

JOURNAL OF THE SENATE

192

Friday, April 29, 1949

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, April 28, 1949.

Senator Ray, President Pro Tempore, presiding.

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

Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	
Collins	Lindler	Sheldon	

—37.

A quorum present.

Senator Brackin, President of the Senate, was excused from attendance upon the Session today because of the illness of his mother.

Prayer was offered by the Senate Chaplain, Reverend W. F. Dunkle.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, April 28, 1949, was corrected as follows:

Page 1, column 1, line 22, between the word "Monday" and the figures "25" insert the word "April".

Also—

Page 6, column 2, strike out lines 27 to 49, both inclusive, and insert in lieu thereof the following:

S. B. No. 387—A bill to be entitled An Act relating to education: amending Section 231.22, Florida Statutes, 1941; also amending Sections 21, 27, 28, 31, and 45 of Chapter 23726, Laws of Florida, Acts of 1947 (Sections 231.36, 236.02, 236.03, 236.07, and 242.05, Florida Statutes, 1947, Supplement, respectively), being: "An Act relating to education: to amend Sections 228.15; 228.16; 228.19; 229.23; 230.04; 230.06; 230.08; 230.09; 230.10; 230.25; 230.30; 230.34; 230.44; 231.02; 231.10; 231.11; 231.14; 231.16; 231.17; 231.18; 231.36; 231.40; 231.42; 232.01; 232.38; 236.01; 236.02; 236.03; 236.04; as amended by Section 1 of Chapter 22,537, Laws of Florida, Acts of 1945, 236.05; 236.07; 236.08; 236.09; 236.13; 236.15; 236.18; 236.61; 236.62; 239.19; 239.20; 239.22; 239.24; 242.01 as amended by Section 1 of Chapter 22,780, Laws of Florida, Acts of 1945, 242.02; 242.05; as amended by Section 1 of Chapter 22,518, Laws of Florida, Acts of 1945, and to make the necessary appropriations therefor; 242.17; 242.41; 242.42; and 242.43; Florida Statutes of 1941 as amended: and Sections 4, 6, 7, and 8 of Chapter 22,944, Laws of Florida, Acts of 1945; and to repeal Sections 231.08; 231.19; 231.21; 235.22; 236.06; 236.10; 236.11; 236.12; 236.16; 236.60; 236.63; 236.64; 236.65; 236.66; 236.67; 240.12; 242.03; 242.15; 242.16; 242.18; and 242.44. Florida Statutes of 1941, as amended."

And as corrected was approved.

Senator Baynard withdrew his appeal from the ruling of the Chair on April 28, 1949 regarding the vote required to refer S. B. No. 394 to the Committee on Judiciary "C" and explained that after a further study of the Senate Rules he was convinced that the President of the Senate was correct in ruling that the motion required a two-thirds affirmative vote to be adopted.

Senator Sturgis moved that Senate Bill No. 207, originally referred to the Committee on Insurance and the Committee

on Appropriations, and reported favorably with amendments by the Committee on Insurance on April 28, 1949, and thereafter referred to the Committee on Appropriations, be recalled from the Committee on Appropriations and placed on the Calendar of Bills on Second Reading, pursuant to the report of the Committee on Insurance.

Which was agreed to and it was so ordered.

Senator Shivers moved that Senate Bill No. 266 be-recalled from the Committee on Finance and Taxation and re-referred to the Committee on Forestry and Parks.

Which was agreed to and it was so ordered.

REPORTS OF COMMITTEES

Senator Crary, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following Bills:

S. B. No. 273—A bill to be entitled An Act amending Section 135.01, Florida Statutes 1941, relating to erection or repair of court houses, jails and other county buildings; providing for publication of notice by County Commissioners; fixing a maximum millage levy as a building tax and limiting the taxing period.

H. B. No. 208—A bill to be entitled An Act to amend Section 125.08, Florida Statutes 1941, relating to competitive bids on certain contracts and purchases made by Boards of County Commissioners, said amendment authorizing certain contracts and purchases to be made without competitive bids when the amount to be expended therefor does not exceed five hundred dollars and further authorizing such contracts and purchases to be made by unanimous vote of the members of Boards of County Commissioners in cases of emergency when the amount to be expended therefor does not exceed one thousand dollars.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Beall, Chairman of the Committee on Temperance, reported that the Committee had carefully considered the following Bill:

H. B. No. 193—A bill to be entitled An Act authorizing the County Commissioners of those counties in the State of Florida where the sale of intoxicating liquors is permitted, and who are authorized to establish or have established zoning and planning boards, to determine the distance from churches and schools within which intoxicating liquors may be sold in those areas within said counties outside the limits of incorporated cities and towns that are now, or which may hereafter be, designated or zoned for business purposes; providing that such distance so determined shall not be less than the distance established by ordinance in the county seats of the respective counties in which County Commissioners exercise such authority, or not more than the distance established by general law in the absence of any such authority being exercised by the County Commissioners.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Rodgers, Chairman of the Committee on Cities and Towns, reported that the Committee had carefully considered the following Bill:

S. B. No. 15—A bill to be entitled An Act to amend Section 167.09 of the Florida Statutes, 1941, of the State of Florida relating to the laying off, improving, altering, discontinuing, diverting or abandoning parks, public squares, streets, avenues, lanes, highways and canals.

—and recommends that it do pass with committee amendments as attached thereto.

And the Bill contained in the preceding report, together with the Committee Amendments attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Walker, Chairman of the Committee on Judiciary "B", reported that the Committee had carefully considered the following Bills:

S. B. No. 335—A bill to be entitled An Act relating to pleadings in civil actions in any of the courts of record and providing when judicial proceedings in respect thereto shall be harmless error.

S. B. No. 96—A bill to be entitled An Act creating and establishing a Florida State Tax Commission and fixing its powers, authority, duties and jurisdiction in connection with taxation under the laws of this State.

