

# JOURNAL OF THE SENATE

Tuesday, April 24, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, April 23, 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      |         |

—35.

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 23, 1945, was corrected as follows:

Pages 15, column 2, between lines 24 and 25 from the bottom of the column, insert the following:

Senator Brackin moved that the rules be further waived and House Bill No. 220, 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. 220, as amended, be read the third time in full.

And as corrected was approved.

## REPORTS OF COMMITTEES

Your Committee on Citrus Fruits, to whom was referred: S. B. No. 221—A bill to be entitled An Act to provide for the bulk sale and transportation of tree ripened grove run citrus fruit by trucks or other means of conveyance without inspection, inspection fee, or advertising tax to be transported, within or beyond the boundaries of the State of Florida by the producer or by the purchaser from the producer, at the grove: providing for the registration of producers with the Commissioner of Agriculture of the State of Florida and providing regulations for the sale and transportation of bulk grove run citrus fruit.

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

Very respectfully,  
HARRY P. JOHNSON,  
Chairman of Committee.

And Senate Bill No. 221, contained in the above report, was laid on the table.

Your Committee on Control of Legislative Expenditures, to whom was referred:

Senate Resolution No. 13:

Relative to the pay of certain attaches.

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

Very respectfully,  
WILBUR C. KING,  
Chairman of Committee.

And Senate Resolution No. 13, contained in the above report, was laid on the table.

Your Committee on Education, to whom was referred:

House Concurrent Resolution No. 7:

A resolution authorizing and requesting the Florida Citizens' Committee on Education to make a 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 finding and results of such survey and study, together with their recommendations in regard to said program.

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

Very respectfully,  
HARRISON E. BARRINGER,  
Chairman of Committee.

And House Concurrent Resolution No. 7, contained in the above report, was referred to the Committee on Appropriations.

Your Committee on Education, to whom was referred:

S. B. No. 220—A bill to be entitled An Act relating to education: to provide assistance to county boards of public instruction in replacing school buildings which have been destroyed or damaged in districts in which the resources are insufficient to permit construction of necessary school facilities; to provide an appropriation therefor; and to provide for the apportionment and use thereof.

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

Very respectfully,  
HARRISON E. BARRINGER,  
Chairman of Committee.

And Senate Bill No. 220, contained in the above report, was referred to the Committee on Appropriations.

Your Committee on Education, to whom was referred:

Senate Concurrent Resolution No. 5:

Relative to scholarships at the State colleges.

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

Very respectfully,  
HARRISON E. BARRINGER,  
Chairman of Committee.

And Senate Concurrent Resolution No. 5, contained in the above report, was placed on the Calendar of Bills on Second Reading.

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

H. B. No. 86—A bill to be entitled An Act making it unlawful for any county, district or municipality to hold a bond election on the day of any state, county or municipal primary or general election or on the day of any election of such district, county or municipality for any other purpose other than the purpose of voting on such bonds; repealing all laws in conflict herewith; providing when this Act shall become a law.

Have examined the same and find same correctly enrolled.

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

Very respectfully,  
T. DREW BRANCH,  
Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

And House Bill No. 86, 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.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

H. B. No. 123—An Act authorizing and empowering the Board of County Commissioners of Hillsborough County, Florida, to convey gratuitously without advertisement, sale or consideration to Carmichael Legree Post of Colored Veterans of the World Wars, lots three and four, of Block seven, of John B. Spencer's subdivision, per plat recorded in deed book "K", page 788, public records of said county, for the purpose of building a home thereon for said veterans, and likewise empowering and directing the proper officials of the city of Tampa, Florida, a municipal corporation, to take all necessary actions to accomplish the cancellation and discharge of record of any and all taxes and liens claimed or held by said municipality upon said real estate.

Also—

H. B. No. 122—An Act authorizing and empowering the Board of County Commissioners of Hillsborough County, Florida, to compromise, adjust, settle and cancel any outstanding and unpaid Bayshore Seawall assessments together with any and all penalties, interest and fees thereon, made under Chapter 9470, Laws of Florida, Acts of 1923 Legislature as amended by Chapter 12851, Laws of Florida, Acts of 1927 Legislature, and Chapter 14107, Laws of Florida, Acts of 1929 Legislature, upon terms and conditions to be fixed and determined by said Board of County Commissioners in their discretion.

Also—

H. B. No. 51—An Act authorizing and requiring the State Road Department of the State of Florida to pave and maintain the necessary roads or driveways adjacent to or running through all State institutions and other property owned or operated by any state department, commission, or agency when and as recommended or required by the duly constituted authority having control over such State institutions or property.

Also—

H. B. No. 62—An Act to amend Section 2 of Chapter 10980, Laws of Florida, Special Acts of 1925, entitled "An Act authorizing the City of Orlando, Florida, to grant an exclusive franchise to any person, persons, firm or corporation for the use of the streets of said city for the operation of automobile buses".

