitled An Act vesting title to Islands, sand bars, shallow banks, small Islands and merged lands in the tidal waters of the State of Florida, title to which is not now vested in private ownership, in Trustees of the Internal Improvement Fund of the State Florida and empowering said Trustees to dispose of, sell convey the same and repealing all laws in conflict herewit

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

Very respectfully,

CHAS. S. AUSLEY,

Chairman of Committee

And Senate Bills Nos. 212, 271, 279 and 299, contained in above report, were placed on the Calendar of Bills on Sec Reading.

Your Committee on Judiciary "C", to whom was referre

S. B. No. 232—A bill to be entitled An Act to amend Sec 7.46, Florida Statutes 1941, the same relating to the bound lines of Okaloosa County, Florida.

S. B. No. 270—A bill to be entitled An Act making it a demeanor to wilfully or knowingly aid or assist in the es of any prisoner of war of the United States of America, c harbor or conceal any such prisoner, or to employ or pro employment for any such prisoner, and providing penaltie violation of the provisions thereof.

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

Very respectfully,

CHAS. S. AUSLEY,

Chairman of Committ

And Senate Bills Nos. 232 and 270, contained in the a report, were laid on the table.

Your Committee on Judiciary "C", to whom was referre

S. B. No. 282—A bill to be entitled An Act amending Sec 127.01, Florida Statutes 1941, relating to the exercise of power of eminent domain by counties, and restricting the ercise of such power to lands within the boundaries of county and providing that in all proceedings for condem lands for park, playground, recreation center, and other rec tional purposes, the court shall decide the issue as to whe the purpose or the necessity for taking is a county purpose for the best interests of the county and providing for : of appeal.

Recommends that the following bill be substituted for ate Bill 282, above:

A Bill to be entitled An Act amending Section 127.01, ida Statutes 1941, relating to the exercise of the powe eminent domain by counties, and restricting the exerci such power to lands within the boundaries of such co and restricting the exercise of such power, so far as ac now pending or hereafter instituted, to condemn land

parks, playgrounds, recreational centers and other recreational purposes are concerned, to land for the taking of which there is a public necessity as determined by the court in accordance with the provisions of this Act, and providing for right of appeal with supersedeas.

Very respectfully,  
CHAS. S. AUSLEY,  
Chairman of Committee.

And Senate Bill No. 282, contained in the above report, together with the Committee Substitute therefor, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 309—A bill to be entitled An Act to amend Section 4 of Chapter 20519, Laws of Florida, Acts of 1941, being Section 947.06, Florida Statutes 1941, relating to meetings of the Parole Commission, the number of commissioners required to constitute a quorum of said commission, and the number of Parole Commissioners whose affirmative vote is required to place a prisoner on parole.

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

Very respectfully,  
CHAS. S. AUSLEY,  
Chairman of Committee.

And Senate Bill No. 309, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 320—A bill to be entitled An Act authorizing and directing the State Board of Veterinary Examiners, for a period of ninety days after this act becomes a law but no longer, to issue without examination a license to practice veterinary medicine and surgery and veterinary dentistry in this State to any applicant who shall furnish evidence satisfactory to said board that such applicant is and has been continuously for a period of twenty years a resident of the State of Florida, and who for a period of twenty continuous years prior to May 15, 1941, had been a practicing veterinarian engaged in the actual practice of veterinary medicine and surgery and veterinary dentistry, and during said period had been recognized as a practicing veterinarian in the community in which such applicant lived.

Have had the same under consideration, and return same without recommendation.

Very respectfully,  
CHAS. S. AUSLEY,  
Chairman of Committee.

And Senate Bill No. 320, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

H. B. No. 363—A bill to be entitled An Act revising and amending Chapters 731, 732, 733, 734 and 736, Florida Statutes, 1941, relating to wills and the probate thereof, to descent and distribution of decedents' estates, to dower, to the administration of decedents' estates and the practice and procedure relating thereto, to proceedings to declare that no administration is necessary, to county judges and their jurisdiction in probate and administration, and to appellate procedure relating thereto.

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

Very respectfully,  
CHAS. S. AUSLEY,  
Chairman of Committee.