S. B. No. 204—A bill to be entitled An Act to provide for the removal and eviction or removal or eviction of tenants or occupants of real property for the non-payment of rent; to confer jurisdiction upon Justice of Peace Courts; to fix and limit the jurisdiction thereof; to define and provide the procedure, and to fix the costs and fees for the same.

H. B. No. 48—A bill to be entitled An Act to regulate the use of State, county and municipally owned automobiles, trucks, machinery, and other equipment or supplies: to prevent the use of such automobiles, trucks, machinery, and other equipment or supplies for private purposes and prescribing the penalties for such unauthorized use.

H. B. No. 105—A bill to be entitled An Act amending Section 40.01, Florida Statutes, 1941, relating to the general qualifications and disqualifications of jurors and the duty of persons selecting jury lists, by providing for female jurors as well as male jurors except in eminent domain proceedings.

H. B. No. 144—A bill to be entitled An Act relating to the registration of trademarks and trade names; to define trademark and trade names; to provide for the term of existence; for re-registration; for cancellation, transfer or assignment; for a filing fee; the filing of an annual report; procedure for equitable relief and damages; exemptions; to repeal all laws in conflict herewith.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Tucker, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bill:

H. B. No. 133—A bill to be entitled An Act providing for the relief of Emory Bridges from capital outlay funds accruing for use in Calhoun County.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Tucker, Chairman of the Committee on Pensions and Claims, reported that the Committee had carefully considered the following Bills:

S. B. No. 165—A bill to be entitled An Act authorizing and directing the State Comptroller to refund to St. Regis Paper Company a certain sum, to-wit: \$2,829.20, collected by the Tax Collector of Escambia County, Florida, as a Class "C" intangible tax on personal property, in order to procure the recordation of a mortgage, which said sum was not legally due and payable as taxes, under the law of the State of Florida.

S. B. No. 261—A bill to be entitled An Act for the relief of Southern Builders, Inc., of Tampa, Florida for the payment of an award and judgment of a court of arbitration against the Board of Commissioners of State Institutions.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Shands, Chairman of the Committee on Finance

and Taxation, reported that the Committee had carefully considered the following Bill:

S. B. No. 385—A bill to be entitled An Act to levy a tax of five per cent against all general admission charges to all places of amusement and athletic events, with designated exceptions, within the State of Florida; providing for the manner of payment of such tax; authorizing the State Comptroller to collect the same; appropriating a percentage thereof for cost of administration; providing penalties for violations of this Act; repealing all laws in conflict herewith; and providing for an effective date of this Act.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table.

Senator Shands, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. No. 360—A bill to be entitled An Act relating to taxation, levying, and imposing a tax on cigars, smoking tobacco, and chewing tobacco; defining certain terms; requiring dealers in such products as herein described to obtain permits, and exacting a fee therefor in addition to other taxes imposed by law; requiring reports of the sale and other disposition of such products; providing for the collection of such taxes and the distribution of the proceeds thereof; providing for appropriation of funds in order to prepare for administration of this Act; prescribing the duties and powers of the Director of the State Beverage Department and providing for the enforcement of this Act and penalties for violation hereof.

S. B. No. 52—A bill to be entitled An Act assessing, levying and imposing an excise tax on the privilege of renting sleeping accommodations and space for concessions from hotels, apartment houses and rooming houses; to provide for the administration of this Act and for the creation and enforcement of a lien for the payment of such tax; to provide penalties for the violation of this Act; to provide for the filing of sworn reports by the hotels, apartment houses and rooming houses renting such sleeping accommodations or space for concessions; and to repeal conflicting laws.

S. B. No. 72—A bill to be entitled An Act requiring all producers of phosphate to secure a license, and imposing a license tax on such producers of phosphate; providing for a severance tax on the mining or producing of phosphate; providing for the administration of this Act and for the creation and enforcement of a lien for the payment of such tax; providing penalties for the violation of this Act; and making an appropriation for the purpose of carrying out the terms of this Act.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Shands, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. No. 125—A bill to be entitled An Act amending Section 203.01, Florida Statutes, 1941, relating to a tax upon the gross receipts of Public Service Corporations, by providing for an increase in the rate of such tax.

S. B. No. 128—A bill to be entitled An Act amending Section 203.01, Florida Statutes, 1941, relating to the imposition of gross receipts taxes levied upon the sale of electricity, natural or manufactured gas, the use of the telephones and the sending of telegrams and telegraph messages, by exempting municipalities from the provisions of said Section and the taxes imposed therein to the extent of any such sales or businesses made or conducted by them within their corporate limits; and repealing all laws and parts of laws in conflict herewith.

S. B. No. 158—A bill to be entitled An Act levying an excise tax upon fuel oil sold or used in this State, not taxed under Chapter 209, Florida Statutes, and providing for the collection and distribution of said tax.

S. B. No. 85—A bill to be entitled An Act relating to taxation, levying and imposing a fuel oil tax, and an excise tax on fuel oil; levying and imposing a license tax on every dealer

and distributor of fuel oil; defining fuel oil; providing for the report of import, sale and use of fuel oil; providing for the collection and payment of such taxes; providing for the deposit of the proceeds derived from such taxes in the General Revenue Fund; providing for certain exemptions from said tax; providing for the refund of such tax under certain conditions; prescribing the powers and duties of certain officials with reference thereto; providing for the cost of the administration of this Act; providing for the enforcement of this Act and penalties for violation hereof.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Shands, Chairman of the Committee on Finance and Taxation, reported that the Committee had carefully considered the following Bills:

S. B. No. 58—A bill to be entitled An Act amending Section 199.11, Florida Statutes, 1941, as amended, relating to the levy and assessment of a tax on all intangible personal property, by providing for an increase in the rates of such tax.

S. B. No. 359—A bill to be entitled An Act amending Section 201.02, Florida Statutes, 1941, relating to a tax on deeds and other instruments relating to lands, by providing for an increase in the rate of such tax.