Also—

H. B. No. 71—An Act authorizing benevolent mutual benefit associations, with the consent of the Insurance Commissioner to transform into legal reserve or level premium companies and to incur the obligations and enjoy the benefits thereof; providing that all members shall have the privilege of converting their certificates; providing for deposits; and providing that such change shall not affect existing suits, rights or contracts.

Also—

H. B. No. 114—An Act to declare, establish and designate a certain State road.

Also—

H. B. No. 116—An Act to validate and confirm the assessment and levy of taxes made by the City of Green Cove Springs, Florida, for the years 1939, 1940, 1941, 1942, 1943 and 1944.

Also—

H. B. No. 204—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 Stuart, Florida, under the provisions of Chapter 15038, Acts of 1931, Laws of Florida, or any supplemental or amendatory acts.

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. 148—An Act authorizing and empowering the Board of County Commissioners of each and every county in the State of Florida having a population of not less than 100,000 nor more than 200,000 inhabitants according to the last preceding Federal Census, to condemn buildings and residences and other structures which are obsolete and which become dangerous to the public, or, as a fire hazard, to declare the same a nuisance, and to sell, tear down or destroy them; and providing for notice to the owner of said property of an investigation which shall be made by the Board of County Commissioners with reference thereto and the manner and form of said investigation, the method of carrying out the results and the findings of said Board with regard thereto, and providing penalties and a method of appeal incident thereto.

Also—

H. B. No. 205—An Act to amend Section 7 of Chapter 16692, Special Acts of 1933, Laws of Florida, relating to additional powers to be given to the City Commission of the City of Stuart, Florida, enabling said City Commission, by proper ordinance, to impose a tax on all sales of goods, wares, merchandise, services or property, real, personal, or mixed, tangible or intangible, within said city, the said Act being entitled, "An Act to abolish the present Municipal Government of the City of Stuart, in Martin County, Florida and to create, establish and organize a Municipality to be known and designated as the City of Stuart, and to define its territorial boundaries and provide for its government, jurisdiction, powers, franchises and privileges."

Also—

House Concurrent Resolution No. 8:

A Resolution to invite the Honorable Charles O. Andrews, United States Senator from Florida to address a joint session of the Florida Legislature.

Also—

H. B. No. 46—An Act providing for the payment by Palm Beach County, Florida, of the salary of a secretary for each Judge of the Circuit Court of the Fifteenth Judicial Circuit residing in Palm Beach County, Florida, and for the payment by said county of all the necessary and incidental expenses of the office of said judge.

Also—

H. B. No. 102—An Act providing that the Board of County Commissioners of Polk County, Florida, may create a post-war construction fund; prescribing the public purposes for which such fund shall be used; providing the methods of raising revenue to be credited to such fund; and prescribing the time and manner when such fund shall be used.

Also—

H. B. No. 78—An Act to amend Section Two (2) of Chapter 19786, Laws of Florida, Acts of 1939, the same being relative to salaries of the secretaries of the circuit judges in and for Duval County, and of the Judge of the Civil Court of Record in and for Duval County, Florida.

Also—

H. B. No. 147—An Act authorizing and empowering the Board of County Commissioners of any county of the State of Florida, having a population of not less than 100,000 nor more than 200,000 inhabitants according to the last preceding Federal Census, to offer and pay rewards for information leading to the apprehension and conviction of persons charged with the commission of a felony or felonies in such county.

Also—

H. B. No. 177—An Act to discontinue the use as a cemetery of that certain tract of land in E. I. Hendricks grant owned by the First Baptist Church of Jacksonville, located at the northwest corner of Myrtle Avenue and Adams Street in Jacksonville, Florida; and to authorize the First Baptist Church of Jacksonville to remove from said land the bodies buried therein and to re-inter them in Edgewood cemetery in Duval County, Florida; to remove and reset the present stones, markers and monuments and to provide for perpetual care of said graves, at the expense of the said church.

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.

INTRODUCTION OF RESOLUTIONS

By Senators Lewis and Mathews—

Senate Resolution No. 14:

Relative to the pay of attaches.

Which was read the first time in full and referred to the Committee on Control of Legislative Expenditures.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Beacham and King, (27th Dist.)—

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.

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

By Senator Black—

S. B. No. 248—A bill to be entitled An Act fixing the per diem and traveling expenses of state officers and employees when traveling on state business.

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

By Senator Black—

S. B. No. 249—A bill to be entitled An Act to amend Section 589.23, Florida Statutes 1941, relating to the Florida Park Service.

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

By Senator Sanchez—

S. B. No. 250—A bill to be entitled An Act providing that the Board of Control shall locate, establish and maintain in or near Live Oak, Florida, a branch Experiment Station of the Florida Agricultural Experiment Station; providing the purposes of such Branch Experiment Station and providing that the experiments conducted thereby shall be focused primarily upon the needs and requirements of the Northeastern Section of the State.