And House Bill No. 363, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 170—A bill to be entitled An Act to authorize the boards of county commissioners in the several counties of the State of Florida to aid and assist veterans of any war who have been honorably discharged from the armed forces of the United States and their dependents; to provide and maintain a service office in said county; to provide for office space, clerical assistance and expenses of said office; authorizing the em-

ployment of a county service officer and setting forth the duties and qualifications of said county service officer; authorizing any two or more counties to employ a service officer jointly; setting forth the rights, powers and duties of the several boards of county commissioners in relation thereto, and authorizing the levy of a tax not to exceed one-half mill to carry out the purposes of this act.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 170, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

H. B. No. 222—A bill to be entitled An Act amending Section 2 of Chapter 20723, Laws of Florida, Acts of 1941, as amended entitled: "An Act for the assessment and collection of revenue and relating to the assessment and collection of taxes on tangible personal property; providing penalties for violation of this Act and repealing all laws or parts of laws in conflict herewith."

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And House Bill No. 222, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

S. B. Bill No. 247—A bill to be entitled An Act to exempt from ad valorem taxation certain classes of real estate of religious or charitable institutions now engaged in the support, maintenance and care of orphan and dependent children and to cancel tax certificates and ad valorem taxes outstanding against such real estate.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 247, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

H. B. No. 254—A bill to be entitled An Act amending Section 205.41, Florida Statutes 1941, relating to licensing of fortune tellers, clairvoyants, etc.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And House Bill No. 254, contained in the above report, was referred to the Committee on Judiciary "C".

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

S. B. No. 257—A bill to be entitled An Act granting to disabled Veterans of World War Number Two the same benefits, rights, exemptions and privileges as now enjoyed by disabled Veterans of World War Number One, relating to the exemption from the payment of occupational license tax.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 257, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 258—A bill to be entitled An Act imposing an additional tax upon beverages containing fourteen per cent or more of alcohol by weight, except all wines, natural sparkling wines and malt beverages, and providing for affixing of stamps as evidence of payment of said tax.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 258, contained in the above report, was laid on the table.

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

S. B. No. 262—A bill to be entitled An Act relating to the reassessing and revaluing of real property, tangible personal property and intangible personal property which has already been valued and assessed upon the tax rolls, and repealing all laws or parts of laws in conflict therewith.

With the following Amendment:

In Section 1, line 7, typewritten bill, strike out the period at end of paragraph and insert in lieu thereof the following: but nothing herein contained shall be deemed to preclude the correction of clerical errors in entering the valuation of such property upon the assessment roll,

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 262, contained in the above report, together with Committee Amendment thereto, was placed on the Calendar of Bills on Second Reading.

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

S. B. No. 330—A bill to be entitled An Act providing that it shall not be necessary for the County Tax Assessors to file with the Comptroller of the State of Florida, or secure his approval thereof, any real or tangible personal property tax assessment roll and fixing the time within which the recapitulatory tables now required by law shall be filed and for what purpose.

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

Very respectfully,  
W. A. SHANDS,  
Chairman of Committee.

And Senate Bill No. 330, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Pensions and Claims, to whom was referred:

H. B. No. 144—A bill to be entitled An Act for the relief of G. L. Cantrell and his wife, Mrs. G. L. Cantrell, and providing appropriation to compensate them for damage to property and injury to health by reason of the explosion of a certain section of public highway in DeSoto County, Florida.

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

Very respectfully,  
E. BERT RIDDLE,  
Chairman of Committee.

And House Bill No. 144, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Pensions and Claims, to whom was referred:

S. B. No. 187—A bill to be entitled An Act granting a special pension to Margaret E. Gannon, an employee of the State of Florida.

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

Very respectfully,  
E. BERT RIDDLE,  
Chairman of Committee.

And Senate Bill No. 187, contained in the above report, was laid on the table.

Your Committee on Pensions and Claims, to whom was referred:

S. B. No. 255—A bill to be entitled An Act for the relief of Lucy R. Hilliard and providing for a refund of taxes erroneously collected from her.

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

Very respectfully,  
E. BERT RIDDLE,  
Chairman of Committee.

And Senate Bill No. 255, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Your Committee on Pensions and Claims, to whom was referred:

S. B. No. 260—A bill to be entitled An Act for the relief of R. Lee Montague for damages to his automobile caused by a State Road Department truck.

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

Very respectfully,  
E. BERT RIDDLE,  
Chairman of Committee.