S. B. No. 336—A bill to be entitled An Act amending Section 2 of Chapter 14677, Acts of 1931, as amended the same being Section 610.08, Florida Statutes, 1941, and having reference to the Capital Stock Tax on Corporations.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Walker, Chairman of the Committee on Judiciary "B", reported that the Committee had carefully considered the following Bills:

S. B. No. 143—A bill to be entitled An Act prohibiting the sales of merchandise below cost; defining terms used in the Act and providing for the enforcement thereof by criminal proceedings and suits for injunction.

(With amendment No. 1 to Section 7, last sentence)

(Amendment No. 2 to Section 5, to be added as sub-paragraph (j))

(Amendment No. 3 to Section 2, add new paragraph).

S. B. No. 64—A bill to be entitled An Act to amend Section 733.20, Florida Statutes, 1941, as set out in Section 3, of Chapter 22783, Laws of Florida, Acts of 1945, relating to the Probate Laws of Florida, the order of payment of expenses of administration, family allowances, and claims against the estate.

(Amendment No. 1 to Section No. 1, subsection (d), lines 12 and 13)

(Amendment No. 2 to Section No. 1, subsection (d), line 20)

(Amendment No. 3 to Section No. 1, subsection (d), line 22)

(Amendment No. 4 to Section No. 1, subsection (c), line 4).

S. B. No. 195—A bill to be entitled An Act to amend Section 865.09, Florida Statutes, 1941, relating to the filing of certifications as to ownership of any business operated under a fictitious name and prescribing penalty for failure to comply.

(Amendment No. 1 to Sections 2 and 3, and add Section 4).

—and recommends that they do pass with committee amendments as attached thereto.

And the Bills contained in the preceding report, together with the Committee amendments attached thereto, were placed on the Calendar of Bills on Second Reading.

Senator Walker, Chairman of the Committee on Judiciary "B", reported that the Committee had carefully considered the following Bill:

S. B. No. 187—A bill to be entitled An Act to amend Section

860.01, Florida Statutes, 1941, relating to the offense of driving an automobile while intoxicated, by providing that when such offense results in damage to the property or person of another, such offense shall be deemed a felony, and providing for the punishment therefor.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table.

Senator King, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bill:

S. B. No. 245—A bill to be entitled An Act amending Section 331.14, Florida Statutes, the same being Section 3½ of Chapter 24100, Laws of Florida, 1947, relating to the power of city and county authorities owning or operating air ports to grant exclusive franchises, including exclusive franchises for ground transportation of passengers coming or going on airplanes, and over the public roads, highways and streets leading from such airports to the municipality nearest to said airport; and other matters in connection therewith.

—and recommends that it do not pass.

And the Bill contained in the preceding report was laid on the table.

Senator King, Chairman of the Committee on Motor Vehicles, reported that the Committee had carefully considered the following Bills:

S. B. No. 213—A bill to be entitled An Act to amend Section 317.63, Florida Statutes, 1941, requiring motor vehicles to be equipped with mufflers by including motorcycles, motor bicycles, motor scooters and all self propelled vehicles.

S. B. No. 233—A bill to be entitled An Act to amend Section 321.02, Florida Statutes, 1941, relating to division of Florida Highway Patrol and powers of the executive board of the Department of Public Safety. Repealing all laws in conflict herewith and providing the effective date hereof.

S. B. No. 263—A bill to be entitled An Act to amend Sections 323.15 and 323.16, Florida Statutes, 1941, as amended by Chapter 22834, Laws of Florida, Acts of 1945, relating to the collection and distribution of mileage taxes; providing for the collection of said taxes by the Comptroller of the State from every auto transportation company whether the holder of a certificate or permit or not, whose transportation operations are not exempt from the provisions of Chapter 323, Florida Statutes, 1941; creating a lien for said taxes and providing for the enforcement thereof; appropriating certain portions of said tax to the State Comptroller and the Florida Railroad Commission to be used in administering Chapter 323, Florida Statutes, 1941; providing for the distribution of said mileage taxes among various cities and counties of the State on the basis of the 1944 distribution; and providing for payment of said tax into the General Revenue Fund in case distribution aforesaid is held unconstitutional.

S. B. No. 380—A bill to be entitled An Act authorizing all peace officers and Florida Highway Patrolmen to stop and detain operators of motor vehicles on the highways in this State using motor fuel other than gasoline without the Comptroller's license card required by Section 209.05, Florida Statutes, 1941.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

Senator Sanchez, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following Bills:

S. B. No. 330—A bill to be entitled An Act amending Chapter 470, Florida Statutes, 1941, and relating to the profession of funeral directing, by adding a Section to be known as 470.30; providing for the licensing of certain persons having a Florida residence of over seven years and possessing certain other qualifications and omitting examinations for such persons; the provisions hereof to be effective for sixty days after application and payment of fees.

S. B. No. 342—A bill to be entitled An Act amending Sec-

tions 462.01, 462.20, Florida Statutes, 1941, relating to naturopathy, defining naturopathy and providing for licensed naturopathic physicians to register with the State Board of Health.

—and recommends that they do not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Sanchez, Chairman of the Committee on Public Health, reported that the Committee had carefully considered the following Bills:

S. B. No. 274—A bill to be entitled An Act amending Section 1 of Chapter 24104, Laws of Florida, Acts of 1947 (the same being Section 461.04, 1947 Cumulative Supplement, Florida Statutes, 1941); providing that such Chapter shall not apply to licensed physicians and surgeons; and amending additional Section (7), Chapter 24104, Laws of Florida, Acts of 1947 (the same being Section 461.19, 1947 Cumulative Supplement, Florida Statutes, 1941), relating to unauthorized peddling of remedies, and other matters in connection therewith.

S. B. No. 275—A bill to be entitled An Act amending Section 461.07, Florida Statutes, 1941, relating to licenses and fees to be charged chiroprodists; adding to Chapter 461, Florida Statutes, 1941, provisions for disposition of surplus fees, and other matters in connection therewith.

