

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Monday, June 25, 1945

The Senate convened at 2:00 o'clock P. M., pursuant to adjournment on Thursday, June 21, 1945.

The President in the Chair.

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

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

—31.

A quorum present.

Senators McKenzie, Black, Sheldon, Boyle and Moon were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Thou Eternal Father, maker of all, giver of life, supporter of the helpless, we thank Thee that Thou art acquainted with all our need. We rejoice that Thou art ever watching over us. Our hearts hunger for the grace and strength so to live as ever to be in the sunlight of Thy presence. We want our lives to be clean, pure, hopeful, and unselfish. Wilt Thou overshadow us with Thy mercy and breathe upon us Thy grace. May the consciousness of Thy goodness to us put a new glow into our spirits and new strength into our service for Thee and all those whom Thou dost love, through riches of grace in Christ Jesus. Amen."

The reading of the Journal was dispensed with.

The Journal of Thursday, June 21, 1945, was corrected and as corrected was approved.

SENATE BILLS ON SECOND READING

Senate Bill No. 8-X was taken up in its order and the consideration thereof was informally passed.

Senate Joint Resolution No. 13-X was taken up in its order and the consideration thereof was informally passed.

CONSIDERATION OF OTHER RESOLUTIONS

Senate Concurrent Resolutions Nos. 1-X and 4-X were taken up in their order and the consideration thereof was informally passed.

Senate Concurrent Resolution No. 5-X:

WHEREAS, THE LEGISLATURE OF THE STATE OF FLORIDA, under Section 3, of Article VII of the Constitution of the State of Florida has been convened in special session for the purpose of performing the constitutional duties required by the Constitution, and,

WHEREAS, the members of the Legislature have been unable up to the present time to enact any legislation required by the Constitution, and,

WHEREAS, it seems advisable that the members of the Legislature, including House and Senate, consider further their constitutional duties and responsibilities, and,

WHEREAS, the performance of the duties and responsibilities imposed upon the members of the Legislature may be better accomplished in committee meetings, and,

WHEREAS, the City of Jacksonville, Florida, through the managers of the hotels in the City have extended an invitation to the members of the Legislature and its Committees to meet in the City of Jacksonville and that the hotels in question have further made it known that they have adequate meeting spaces and will furnish them to the members of the Legislature and its various Committees without cost, charge or expense, including free ice water, for an indefinite period,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGIS-

LATURE OF THE STATE OF FLORIDA, FIRST, that the Legislature shall be in recess from this day until such time as the two Committees hereafter named report back to the Legislature which shall not be later than September 1st, A. D. 1945, and,

SECOND, that the members of the Senate and the members of the House be and the same are hereby constituted separate committees to convene at 11:00 A. M. on Tuesday, June 26th, A. D. 1945, at 33 West Adams Street, in the City of Jacksonville, Florida, and having so convened each Committee may designate other places in the City of Jacksonville, Florida, for their meetings for the sole purpose and only purpose of considering, discussing and deciding upon the one question of reapportionment of the Senators of the State of Florida as required by Section 3 of Article VII of the Constitution of the State of Florida. And that such Committees report back to the Legislature of the State of Florida their conclusions and recommendations on the 1st day of September, A. D. 1945, or earlier as agreed upon by a majority of both Committees.

Was taken up in its order and read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was not agreed to, so Senate Concurrent Resolution No. 5-X failed of adoption.

Senator Gray moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 2:00 o'clock P. M., Thursday, June 28, 1945.

Upon which a roll call was demanded.

Pending roll call on the adoption of the motion made by Senator Gray, Senator Coleman (13th Dist.) moved as a substitute motion that the Senate do now adjourn.

Upon which a roll call was demanded.

Upon the adoption of the substitute motion made by Senator Coleman (13th Dist.) the roll was called and the vote was:

Yeas—11.

Mr. President	Beacham	Coleman 13th	Mathews
Barringer	Bryant	Johnson	Sturgis
Baynard	Carroll	King 27th	

Nays—20.