And Senate Bill No. 260, contained in the above report, was placed on the Calendar of Bills on Second Reading.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS

Your Committee on Engrossed Bills, to whom was referred after third reading:

S. B. No. 286—A bill to be entitled An Act enabling the counties to procure an additional assistant state attorney; providing the pay to be received by such official; authorizing the counties to provide funds therefor; and repealing all laws in conflict herewith. The provisions of this act shall apply only to those counties in the State of Florida having a population of more than 20,001 according to the last preceding Federal Census.

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

Very respectfully,  
K. GRINER,  
Chairman of Committee.

And Senate Bill No. 286, contained in the above report, was certified to the House of Representatives.

Your Committee on Engrossed Bills, to whom was referred after third reading:

S. B. No. 337—A bill to be entitled "An Act amending Section 3 of Chapter 8281 Laws of Florida, Acts of 1919, entitled 'An Act creating the office of Mayor of the City of Jacksonville, prescribing his jurisdiction, powers and duties, fixing his compensation and providing for the submission of this Act to the qualified electors of said City for ratification or rejection' so as to provide that all suspensions of members or officers of the Police Department of the City of Jacksonville by the mayor shall be reported within 5 days to the city commission for such action as the city commission may deem advisable, and in passing upon such suspensions the city commission may suspend such officers from office without pay, reduce them in work or rank, may enlarge or shorten the time of suspension, and may, if in their judgment the facts warrant, remove them from office."

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

Very respectfully,  
K. GRINER,  
Chairman of Committee.

And Senate Bill No. 337, contained in the above report, was certified to the House of Representatives.

## REPORT OF ENROLLING COMMITTEE

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

S. B. No. 23—An Act providing for the payment from the Grapefruit, Orange and Tangerine Advertising Funds to Arthur Kudner, Inc., a corporation, of monies expended by it while acting as the Advertising Agency of the Florida Citrus Commission.

Also—

S. B. No. 82—An Act amending Section 561.46, Florida Statutes 1941, providing Excise Tax upon Beverages; prohibiting sale of mixed drinks by beer and wine vendors; repealing Chapter 20829, Laws of Florida, Acts of 1941; and repealing Chapter 22026, Laws of Florida, Acts of 1943; all pertaining to the Beverage Laws.

Also—

S. B. No. 301—An Act to amend Section 11 of Chapter 7672 of the Laws of Florida, as amended, relating to the Municipal Government of the City of Miami Beach.

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,

T. DREW BRANCH,

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

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

H. B. No. 188.—An Act to provide a period of limitations on actions to enforce or foreclose certain mortgages or other instruments incumbering real estate, to provide for the extension of the lien of such instruments by extension agreement, to provide for the filing and recording of such extension agreements, to provide for the entry on the margin of the record of such instruments of a reference to the filing for record of the extension agreements, and to fix the fee of the clerk of the court for filing and recording such extension agreements, and for the entry on the record of such instruments of a reference to the extension agreements.

Also—

H. B. No. 320—An Act to amend Section 123 of Chapter 8374, Laws of Florida, Acts of 1919, the same being An Act entitled "An Act to abolish the present municipal government of the City of Tallahassee, in the County of Leon, in the State of Florida, and to create, establish and organize a municipality to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges," relating to municipal elections and the canvass of returns thereof, by providing that the polls in municipal elections shall open at nine o'clock A. M. and close at seven o'clock P. M.

Also—

H. B. No. 324—An Act providing for the distribution and use of race track funds allocated to DeSoto County, Florida, under Chapter 14832, Laws of Florida, Acts of 1931, or any Act amendatory or supplementary thereto, or any other race track Acts.

Also—

H. B. No. 348—An Act to amend Section 32 of Chapter 22295 Laws of Florida, Acts of 1943 reenacting said section and providing in addition thereto that purchases made by the City of Fort Myers from the United States of America or any agencies or bureaus be excepted from the purchases of said section.

Also—

H. B. No. 349—An Act making occupational, license or privilege taxes levied by the City of Fort Myers, Florida, a municipal corporation, a lien upon the property of the busi-

ness or profession licensed or taxed; and declaring such liens to be of equal dignity with ad valorem tax liens of said City of Lee County, Florida; and providing for the enforcement and collection of such taxes by issuance of distress warrants and by public sale of all personal property levied by distress warrant, and otherwise providing for the enforcement and collection of such taxes.