S. B. No. 276—A bill to be entitled An Act amending Section 461.03, Florida Statutes, 1941, providing requisites for examination of chiropodists, minimum passing grades, etc.; amending Section 461.05, Florida Statutes, 1941; providing for a Board of Chiropody Examiners; amending Section 461.08, Florida Statutes, 1941, providing for revocation of license; and other matters in connection therewith.

—and recommends that they do pass.

And the Bills contained in the preceding report were placed on the Calendar of Bills on Second Reading.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred with amendments, for engrossing—

S. B. No. 180—A bill to be entitled An Act defining and regulating the practice of medical technology: licensing medical technologists and medical technologist directors and providing for the qualification and examination of applicants for such licenses: providing that practitioners of the healing arts and others shall be exempt from all provisions of this Act: creating a Board of Medical Technology and providing for the appointment of its members, prescribing its organization, and defining its powers and duties: providing for advisors to said board representing the State Board of Medical Examiners, the Board of Examiners in the Basic Sciences, the State Board of Health and the Florida Society of Pathologists, and prescribing their powers and duties: providing fees to be charged persons coming within the terms of the Act and the disposition thereof: providing for the enforcement of the Act by the State Board of Health, by proceedings for the revocation or suspension of licenses issued hereunder, by injunction proceedings and by criminal prosecution.

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,
ROBT W. DAVIS, Secretary of the Senate
as Ex Officio Engrossing Clerk.

And Senate Bill No. 180, contained in the above report, was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred with amendment, for engrossing—

S. B. No. 153—A bill to be entitled An Act relating to the Department of Public Safety: amending Chapter 24151 (No. 537) Laws of Florida, Acts of 1947, the same being Section 321.04, Florida Statutes 1941 (FSA), limiting the number of patrol officers. Repealing all laws and parts of laws in conflict herewith and providing the effective date hereof.

—begs leave to report that the amendment has been in-

corporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,
ROBT W. DAVIS, Secretary of the Senate
as Ex Officio Engrossing Clerk.

And Senate Bill No. 153, contained in the above report, was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred with amendment, for engrossing—

S. B. No. 154—A bill to be entitled An Act relating to the Department of Public Safety: amending Section 2, Chapter 24151, Acts of 1947 (Section 321.07, Florida Statutes 1941) fixing the compensation of employees and officers of the Florida Highway Patrol: repealing all laws in conflict herewith and providing the effective date hereof.

—begs leave to report that the amendment has been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,
ROBT W. DAVIS, Secretary of the Senate
as Ex Officio Engrossing Clerk.

And Senate Bill No. 154, contained in the above report, was ordered certified to the House of Representatives.

Your Engrossing Clerk to whom was referred with amendments, for engrossing—

S. B. No. 190—A bill to be entitled An Act relating to the fees and compensation of the Justices of the Peace for services performed in criminal actions or proceedings in all counties of the State of Florida having a population of not less than 205,000 and not more than 265,000, according to the last State census.

—begs leave to report that the amendments have been incorporated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,
ROBT W. DAVIS, Secretary of the Senate
as Ex Officio Engrossing Clerk.

And Senate Bill No. 190, contained in the above report, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

ENROLLING REPORTS

Hon. Newman C. Brackin,
President of the Senate.
Sir:

Your Enrolling Clerk to whom was referred—

- S. B. No. 14
- S. B. No. 54
- S. B. No. 61
- S. B. No. 88

—begs leave to report same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 28, 1949, for his approval.

Very respectfully,
ROBT W. DAVIS,
Secretary of the Senate
as Ex Officio Enrolling Clerk of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Beacham—

S. B. No. 395—A bill to be entitled An Act to amend Section 443.11 of Chapter 443, Florida Statutes, 1941, as amended by Chapter 24094, Laws of Florida, Acts of 1947, and known as the "Florida Unemployment Compensation Law," relating to administrative organization, by repealing the requirement for the appointment of an executive director: repealing all laws in conflict herewith and making this Act effective July 1, 1949.

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

By Senator Boyle—

S. B. No. 396—A bill to be entitled An Act for protection, restoration and development of the forest resources of the State; to provide revenue therefor, and additional revenue for State purposes; to levy a tax upon persons engaged in the severance, manufacture, or use of forest products, or manufactured forest products; to provide how such taxes shall be measured, enforced and collected; to provide for the administration of this Act by the Comptroller; to authorize the Comptroller to make reasonable rules and regulations; to require the keeping of records and the making of returns; to allocate and distribute the funds derived from the taxes hereby imposed; and to provide penalties for the violation of this Act.

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

By Senator Beacham—

Senate Joint Resolution No. 397:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 2 OF ARTICLE IX OF THE CONSTITUTION OF THE STATE OF FLORIDA, WHICH AMENDMENT AUTHORIZES THE LEVY OF AN AD VALOREM TAX FOR STATE PURPOSES UPON REAL ESTATE OF NOT TO EXCEED TWO MILLS PER YEAR FOR TEN CONSECUTIVE YEARS AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS EXCLUSIVELY TO FLOOD CONTROL WITHIN THE TERRITORIAL LIMITS OF THE STATE OF FLORIDA; AND EXEMPTING HOMESTEADS FROM SAID TAX.