Ausley	Davis	Johns	Riddle
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Fraser 31st	Lindler	Shands
Clarke	Gray	McArthur	Thomas
Coleman 28th	Griner	Perdue	Wilson

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

The question recurred on the adoption of the motion made by Senator Gray.

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

Yeas—20.

Ausley	Davis	Johns	Riddle
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Fraser 31st	Lindler	Shands
Clarke	Gray	McArthur	Thomas
Coleman 28th	Griner	Perdue	Wilson

Nays—11.

Mr. President	Beacham	Coleman 13th	Mathews
Barringer	Bryant	Johnson	Sturgis
Baynard	Carroll	King 27th	

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

Senator Gray moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 3:15 o'clock P. M., until 2:00 o'clock P. M., Thursday, June 28, 1945.

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Thursday, June 28, 1945

The Senate convened at 2:00 o'clock P. M., pursuant to adjournment on Monday, June 25, 1945.

The President in the Chair.

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

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

—30.

A quorum present.

Senators McKenzie, King (7th Dist.), Boyle, Mathews, Moon, Black and Bryant were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Our Gracious Father, Thou hast been gracious unto us and hast revealed unto us as much of Thyself as our windows would permit to enter. We pray that these poor lives of ours may have the power to open the window toward the east so that sufficient light may enter to enable us to have strength to find Thy will for us and to send forth such influences as will help open other windows to the enlightenment of other children of Thine. In the name of Jesus we pray for His sake. Amen."

The reading of the Journal was dispensed with.

The Journal of Monday, June 25, 1945, was corrected, and as corrected was approved.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Sturgis, Baynard, Barringer, Coleman (13th Dist.), Carroll, Sheldon, King (27th Dist.) and Johnson—

Senate Joint Resolution No. 14-X:

A Joint Resolution determining the existence of an emergency necessitating that there be submitted to the electors of this State for early decision a proposed amendment to Section 3 of Article VII of the Constitution of Florida; stating the general nature of the constitutional amendment which may be proposed pursuant hereto and enabling the legislature in present session assembled to proceed in accordance herewith.

WHEREAS, The Constitution of Florida required the Legislature in regular session assembled A. D. 1945 to reapportion the representation in the Legislature upon the basis therein specified;

WHEREAS, Said regular session adjourned sine die without having made such reapportionment and the Honorable Millard F. Caldwell, Governor of the State of Florida, called the Legislature into session to consider the question of reapportionment of the representation in the Legislature in accordance with Section 3 of Article VII of the Constitution of Florida;

WHEREAS, There has been presented to this session of the Legislature sundry bills designed to reapportion the Legislature and the Legislature has given extensive consideration to said subject;

WHEREAS, It is now evident that it is impossible at any date during this Session to cause to be enacted any bill proposing to reapportion the representation in the Legislature on the basis of thirty-eight (38) Senatorial Districts as now exist;

WHEREAS, It appears highly probable that it would be possible to cause to be enacted a bill for reapportionment of the Legislature if the same is made contingent to become effective upon the adoption of a constitutional amendment increasing the number of Senatorial Districts in this State; therefore

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

Section 1. The Legislature hereby finds, determines and declares that an emergency exists within the meaning, intent and purview of Section 3 of Article XVII of the Constitution of Florida, and that by reason thereof it is required that an early decision by the electors of this state be had upon the question of the adoption of such amendment to the Constitution of Florida as may be proposed in accordance with this resolution.

Section 2. The subject matter of the emergency by Section 1 hereof found, determined and declared to exist is in respect to the question as to whether the basis for reapportionment of the Representation of the Senate in the Legislature of this state shall be made upon the basis of thirty-eight (38) Senatorial Districts, as now provided, or whether two (2) additional Senatorial Districts should be created and reapportionment made in respect to each such increased number of Senatorial Districts, which subject can be resolved only by the submission of a Constitutional Amendment.