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

By Senator Sanchez—

S. B. No. 251—A bill to be entitled An Act providing it shall be usury and unlawful for those doing a life insurance business in this State to charge a greater rate of interest than 3% per annum on loans to residents of this State made mainly upon the security of life insurance contracts or of the loan values or cash surrender values thereof; excepting loan agreements now in effect.

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

By Senator Mathews—

S. B. No. 252—A bill to be entitled An Act affecting the City of Jacksonville, and pension and retirement privileges of members of the Fire Department who were members of the South Jacksonville Fire Department at the time of the annexation of the City of South Jacksonville by the City of Jacksonville, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 252 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. 252 be read the second time by title only.

When was agreed to by a two-thirds vote.

And Senate Bill No. 252 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 252 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. 252 was read the third time in full. Upon the passage of Senate Bill No. 252 the roll was called and the vote was:

Yeas—35.

|               |              |           |         |
|---------------|--------------|-----------|---------|
| 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      |         |

Nays—None.

So Senate Bill No. 252 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

S. B. No. 253—A bill to be entitled An Act fixing a rule for computing the amount of the pension of members of the Fire Department of the City of Jacksonville, Florida, upon their retirement, and matters relating to the pension fund of the Fire Department of said City.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 253 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. 253 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 253 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 253 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. 253 was read the third time in full.

Upon the passage of Senate Bill No. 253 the roll was called and the vote was:

Yeas—35.

|               |              |           |         |
|---------------|--------------|-----------|---------|
| 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      |         |

Nays—None.

So Senate Bill No. 253 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

S. B. No. 254—A bill to be entitled An Act to amend Section 6 of Chapter §277, Laws of Florida, Acts of 1919, as amended by Section 1 of Chapter 19905, Laws of Florida, Acts of 1939, entitled "An Act providing for pensions for employees of the City of Jacksonville."

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 254 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. 254 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 254 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 254 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. 254 was read the third time in full.

Upon the passage of Senate Bill No. 254 the roll was called and the vote was:

Yeas—35.

|               |              |           |         |
|---------------|--------------|-----------|---------|
| 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      |         |

Nays—None.

So Senate Bill No. 254 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Mathews—

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.

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

By Senator Mathews—

S. B. No. 256—A bill to be entitled An Act for the relief severally of Elizabeth P. Stark and Helen Munroe Philip and jointly of Philip Bache and Vera Ann Bache, for losses to them occasioned by their inability to repurchase from the Trustees of the Internal Improvement Fund certain of their lands for Air Base Authority, under Section 10 of Chapter 19784, Acts of 1937, by reason of the grant of such lands to the Duval County Air Base Authority, under Section 10 of Chapter 19784, Acts of 1939, and by reason of the unconstitutionality of Chapter 21205, Acts of 1941, under which Act they would otherwise have had the relief in this Act granted: providing for the payment of such losses from any funds in the Treasury of the State of Florida to the credit of the Trustees of the Internal Improvement Fund not otherwise appropriated.

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

Senator Sheldon 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 11:09 o'clock A. M.

The Senate emerged from Executive Session at 12:08 o'clock P. M., and resumed its Session.

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      |         |

—35.

A quorum present.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Fla., April 23, 1945.

*Hon. Walter W. Rose,*  
*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 State Institutions—

Committee Substitute for—

H. B. No. 26—A bill to be entitled An Act authorizing the establishment, construction, equipment, maintenance, operation, and management of the South Florida State Hospital and fixing the location thereof: authorizing and directing the Board of State Institutions of the State of Florida to accept as a donation or gift lands described herein as a location for said South Florida State Hospital: authorizing and directing cooperation between the said Hospital and the United States and its agencies: providing for the management, control and operation of said Hospital, and making an appropriation for said Hospital.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk House of Representatives.

And Committee Substitute for House Bill No. 26, contained in the above Message, was read the first time by title only and referred to the Committee on Appropriations.

Senator Davis moved that a committee be appointed to escort Honorable Raeburn C. Horne, of Madison, Florida, former member of the Senate from the 10th Senatorial District; and Staff Sergeant Julian Brown, of the United States Army, hero of World War II, and a former prisoner of war on Bataan, to seats on the rostrum.

Which was agreed to.

And the President appointed Senators Davis, Lindler, Black and Sturgis as the Committee.

#### SENATE BILLS ON THIRD READING

Senate Bill No. 43 was taken up in its order and the consideration thereof was informally passed.

#### SENATE BILLS ON SECOND READING

Senate Bill No. 145 was taken up in its order and the consideration thereof was informally passed.

S. B. No. 155—A bill to be entitled An Act to amend Section 30.23 and 30.25, Florida Statutes 1941, entitled: "An Act fixing the fees to be charged by the Sheriffs of the several Counties of the State of Florida and to repeal all laws in conflict herewith".

Was taken up in its order.

Senator Mathews moved that the rules be waived and Senate Bill No. 155 be read the second time by title only.

And Senate Bill No. 155 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 155 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. 155 was read the third time in full.

Pending roll call on the passage of Senate Bill No. 155, 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., Wednesday, April 25, 1945.