WHEREAS, it is a matter of common knowledge, of which the Legislature of Florida can well take notice, that a flood condition exists in various parts of the state and particularly in that part of Florida south of Marion County, Florida; and

WHEREAS, there has been proposed a joint federal and state program to relieve the emergency condition relating to flooding in the area south of Marion County, Florida, which program contemplates the expenditure of approximately \$217,000,000.00 of joint federal and state funds over a period of ten years; and

WHEREAS, the allocation of funds of the United States of America in pursuance of said program is conditioned upon a participation by the State of Florida to the extent of \$33,000,000.00 to be paid in equal annual installments over said ten-year period; and

WHEREAS, failure to go forward with such joint flood control program will endanger the lives, health, and property of citizens of this State and work irreparable damage to this State; and

WHEREAS, there appears to be no available source of revenue within the State of Florida to provide the funds necessary for the State's share of said joint flood control program; and

WHEREAS, it appears at the present time that the most logical source of taxation by the State of Florida is an ad valorem tax upon real estate located within its territorial limits; and

WHEREAS, Section 2 of Article 9 of the Constitution of the State of Florida, as now existing, prohibits a levy of ad valorem taxes upon real or personal property for State purposes subsequent to December 31, 1940; and

WHEREAS, flood control is a state-wide responsibility, and the activation of the joint federal and state flood control program will inure to the benefit of the State of Florida at large; and

WHEREAS, for these and other facts and things generally known to the members of this body there exists an emergency requiring an early decision by the electors of the State of Florida with respect to the constitutional amendment herein-after set forth; NOW, THEREFORE,

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

That the following amendment of Section 2 of Article 9 of the Constitution of the State of Florida 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 a special election to be held on the first Monday in September, 1949, as follows:

"Section 2. The Legislature shall provide for raising revenue sufficient to defray the expenses of the State, including State appropriations for the benefit of the uniform system of free public schools provided in accordance with Article XII of the Constitution, and of the State institutions of higher learning, for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State; but after December 31st, A. D. 1940, no levy of ad valorem taxes upon real or personal property except intangible property, shall be made for any State purpose whatsoever; and Section 6 of Article XII be, and the same is hereby repealed; provided, however, that the Legislature is hereby specifically authorized and empowered to levy an ad valorem tax of not to exceed two mills on the dollar of assessed valuation on real estate throughout the State of Florida for a period of not to exceed ten consecutive tax years and not to extend beyond December 31st A. D. 1962; and provided, further, that such funds so levied and collected shall be used exclusively for the financing of a joint federal and state flood control program or programs, and the Legislature is authorized to distribute the expenditure of such funds in any county, congressional district, or area of the State as the exigencies of flood conditions within the State may require; and provided, further, that there is hereby specifically exempted from this tax all homestead property, as defined in Article X of the Constitution; and nothing herein contained shall be construed as repealing or amending the provisions of said Article X."

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

By Senator Johns—

S. B. No. 398—A bill to be entitled An Act to amend Section 954.06, Florida Statutes, 1941, relating to gain time of prisoners for good conduct.

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

By Senator Johns—

S. B. No. 399—A bill to be entitled An Act amending Section 323.30, Florida Statutes, 1941, relating to the punishment for violation or for procuring, aiding or abetting in the violation of any provision of Chapter 323, Florida Statutes, 1941, or for failure to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Florida Railroad and Public Utilities Commission, or for procuring, aiding or abetting any person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or any part or provision thereof.

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

By Senator Baynard—

S. B. No. 400—A bill to be entitled An Act providing for periodic inspection of motor vehicles.

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

By Senator Beall—

S. B. No. 401—A bill to be entitled An Act to provide for creation of sanitary districts within Escambia County, Florida, to incorporate same, and to provide for the government thereof; to exempt a certain stream, classified as an industrial stream, from the provisions of this Act; to provide for the construction, maintenance, operation, purchase or condemnation of water supply, sewerage, and refuse disposal systems; to provide for various optional methods of financing of such construction, maintenance, operation and control; and the operation, maintenance, regulation and control of said systems; and for other purposes.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 401 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 Beall moved that the rules be waived and Senate Bill No. 401 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 401 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 401 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. 401 was read the third time in full.

Upon the passage of Senate Bill No. 401 the roll was called and the vote was:

Yeas—37

Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	
Collins	Lindler	Sheldon	

Nays—None

So Senate Bill No. 401 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Clarke—

S. B. No. 402—A bill to be entitled An Act providing that Overseas Road and Toll Bridge District, Monroe County, Florida, SBA refunding bonds, series 1946, dated April 1, 1946, or refunding issues thereof, are eligible as security for deposit in banks of the State of moneys of the State and those other funds as described in Section 18.10, Florida Statutes, 1941, as amended by Section 1 of Chapter 23976, Laws of Florida, Acts of 1947; and fixing the effective date of this Act.

Which was read the first time by title only and referred to the Committee on Banking and Building and Loans.

By Senator Clarke—

S. B. No. 403—A bill to be entitled An Act providing that bonds, notes or certificates issued by Florida State Improvement Commission, or its successors, for payment of which obligations there is pledged the eighty per cent surplus two cents second gasoline tax accruing under Section 16 of Article IX of the State Constitution, are eligible, under stated conditions, as security for deposit in banks of moneys of the State and those other funds as described in Section 18.10, Florida Statutes, 1941, as amended by Section 1 of Chapter 23976, Laws of Florida, Acts of 1947; and fixing the effective date of this Act.

Which was read the first time by title only and referred to the Committee on Banking and Building and Loans.

By Senator Leaird—

S. B. No. 404—A bill to be entitled An Act establishing a Criminal Court of Record in Broward County, Florida, and providing for the officers thereof.

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

By Senator Leaird—

S. B. No. 405—A bill to be entitled An Act amending Chapter 201, Florida Statutes, 1941, relating to and imposing excise taxes on documents, by amending Sections 201.04 and 201.13 thereof and enacting new Section 201.21 thereof providing for the refunding of excise taxes erroneously paid and repealing all conflicting laws and parts of laws.

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

By Senator Leaird—

S. B. No. 406—A bill to be entitled An Act fixing the salaries of the Justices of The Supreme Court.

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

By Senator Mathews—

Senate Joint Resolution No. 407:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IX OF THE CONSTITUTION OF THE STATE OF FLORIDA BY ADDING THERETO AN ADDITIONAL SECTION TO PROVIDE FOR THE ESTABLISHMENT OF THE "MOTOR VEHICLE LICENSE TAX FUND" FOR A FIFTEEN-YEAR PERIOD; ALLOCATING THE MONIES IN SAID FUND TO CERTAIN SPECIFIED PUBLIC PURPOSES; AND PROVIDING FOR THE ADMINISTRATION OF SAID FUND.