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,

T. DREW BRANCH,

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

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

H. B. No. 350—An Act empowering the City of Fort Myers, a municipal corporation, and preserving to said city its power and authority to levy and collect an excise tax of not to exceed one cent per package on the sale, purchase, distribution, use, consumption or other disposition of cigarettes.

Also—

H. B. No. 351—An Act to grant to the City of Fort Myers, Florida, the authority to exercise the right and power of eminent domain for acquiring lands for water works, pumping stations, water mains, well fields and all other installations and operations necessary and incident to securing an adequate water supply for said City, and authorizing the use of said power of eminent domain outside and beyond the territorial limits of said City.

Also—

H. B. No. 352—An Act placing the Chief of Police of the City of Fort Myers, Florida, under civil service as heretofore established for the City of Fort Myers, Florida, Police and Fire Departments, pursuant to the general authorization under Chapter 174, Florida Statutes of 1941.

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,

T. DREW BRANCH,

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

The Bills contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

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

House Concurrent Resolution No. 10:

A Concurrent Resolution providing for a Declaration of the Federation of the World.

Also—

H. B. No. 224—An Act amending Section 5 of Chapter 21721, Laws of Florida, Acts of 1943, relating to the collection, removal and disposal of garbage and waste in counties of not less than 260,000 according to last preceding State or Federal Census, providing for the payments of fees therefor and the placing of such fees into a special fund and for expenditures from such fund; providing for the collection of such garbage and waste and contracts with reference thereto; excluding such special funds from county budget, and providing that no budget law shall apply to said section of said act without specific reference thereto.

Also—

H. B. No. 239—An Act for the relief and release of Claude A. Gandolfo, individually and as Assessor of Taxes of Monroe County, Florida, from all liability with respect to overpayments of Commissioners to said Assessor of Taxes and payments to him on account of traveling expenses and clerical help, which is disclosed by audit report No. 2636 of the State Auditing Department of the State of Florida, and validating and confirming all such overpayments and payments and providing that the said Claude A. Gandolfo shall not be required to refund or repay same, or any part thereof, and shall be entitled to have and retain all of said commissions in full notwithstanding the provisions of Section 145.01, Florida Statutes 1941.

Also—

H. B. No. 269—An Act for the relief and release of Frank H. Ladd, individually and as former Tax Collector of Monroe County, Florida, from all liability with respect to overpayments of commissions to said former Tax Collector, which is disclosed by audit report No. 2636 of the State Auditing Department of the State of Florida, and validating and confirming all such overpayments and providing that the said Frank H. Ladd shall not be required to refund or repay same, or any part thereof, and shall be entitled to have and retain all of said commissions in full notwithstanding the provisions of Section 145.01, Florida Statutes 1941.

Also—

H. B. No. 292—An Act authorizing the Board of County Commissioners of Palm Beach County, Florida, to budget and to levy a jail building tax not exceeding one mill per annum for not more than five consecutive years beginning with the fiscal year 1945-1946; providing how and when such tax shall be assessed and collected; providing that the tax authorized shall be in addition to the tax authorized by Section 135.01, Florida Statutes 1941, and to supplement funds already accumulated.

Also—

H. B. No. 293—An Act fixing the minimum and maximum amounts of bonds to be furnished by the Clerk of the Circuit Court, the Sheriff, the Deputy Sheriffs, the Tax Collector, the Tax Assessor, the County Judge, the members of the Board of Public Instruction, the Superintendent of Registration, the County Commissioners, the County Superintendent of Public Instruction, the Clerk of the Criminal Court of Record and the Justices of the Peace in Palm Beach County, providing the amounts thereof to be fixed by the Board of County Commissioners of Palm Beach County, the approval thereof by such Board of County Commissioners and the Comptroller, the filing of such bonds, the number, obligation and justification of sureties thereon, and providing when this act shall become effective.