Section 3. Accordingly, upon the adoption of this Resolution by the requisite three-fourths vote of all members elected to each house of this Legislature, it shall thereupon be in order to introduce and consider at this session a proposed amendment to the Constitution of Florida, whereby Section 3 of Article VII thereof shall be amended to read as follows:

"Section 3.—APPORTIONMENT OF REPRESENTATION IN THE SENATE AND HOUSE OF REPRESENTATIVES: There shall be forty Senatorial Districts, each of which shall have one Senator; and such apportionment and designation thereof as by statute shall be made to become effective upon the adoption hereof shall remain in force until reapportionment is made by the Legislature pursuant hereto. At the regular session of the Legislature A. D. 1955, and at the regular sessions thereof that shall meet every ten years thereafter, the Legislature shall reapportion the representation in the Senate by revising the territory of as many of the Senatorial Districts as shall be necessary in order to constitute the several Senatorial Districts as nearly equal in population as practicable, and in so doing the Legislature shall observe the following mandatory requirements: (a) No county shall be divided in creating any Senatorial District; (b) Two or more counties forming one Senatorial District shall not be entirely separated by territory of another district; and (c) the territory of each of the three Senatorial Districts having the least population according to the controlling census shall be included among those Senatorial Districts whose territory is revised on the occasion of each reapportionment hereunder. At the regular session of the Legislature A. D. 1955, and at the regular sessions thereof that shall meet every ten years thereafter, the Legislature shall also reapportion the representation in the House of Representatives, and shall allow three Representatives to each of the five most populous counties, and two Representatives to the next eighteen more populous counties, and one Representative to each of the remaining counties of the State at the time of such reapportionment. A county created during the ten year intervals between reapportionment shall be entitled to one Representative in the House of Representatives until the succeeding reapportionment of the entire representation in the House of Representatives, and when created shall be attached to an adjoining Senatorial District as the Legislature may determine. Should the Legislature fail to apportion the representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to

reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment)."

Section 4. Should a Constitutional Amendment be proposed in accordance herewith, the same shall be submitted to the electors of the State for approval or rejection at a special election to be held on the first Tuesday after the first Monday in November A. D. 1945. Publication of notice of the date of such special election and of the subject matter thereof shall be given by the Secretary of State in the manner as now provided by law for the publication of proposed amendments to the Constitution of the State of Florida.

Which was read the first time in full.

Senator Sturgis moved that the rules be waived and Senate Joint Resolution No. 14-X be placed on the Calendar of Bills on Second Reading, without reference.

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

By Senators Sturgis, Baynard, Barringer, Coleman (13th Dist.), Carroll, Sheldon, King (27th Dist.), and Johnson—

S. J. R. No. 15-X—A Joint Resolution Proposing an Amendment to Section 3 of Article VII of the Constitution of the State of Florida, Relating to Apportionment in the Senate and House of Representatives.

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

That Section 3 of Article VII of the Constitution of the State of Florida, relating to apportionment of representation in the Senate and House of Representatives of the State of Florida, be and the same is hereby amended, and as amended is 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 Tuesday after the first Monday in November A. D. 1945; said Section 3 of Article VII, as amended, to read as follows:

"Section 3.—APPORTIONMENT OF REPRESENTATION IN THE SENATE AND HOUSE OF REPRESENTATIVES. There shall be forty Senatorial Districts, each of which shall have one Senator; and such apportionment and designation thereof as by statute shall be made to become effective upon the adoption hereof shall remain in force until reapportionment is made by the Legislature pursuant hereto. At the regular session of the Legislature A. D. 1955, and at the regular sessions thereof that shall meet every ten years thereafter, the Legislature shall reapportion the representation in the Senate by revising the territory of as many of the Senatorial Districts as shall be necessary in order to constitute the several Senatorial Districts as nearly equal in population as practicable, and in so doing the Legislature shall observe the following mandatory requirements: (a) No county shall be divided in creating any Senatorial District; (b) Two or more counties forming one Senatorial District shall not be entirely separated by territory of another district; and (c) the territory of each of the three Senatorial Districts having the least population according to the controlling census shall be included among those Senatorial Districts whose territory is revised on the occasion of each reapportionment hereunder. At the regular session of the Legislature A. D. 1955, and at the regular sessions thereof that shall meet every ten years thereafter, the Legislature shall also reapportion the representation in the House of Representatives, and shall allow three Representatives to each of the five most populous counties, and two Representatives to each of the next eighteen more populous counties, and one Representative to each of the remaining counties of the State at the time of such reapportionment. A county created during the ten year intervals between reapportionment shall be entitled to one Representative in the House of Representatives until the succeeding reapportionment of the entire representation in the House of Representatives, and when created shall be attached to an adjoining Senatorial District as the Legislature may determine. Should the Legislature fail to apportion the representation in the Senate and in the House of Representatives, at any regular session of the Legis-

lature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment)."

Which was read the first time in full.

Senator Sturgis moved that the rules be waived and Senate Joint Resolution No. 15-X be placed on the Calendar of Bills on Second Reading, without reference.

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

By Senators Sturgis, Baynard, Barringer, Coleman (13th Dist.), Carroll, Sheldon, King (27th Dist.) and Johnson—

S. B. No. 16-X—A bill to be entitled An Act to apportion the representation of the State of Florida in the Senate of the State of Florida, and providing when this Act shall take effect.

Which was read the first time by title only.

Senator Sturgis moved that the rules be waived and Senate Bill No. 16-X be placed on the Calendar of Bills on Second Reading, without reference.

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

By Senators Baynard, Johnson, Beacham, Barringer, Coleman (13th Dist.), Bryant and King (27th Dist.)—

S. B. No. 17-X—A bill to be entitled An Act to apportion the representation of the State of Florida in the Senate of the State of Florida.

Which was read the first time by title only.

Senator Baynard moved that the rules be waived and Senate Bill No. 17-X be placed on the Calendar of Bills on Second Reading, without reference.

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

By Senator Riddle—

S. J. R. No. 18-X—A Joint Resolution proposing an amendment to Article VII of the Constitution of the State of Florida by adding an additional section thereto to provide that there shall be one Senator for each County of the State of Florida.

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

That reapportionment of representation in the Legislature constitutes an emergency such as will require an early decision by the electors of the State; that the following amendment to Article VII of the Constitution of the State of Florida, relative to Census and Apportionment be and the same is hereby agreed to and shall be submitted to the Electors of the State of Florida for ratification or rejection at the General Election to be held on the first Tuesday after the first Monday in November, 1948, as follows:

"Section 6. From and after January 1, 1949 there shall be one Senator for each County of the State of Florida. They shall be elected at the General Election in 1948. Ninety days prior to said General Election the Governor shall officially number the existing Counties in consecutive numerical order. Senators from the odd numbered counties shall be elected for terms of four years to extend from January 1, 1949. Senators from even numbered Counties shall be elected for terms of two years to extend from January 1, 1949. Senators thereafter elected to succeed those first elected as aforesaid shall be elected for four-year terms. New Counties created after the

original numbering by the Governor shall be numbered consecutively following the original numbers and shall similarly elect Senators as those elected originally by Counties. Except as provided herein existing provisions of the State Constitution shall not be modified or affected. No new County shall, after the adoption of this amendment, be created except by Constitutional Amendment to be ratified by the people of Florida in a general election, or a special election called therefor."

Which was read the first time in full.