WHEREAS, due to the restrictions imposed upon the building of non-military projects during World War II, the State's program for the building of roads, bridges, hospitals, public school buildings, and other public improvements came to a stand-still; and

WHEREAS, the State of Florida has enjoyed a phenomenal growth since the cessation of the war, and the demands of government have increased far beyond what might normally be expected; and

WHEREAS, due to the foregoing factors, the public school buildings of this state are in deplorable condition and entirely inadequate to meet the needs of this State for elementary schools as well as for institutions of higher learning; the highway system of this State is entirely inadequate to handle the volume of traffic now loading it; and the people of this State are in serious danger of having their lives, health, and property seriously endangered and impaired because of the flood conditions here prevailing; and

WHEREAS, for these and other facts and things generally known to the members of this body there exists an emergency requiring an early decision by the electors of the State of Florida with respect to the constitutional amendment herein-after mentioned and set forth; NOW, THEREFORE,

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

That the following amendment to Article IX of the Constitution of the State of Florida, by adding thereto an additional section to be known as Section 17, 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 a special election to be held on the first Monday in September, 1949, as follows:

Section 17.—(a) That beginning January 1st, 1950, and for fifteen (15) years thereafter, the proceeds of the Motor Vehicle License Tax now or hereafter levied by State law shall as collected be placed in the State Treasury in the "Motor Vehicle License Tax Fund", which is hereby established, and shall be distributed for the following purposes and in the following manner:

1. Thirty percent (30%) to be allocated to and distributed among the 67 counties of this State on the same basis of classification as now provided by law for the distribution of school funds;
2. Thirty percent (30%) to be allocated to the State Road Department for the development of super-highways, bridges, and other necessary Road Department projects;
3. Ten percent (10%) to be allocated for flood control in this State;
4. Ten percent (10%) to be allocated to the institutions of higher learning in this State in the following percentages: four percent (4%) to the Florida State University; four percent (4%) to the University of Florida; and two percent (2%) to the Florida A. & M. College.
5. Two percent (2%) to be allocated for the building or expansion of tuberculosis hospitals in this State;

6. Eighteen percent (18%) as a residuary fund for such physical improvements as may be programmed from time to time during such fifteen-year period by the Legislature.

(b) The administration of the Motor Vehicle License Tax Fund shall be the duty of the State Board of Administration, which shall allocate and distribute such Fund in accordance with the provisions of Subsection (a) hereof; provided, however, that the distribution and expenditure of such Fund shall be made only in the manner now or hereafter authorized by the Legislature.

(c) Said Board shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers hereby granted, and no legislation shall be required to render this Amendment of full force and operating effect from and after January 1st, 1950. The Legislature shall continue the levies of the said Motor Vehicle License Tax during the life of this Amendment, and shall not enact any law having the effect of withdrawing the proceeds of said tax from the operation of this Amendment. The general expenses of the Board in the administration of the Fund shall be prorated among the beneficiaries thereof on the same percentage basis as the tax proceeds are distributed thereto; provided, that the Board shall report said expenses to the Legislature at each regular session thereof

(d) The Legislature, in its discretion, is authorized to empower any state agency, board, department, or bureau to pledge the afore-mentioned allocated revenues for the full term of fifteen years and issue securities against the same in order to provide such immediate cash as the Legislature may determine.

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

By Senator Mathews—

S. B. No. 408—A bill to be entitled An Act to impose a business privilege and excise tax with respect to certain activities, privileges and transactions, except as exempted herein, in order to provide additional revenues for the State, to be appropriated for such purposes as the Legislature deems necessary; and providing for the procedure for collection of said tax and for the appropriation and disbursement thereof.

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

MESSAGES FROM THE GOVERNOR

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 28, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Tallahassee, Florida
Sir:

I have the honor to inform you that I have today filed with the Secretary of State the following Acts, which originated in your Honorable Body, the same having remained in my office for the full Constitutional period of five days and will become laws without my approval:

- S. B. No. 76, relating to Lake County
- S. B. No. 131, relating to Broward County
- S. B. No. 160, relating to Columbia County
- S. B. No. 162, relating to Hillsborough County
- S. B. No. 192, relating to Escambia County

Respectfully,
FULLER WARREN,
Governor.

STATE OF FLORIDA
EXECUTIVE DEPARTMENT
TALLAHASSEE

April 28, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Tallahassee, Florida
Sir:

I have the honor to inform you that I have today approved the following Acts, which originated in your Honorable Body, and have caused the same to be filed in the office of the Secretary of State:

- S. B. No. 29, relating to Jacksonville
- S. B. No. 31, relating to Jacksonville
- S. B. No. 36, relating to Legislative Bills
- S. B. No. 193, relating to High Springs

Also—

SCR No. 178, relating to lobbying

Respectfully,
FULLER WARREN,
Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Gautier—

S. B. No. 341—A bill to be entitled An Act empowering the Board of County Commissioners of Dade County, Florida, to regulate and classify persons, firms or corporations engaging in the painting, waterproofing and wall papering trade or industry in Dade County, Florida; providing for the appointment of a Board of Painting Examiners; providing for and empowering the Board of Painting Examiners to promulgate, establish and create rules and regulations for persons, firms or corporations engaging in the painting, water proofing and wall papering industry or trade; establishing the type, method and time of examination; fixing and appropriating examination fees; providing for a method of issuing, suspending and cancelling of certificates of competency; requiring registration with examining board and securing a certificate of competency and requiring annual renewal thereof; providing for the promulgation of orders, regulations and rules pursuant to this Act; defining certain words as used in this Act; providing that this Act and all orders, rules or regulations promulgated in pursuance of this Act shall take precedence and prevail over any and all ordinances, parts of ordinances, laws or regulations now in effect or which may hereafter be put into effect in any community, village, town, city or political subdivision which may be located in Dade County, Florida; providing that in the event any section, sub-section, sentence, clause or phrase in this Act shall be declared or adjudged invalid or unconstitutional, such adjudication or invalidity shall in no manner affect the other sections, sub-sections, sentences, clauses or phrases of this Act; providing for the attorney for the Board of County Commissioners of Dade County, Florida, to enjoin any person, firm or corporation from engaging in the painting, water proofing and wall papering industry or trade, as defined in this Act, who does not have a permit or certificate of competency as defined in this Act.