Also—

H. B. No. 319—An Act to amend Section 7 of Chapter 8374, Laws of Florida, Acts of 1919, the same being an act entitled "An Act to abolish the present municipal government of the City of Tallahassee, in the County of Leon, in the State of Florida, and to create, establish and organize a municipality to be known and designated as the City of Tallahassee, and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges," as amended by Chapter 13437, Laws of Florida, Acts of 1927, relating to the powers of the City of Tallahassee, by authorizing said city to provide by ordinance for the forfeiture to the city by the municipal court of any intoxicating liquor and any gambling equipment, devices or apparatus and any moneys or other valuable thing used in connection with the illegal possession or operation of any such gambling equipment, devices or apparatus, whenever any such intoxicating liquor and any gambling equipment, devices or apparatus shall be in the possession of any person, firm or corporation contrary to any ordinance of said city.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

T. DREW BRANCH,

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

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

H. B. No. 312—An Act authorizing the issuance of search warrants by the municipal judge of the City of Gainesville, Florida, the service of same, and for the giving of bond by the administrative officer serving such warrants.

Also—

H. B. No. 314—An Act to amend Section 5 of Chapter 12635-(830) of the Acts of the Legislature of the State of Florida for the year 1927, being an Act entitled: "An Act to abolish the present municipal government of the Town of Country Club Estates (now known as Miami Springs) in the County of Dade, and State of Florida, and to organize and establish a town government for the Town of Country Club Estates (now known as Miami Springs) in the County of Dade, in the State of Florida; to prescribe its jurisdiction and power, and to authorize the imposition of penalties for the violation of its ordinances."

Also—

H. B. No. 317—An Act authorizing the Board of County Commissioners of Bay County, Florida, to cause appraisements of properties in said Bay County, outside the City limits of Panama City, to be made by some company or board of appraisers, to be selected by said Board of County Commissioners, and at intervals of Five (5) years; said appraisements to comprehend and include the valuation of each piece of property within the boundaries of Bay County, Florida, outside the city limits of said Panama City; said appraisements to be made in duplicate, one copy to be deposited in the office of the Tax Assessor of said Bay County, and the other copy to be deposited in the office of the Board of County Commissioners of said Bay County, for reference and information of said Tax Assessor and said Board of County Commissioners and the public; and said appraisements to be made at a cost not to exceed \$5,000 for the first of said appraisements, and at a cost of not exceeding \$4,000 for any succeeding appraisal; and authorizing the levy of taxes to pay the cost thereof.

Also—

H. B. No. 318—An Act authorizing the City Commission of the City of Tallahassee, Florida, to establish and create by ordinance a pension, annuity and retirement system for the members of the fire department of said City, to provide for disability benefits; to provide for contribution to the costs thereof by members of said department; to provide for contributions into said system by the City of Tallahassee from the funds which shall be payable to said City under and pursuant to the provisions of Sections 175.04, 175.05, 175.06, 175.07 and 175.08 of Florida Statutes 1941, and funds of the City; to provide for the investment of funds of said system and to provide for the administration of said system.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

T. DREW BRANCH,

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

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

H. B. No. 323—An Act making the term of office of each the Mayor, Councilman, Marshal and City Recorder of the City of Arcadia, DeSoto County, Florida, for a period of four years and providing for a referendum thereof.

Also—

H. B. No. 326—An Act to amend Section 1 of Chapter 21394 Special Acts of 1941, and Entitled: "An Act to amend the charter of the City of Miami, Florida, by authorizing said City to levy a special tax, not exceeding one mill, upon real and personal property therein, for the purpose of maintaining a public library and public library system in said City", by authorizing the City of Miami, Florida, by and through its governing body to levy an annual tax not exceeding one mill and a half on the dollar of the assessed value of all property in said City, both real and personal, for the purpose of establishing, operating and maintaining a public library and public library system therein.

Also—

H. B. No. 328—An Act to amend Chapter 10847, Laws of Florida, passed at the 1925 regular session approved May 9, 1925, entitled: "An Act to amend and re-enact the Charter of the City of Miami, in the County of Dade, and to fix the boundaries and provide for the government, powers and privileges of said City and means for exercising the same; and to authorize the imposition of penalties for the violation of ordinances and to ratify certain Acts and proceedings of the Commission and of the officers of the City", by adding thereto a new section to follow Section 91 and to precede Section 92, which new section shall be numbered 91 (a) and which authorizes and empowers the City Clerk to administer oaths.