Senator Riddle moved that the rules be waived and Senate Joint Resolution No. 18-X be placed on the Calendar of Bills on Second Reading, without reference.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, June 28, 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 adopted—

By Mr. Nilsson of Volusia—

House Concurrent Resolution No. 5-X:

WHEREAS, the matter of reapportionment of representations in the Senate and House of Representatives of the Legislature of Florida has reached the point in the deliberations of the respective Houses thereon of a seemingly unbreakable deadlock; and

WHEREAS, the government of our State is suffering in consequence thereof, and extravagant expenditures are being necessitated from the taxpayers' moneys, and disintegration of State unity is gradually becoming more and more evident among the people and seeping to some extent, into the circle of official functioning and relationships; and

WHEREAS, as intelligent men believing in democratic government and knowing that representation that is in fact truly representative constitutes the cornerstone of successful American governments in the States as well as in the Nation as a whole; and

WHEREAS, we have had enough of this deadlock, and more than enough of some of the threats and ultimatums that have been voiced by members, and we believe that coordinated effort should be made by the membership of both the House and Senate to solve this problem, with which we are now confronted, and that we can only solve it by actual meeting in session of our legislative Houses, and that a joint meeting unofficially convened for the purpose of joint debate and expression may be helpful as a first step in reaching such solution in that it puts both legislative Houses together rather than in separate quarters for a joint informal consideration, through argument and debate, of the subject matter;

BE IT THEREFORE RESOLVED that the House, with the Senate concurring, shall meet in joint session in the Chambers of the House of Representatives on the 28th day of June, 1945, convening at 2:30 o'clock P. M., subject to adjournment upon a majority vote of both Houses, for a period of open and frank discussion, on the part of such joint assembly; with the principle recognized for representation in the Senate as the proper one to determine the apportionment of such representation to be a territorial representation as distinguished from a population representation; and with the principle recognized to govern the determination of representation in the House of Representatives as one to be determined, predicated upon population in the different counties from which the representation as a unit, is to be apportioned.

BE IT FURTHER RESOLVED that this joint session shall be presided over by the President of the Senate and the Speaker of the House alternately, according to their joint convenience, and that it shall be an unofficial session with no official records or journals kept thereof, but with minutes of

same, recording only the action of such joint meeting, to be kept by the secretaries of the respective Houses.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 5-X, contained in the above Message, was read the first time in full.

Senator Baynard moved that the rules be waived and House Concurrent Resolution No. 5-X be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 5-X was read the second time in full.

The question was put on the adoption of the Resolution.

Upon which a roll call was demanded.

Upon the adoption of House Concurrent Resolution No. 5-X the roll was called and the vote was:

Yeas—10.

Mr. President	Beacham	Johnson	Sturgis
Barringer	Carroll	King 27th	
Baynard	Coleman 13th	Sheldon	

Nays—20.

Ausley	Davis	Johns	Riddle.
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Fraser 31st	Lindler	Shands
Clarke	Gray	McArthur	Thomas
Coleman 28th	Griner	Perdue	Wilson

Which was not agreed to so House Concurrent Resolution No. 5-X failed of adoption and the action of the Senate was ordered certified to the House of Representatives.

SENATE BILLS ON SECOND READING

Senate Bill No. 8-X was taken up in its order and the consideration thereof was informally passed.

Senate Joint Resolution No. 13-X was taken up in its order and the consideration thereof was informally passed.

SENATE CONCURRENT RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution No. 1-X was taken up in its order and the consideration thereof was informally passed.

Senate Concurrent Resolution No. 4-X was taken up in its order and the consideration thereof was informally passed.

Senator Gray moved that the rules be waived and when the Senate adjourns today it adjourn to reconvene at 2:30 o'clock P. M., Monday, July 2, 1945.

Upon which a roll call was demanded.

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

Yeas—22.

Mr. President	Coleman 28th	Johns	Sanchez
Ausley	Davis	Lewis	Shands
Brackin	Fraser 29th	Lindler	Thomas
Branch	Fraser 31st	McArthur	Wilson
Carroll	Gray	Perdue	
Clarke	Griner	Riddle	

Nays—7.

Barringer	Beacham	Johnson	Sheldon
Baynard	Coleman 13th	King 27th	

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

Senator Gray moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 2:42 o'clock P. M., until 2:30 o'clock P. M., Monday, July 2, 1945.