Proof of publication attached.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 341, contained in the above Message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Mathews—

S. B. No. 176—A bill to be entitled An Act to amend Section 5 of Chapter 14723, Laws of Florida, Acts of 1931, which is an Act to amend and re-enact Chapter 12026, Laws of Florida, Acts of 1927, said section relating to the auditing of the books of the Commissioners of Florida Inland Navigation District and the Secretary thereof by the State Comptroller; to amend said Section to provide that audit shall be made by the State Auditor instead of State Comptroller.

Also—

By the Committee on State Institutions (By Request)—

S. B. No. 196—A bill to be entitled An Act providing that certain state buildings in the Capitol Center at the State Capital shall be under the general supervision and custodianship of the Board of Commissioners of State Institutions.

Also—

By the Senate Committee on Chamber and Office Accommodations—

S. B. No. 232—A bill to be entitled An Act relating to the alteration, furnishing, fitting and equipping of Senate rooms and space in the State Capitol Building, and making an appropriation for the cost thereof.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And Senate Bills Nos. 176, 196 and 232, contained in the above Message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator King—

S. B. No. 48—A bill to be entitled An Act prohibiting any person from wearing badges, emblems or insignia, or using the name of, or falsely claiming to be a member of any benevolent, fraternal, social, humane or charitable organization unless legally qualified so to do; and prescribing penalties for the violation of this Act.

Also—

By Senators Mathews and Baynard—

S. B. No. 106—A bill to be entitled An Act amending Section 347.08, Florida Statutes, the same being Section 1 of Chapter 24197, Laws of Florida 1947, by more definitely defining the toll bridges and causeways the tolls of which may be fixed by the Florida Railroad and Public Utilities Commission.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And Senate Bills Nos. 48 and 106, contained in the above Message were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Dekle of Taylor—

H. B. No. 509—A bill to be entitled An Act relating to and fixing the compensation of the Supervisor of Registration of Taylor County, Florida.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

Proof of publication of Notice was attached to House Bill No. 509 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.

And House Bill No. 509, contained in the above Message, was read the first time by title only and placed on the Calendar of Local Bills on Second Reading.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Bridges of Calhoun—

H. B. No. 234—A bill to be entitled An Act relating to the compensation of the Tax Collector, Tax Assessor and the Supervisor of Registration in all counties having a population of not less than 8200 and not more than 8250 according to the 1940 Federal census; authorizing the County Commissioners of said counties to pay salaries to said officials and make certain deductions thereof from their fees and commissions.

Also—

By Mr. Bridges of Calhoun—

H. B. No. 235—A bill to be entitled An Act fixing the compensation of County Judges in counties of the State of Florida having a population of not less than 8,000 or more than 8,500 according to the United States Census of 1940, in criminal cases, and providing that fees collected in criminal cases shall be turned into the County Fine and Forfeiture Fund.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Bills Nos. 234 and 235, contained in the above Message, were read the first time by titles only and placed on the Calendar of Local Bills on Second Reading.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Cobb of Volusia—

H. B. No. 149—A bill to be entitled An Act relating to pleas in actions at law, repealing Section 52.01, Florida Statutes, 1941, requiring that all pleas be sworn to.

Also—

By Mr. Surles of Polk—

H. B. No. 231—A bill to be entitled An Act to amend Sec-

tion 694.08, Florida Statutes, 1941, relating to the validating of certain instruments, notwithstanding the lack of seals, or witnesses, or other defects.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 149, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "B".

And House Bill No. 231, contained in the above Message, was read the first time by title only and referred to the Committee on Judiciary "A".

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Beasley of Walton—

H. B. No. 148—A bill to be entitled An Act authorizing the State Welfare Board and District Welfare Boards to destroy certain correspondence, documents and records; to reproduce by photographic or microphotographic process and then destroy certain documents and records; and making such photographs, microphotographs and reproductions therefrom admissible in evidence.

Also—

By the Committee on Elections—

H. B. No. 416—A bill to be entitled An Act to amend Section 99.24, Florida Statutes of 1941, the same being with reference to instructions for electors and who shall provide said instructions.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 148, contained in the above Message, was read the first time by title only and referred to the Committee on Welfare.

And House Bill No. 416, contained in the above Message, was read the first time by title only and referred to the Committee on Privileges and Elections.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
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 Committee on Judiciary (Criminal)—

House Committee Substitute for Senate Committee Substitute for S. B. No. 3—A bill to be entitled An Act requiring all persons on the payroll of the State of Florida, its departments, agencies and subdivisions, counties and city governments, the State school system, school districts, school boards, or connected with the free public schools or the State institutions of higher learning and all candidates for public office, to take a prescribed oath of loyalty as hereinafter defined, prescribing penalties and for the dismissal of those failing or refusing to take such oath, and the making of a false oath the crime of perjury and other matters in connection therewith.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Committee Substitute for Senate Committee Substitute for Senate Bill No. 3 was read the first time by title only and referred to the Committee on Judiciary "C".