Also—

H. B. No. 342—An Act to validate and legalize in the purchaser, or purchasers, and their successors and assigns in title, the title to all property acquired at any Master's Sale through foreclosure of delinquent city taxes, or special assessments or improvement liens, by the City of Fort Myers, Florida, under the provisions of Chapter 15,038, Acts of 1931, Laws of Florida, or any supplemental or amendatory Acts.

Also—

H. B. No. 346—An Act empowering the City of Fort Myers, Florida, a municipal corporation, to levy and collect a utilities retail or consumers bills tax, and preserving to said City its power and authority to levy and collect such taxes, any other general or special law to the contrary, notwithstanding.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

T. DREW BRANCH,

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

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

H. B. No. 327—An Act to amend Chapter 10847, Laws of Florida, passed at the 1925 Regular Session, approved May 9, 1925, entitled: "An Act to amend and re-enact the Charter of the City of Miami, in the County of Dade, and to fix the boundaries and provide for the government power and privileges of said city and means for exercising the same; and to authorize the imposition of penalties for the violation of ordinances; and to ratify certain acts and proceedings of the commission and of the officers of the city;" by adding a new section to follow Section 59 and to precede Section 60 of said Charter to be numbered Section 59 (g), which new Section authorizes and empowers the judges of the municipal court of the City of Miami, Florida, to issue search warrants.

Also—

H. B. No. 344—An Act amending Section 2 of Chapter 22295, Laws of Florida, Acts of 1943, entitled "An Act to abolish the Charter of the City of Fort Myers, in Lee County, Florida, and to grant a new Charter for the City of Fort Myers created under this Act; to define its boundaries, jurisdiction, powers, privileges and immunities; to confirm the title to all city property including all riparian and foreshore rights, the title to all the tidewater and other lands and river bottoms heretofore granted by the State of Florida, or otherwise acquired; to validate all taxes and other assessments and levies heretofore made; to preserve the validity and binding force of all debt, obligations and liability of the former City of Fort Myers, and to continue the same as the debts and lia-

bilities of the City of Fort Myers created by this Act, and to preserve the validity and binding force of all credits and assets of the former City of Fort Myers and to continue the same as the credits and assets of the City of Fort Myers created by this Act; fixing the date when this Act shall take effect; and to provide for the election and fixing of salaries of the city officials created by this Act; creating a municipal court and defining its powers and jurisdiction; dividing the City of Fort Myers, created by this Act, into wards and defining the boundaries of each such ward; creating a municipal corporation in the State of Florida to be known as the City of Fort Myers, and granting unto it specific and general power and authority incident and necessary to the running and operation of a municipal corporation" by describing, defining and establishing the territorial limits of the City of Fort Myers, Florida, and preserving the lien of said City of Fort Myers, Florida, upon real and personal property for unpaid taxes and special assessments heretofore levied and assessed by said City thereon.

Also—

H. B. No. 347—An Act to authorize the City of Fort Myers to provide for the acquisition upon, and enforcement of liens against, also custody, sale or other disposition of lost, captured or stolen property.

Beg leave to report that the same have this day been presented to the Governor for his approval.

Very respectfully,

T. DREW BRANCH,

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

Senator Boyle moved that Senate Rules Nos. 1 to 22, inclusive, be repealed by a majority vote of the Senate.

The President ruled that to change or repeal the Rules of the Senate requires a two-thirds vote of the members voting.

Senator Lewis appealed from the ruling of the Chair.

Whereupon, the President put the question, "Shall the ruling of the Chair stand as the judgment of this Body?"

Pending consideration of the question, Senator Thomas moved that the Senate do now adjourn.

Upon which a roll call was demanded.

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

Yeas—11.

Beacham	Gray	McArthur	Sheldon
Clarke	Griner	Perdue	Thomas
Fraser 29th	Johns	Shands	

Nays—25.

Mr. President	Branch	Johnson	Riddle
Ausley	Bryant	King 7th	Sanchez
Barringer	Carroll	King 27th	Sturgis
Baynard	Coleman 13th	Lewis	Wilson
Black	Coleman 28th	Lindler	
Boyle	Davis	Mathews	
Brackin	Fraser 31st	Moon	

So the motion made by Senator Thomas failed of adoption.

The question recurred on the question as previously put.

Pending consideration thereof, the hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 1:00 o'clock P. M., until 11:00 o'clock A. M., Friday, May 4, 1945.