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 29, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Mathis and Courtney of Bay—

H. B. No. 317—A bill to be entitled An Act authorizing and permitting the City of Panama City, in Bay County, Florida, to levy and collect an occupational license tax of not to exceed one hundred dollars (\$100) for the sale of beer and wine, and to exempt said City of Panama City from the provisions of any and all other existing laws limiting municipalities from levying and collecting such occupational license tax.

Proof of publication attached.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Proof of publication of Notice was attached to House Bill No. 317 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.

And House Bill No. 317, contained in the above Message, was read the first time by title only.

Senator Shivers moved that the rules be waived and House Bill No. 317 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 317 was read the second time by title only.

Senator Shivers moved that the rules be further waived and House Bill No. 317 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. 317 was read the third time in full.

Upon the passage of House Bill No. 317, the roll was called and the vote was:

Yeas—37

Alford	Crary	Mathews	Shivers
Ayers	Davis	McArthur	Smith
Baker	Franklin	Moore	Sturgis
Baynard	Gautier	Pearce	Tucker
Beacham	Getzen	Pope	Walker
Beall	Johns	Ray	Wilson
Boyle	Johnston	Rodgers	Wright
Carroll	King	Sanchez	
Clarke	Leaird	Shands	
Collins	Lindler	Sheldon	

Nays—None

So House Bill No. 317 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Johnston, Chairman of the Committee on Labor and Industry, moved that Senate Bill No. 252, reported un-

favorably by the Committee on Labor and Industry, be removed from the table and recommitted to the Committee on Labor and Industry for further consideration.

Which was agreed to and it was so ordered.

SPECIAL AND CONTINUING ORDER OF BUSINESS

Pursuant to the motion made by Senator Baynard on April 28, 1949, and the hour having arrived, the Senate took up for consideration House Bill No. 145, as a Special and Continuing Order of Business.

H. B. No. 145—A bill to be entitled An Act to regulate public utilities in the furnishing to others of private wire service and other similar service for the dissemination of information, to regulate the use of such services and prohibit the use of same for gambling purposes, and to provide remedies and penalties for the enforcement thereof.

Was taken up in its order.

Senator Baynard moved that the rules be waived and House Bill No. 145 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 145 was read the second time by title only.

Senator Baynard moved that the rules be further waived and House Bill No. 145 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. 145 was read the third time in full.

Upon the passage of House Bill No. 145 the roll was called and the vote was:

Yeas—33

Alford	Davis	McArthur	Smith
Ayers	Franklin	Pearce	Sturgis
Baynard	Gautier	Pope	Tucker
Beall	Johns	Ray	Walker
Boyle	Johnston	Rodgers	Wilson
Carroll	King	Sanchez	Wright
Clarke	Leaird	Shands	
Collins	Lindler	Sheldon	
Crary	Mathews	Shivers	

Nays—4

Baker	Beacham	Getzen	Moore
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So House Bill No. 145 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By permission the following Resolution was introduced:

By Senator Alford—

Senate Resolution No. 409:

WHEREAS, Senator C. L. Alford, of the Fourth Senatorial District of Florida, has today made on the floor of the Senate, a statement substantially as follows:

"On 28 April, 1949, I was contacted by one John Scruggs, who purported to me that he represented interests opposed to the Anti-Bookie and Wire Service Bill; after a discussion Scruggs announced that he was willing to pay me money to vote against the bill pursuant to his instructions. A meeting during that night was scheduled. The delay being arranged by me in order that I could be protected by officers in the apprehension of this offender. Two officers were assigned to me and stationed secretly at the meeting place; at approxi-

mately 8:00 P. M., 28th of April, 1949, Scruggs met me as arranged not knowing that officers were stationed near by to hear the conference. At that time in my presence and within hearing of the officers, John Scruggs offered to pay me Two Thousand Dollars in currency if I would cast my vote in the Senate of Florida against the aforementioned bill. In order that the case against Scruggs might be complete, and convincing to the officers, I allowed him to count out the money which he did audibly to such an extent that the officers stationed nearby, as well as myself, heard the count in the amount of Two Thousand Dollars. Scruggs then left and the offered bribe was delivered by me to the officers and is now in officer custody. I was of course not receptive to the bribe and allowed it to proceed as above mentioned solely in order that the evidence might be disclosed to this body as to the methods now being employed in regard to certain legislation. These facts are communicated to this Senate for such action as it may deem appropriate and proper. I am now ready and willing to communicate the details of this attempted bribery to any officials having jurisdiction of same, and to identify the person offering me this bribe."

WHEREAS, the said John Scruggs is neither a member nor attache of the Legislature of the State of Florida, and

WHEREAS, no misconduct of any member or attache of the Legislature of Florida is involved, and

WHEREAS, the offense aforementioned is against the prestige of this body, a violation of the criminal laws of Florida, and against the peace and dignity of the State of Florida, and

WHEREAS, it appears to be a matter exclusively within the jurisdiction of the criminal Court of Leon County, Florida.

NOW THEREFORE, be it resolved by the Senate of the State of Florida:

1. The Senate of Florida duly assembled, does herein and hereby deplore and denounce such unlawful, improper and disgraceful conduct on the part of John Scruggs, in attempting to interfere with the lawful and honorable deliberation of this body by bribery.

2. That all of the officials of the criminal Court of Leon County, Florida, having a responsibility in the apprehension, conviction and punishment for felony, be and they are hereby requested to conduct an immediate investigation into the misconduct herein above set forth and that John Scruggs, and all other similar offenders be apprehended, prosecuted and punished commensurate with the crime involved.

3. Be it further resolved that a copy of this Resolution be transmitted immediately to the Honorable William D. Hopkins, State Attorney, in and for the Second Judicial Circuit of Florida, in order that this violation may be officially called to his attention.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to.

And Senate Resolution No. 409 was adopted.

Senator McArthur moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 3:00 o'clock P. M., Monday, May 2, 1949.

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

Senator McArthur moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:18 o'clock P. M., until 3:00 o'clock P. M., Monday, May 2, 1949.