

EXTRAORDINARY SESSION  
**JOURNAL OF THE SENATE**

Tuesday, June 12, 1945

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

The President in the Chair.

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

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

—35.

A quorum present.

Senator McKenzie was excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Dear Lord, give us the will to fashion as we feel, the strength to labor as we know, the purpose ribb'd and edged with steel to strike the blow. Thou hast lent us knowledge, so, dear Lord, grant us the will to build the deed above the deep intent. In Jesus' name and for His sake we ask it. Amen."

The reading of the Journal was dispensed with.

The Journal of Monday, June 11, 1945, was corrected and as corrected was approved.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Johns, Perdue, Branch, Fraser (29th Dist.) and Davis—

S. B. No. 8-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 in full.

Senator Johns moved that the rules be waived and Senate Bill No. 8-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 King (7th Dist.)—

S. B. No. 9-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 King (7th Dist.) moved that the rules be waived and Senate Bill No. 9-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.

#### CONSIDERATION OF OTHER RESOLUTIONS

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

#### SENATE BILLS ON THIRD READING

S. B. No. 5-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.

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

Upon the passage of Senate Bill No. 5-X the roll was called and the vote was:

Yeas—12.

Mr. President	Beacham	Coleman 13th	King 27th
Barringer	Bryant	Johnson	Moon
Baynard	Carroll	King 7th	Sturgis

Nays—21.

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

So Senate Bill No. 5-X failed to pass.

Senate Bill No. 6-X was taken up in its order and the consideration thereof was informally passed.

#### HOUSE BILLS ON THIRD READING

H. B. No. 2-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.

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

Upon the passage of House Bill No. 2-X the roll was called and the vote was:

Yeas—12.

Mr. President	Beacham	Coleman 13th	King 27th
Barringer	Bryant	Johnson	Moon
Baynard	Carroll	King 7th	Sturgis

Nays—23.

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

So House Bill No. 2-X failed to pass, and the action of the Senate was ordered certified to the House of Representatives.

#### SENATE BILLS ON SECOND READING

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

Senate Bill No. 7-X was taken up in its order and the consideration thereof was informally passed.

Senator Shands moved the rules be waived and when the Senate adjourns it recess until 12:30 o'clock P. M., this day.

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

Senator Shands moved that the Senate do now adjourn.

Which was agreed to and the Senate took a recess at 11:35 o'clock A. M., until 12:30 o'clock P. M., this day.

The Senate reconvened at 12:30 o'clock, P. M., pursuant to recess order.

The President in the Chair.

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

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

—36.

A quorum present.

By permission the following Senate Joint Resolutions were introduced:

By Senators Lewis, Ausley and Davis—

S. J. R. No. 10-X—A Joint Resolution proposing an amendment to Section 3, Article VII, of the Constitution of the State of Florida, relative to apportionment, by amending Section 3 of said Article so as to provide for forty-three senatorial districts and for redefining and creating certain districts.

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; and the following amendment to Section 3, Article VII, of the Constitution of the State of Florida, relative to apportionment by providing for forty-three senatorial districts and for redefining and creating certain districts be, and the same is, hereby agreed to and shall be submitted to the electors of the State for approval or rejection at a special election to be held not less than ninety nor more than one hundred eighty days after adjournment and after publication of notice thereof:

"Section 3. The Legislature that shall meet in Regular Session A. D. 1947, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate, and shall provide for forty-three (43) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no County shall be divided in making such apportionment, and each District shall have one Senator; provided that the First District shall consist of Okaloosa County; the Second District of Escambia County; the Third District of Washington, Holmes and Walton Counties; the Fourth of Jackson County; the Fifth of Liberty, Franklin and Wakulla Counties; the Sixth of Gadsden County; the Seventh of Polk County; the Eighth of Leon County; the Ninth of Hernando and Citrus Counties; the Tenth of Madison County; the Eleventh of Pinellas County; the Twelfth of Taylor, Lafayette and Dixie Counties; the Thirteenth of Dade County; the Fourteenth of Columbia County; the Fifteenth of Bradford and Union Counties; the Sixteenth of Nassau County; the Seventeenth of Suwannee County; the Eighteenth of Duval County; the Nineteenth of Orange County; the Twentieth, of Marion County; the Twenty-first of Levy County; the Twenty-second of Jefferson County; the Twenty-third of Lake County; the Twenty-fourth of Lee, Collier and Hendry Counties; the Twenty-fifth of Bay County; the Twenty-sixth of Putnam County; the Twenty-seventh of DeSoto, Hardee, Highlands and Glades Counties; the Twenty-eighth of Volusia County; the Twenty-ninth of Clay and Baker Counties; the Thirtieth of Hamilton County; the Thirty-first of St. Johns and Flagler Counties; the Thirty-second of Alachua and Gilchrist Counties; the Thirty-third of Osceola and Okeechobee Counties; the Thirty-fourth of Hillsborough County; the Thirty-fifth of Palm Beach County; the Thirty-sixth of Manatee, Sarasota and Charlotte Counties; the Thirty-seventh of Seminole and Brevard Counties; the Thirty-eighth of Pasco and Sumter Counties; the Thirty-ninth of Monroe County; the Fortieth of Calhoun and Gulf Counties; the Forty-first of Martin, Indian River and St. Lucie Counties; the Forty-second of Santa Rosa County and the Forty-third of Broward County; and, at the same time, the Legislature shall also apportion the representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous Counties, and two (2) 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 apportionment. It is provided that the State Senators representing Senatorial Districts numbers 39, 41 and 43 shall be elected for terms of two years at the general election to be held in November, 1946, and for terms of four years at the general election to be held in 1948 and every four years thereafter, as is provided by law; and that the State Senators representing Senatorial Districts numbers 40 and 42 shall be elected for terms of four years at the general election to be held in November, 1946, and every four years thereafter, as is provided by law. 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 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 Repre-

sentatives 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 Lewis moved that the rules be waived and Senate Joint Resolution No. 10-X be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 10-X was read the second time in full.

Senator Lewis moved that the rules be further waived and Senate Joint Resolution No. 10-X be read the third time in full and put upon its passage.

Which was agreed to by a two-third vote.

And Senate Joint Resolution No. 10-X was read the third time in full.

Upon the passage of Senate Joint Resolution No. 10-X the roll was called and the vote was:

Yeas—21.

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

Nays—15.

Mr. President	Boyle	Johnson	Moon
Barringer	Bryant	King 7th	Sheldon
Baynard	Carroll	King 27th	Sturgis
Beacham	Coleman 13th	Mathews	

So Senate Joint Resolution No. 10-X failed to pass by the required Constitutional three-fourths vote of all members elected to the Senate for the 1945 Session of the Florida Legislature.

The following explanation of vote on Senate Joint Resolution No. 10-X was filed with the Secretary:

I am voting "No" because our people have rejected by their vote a like amendment to the Constitution and while I believe an emergency does exist and the only possible method to reapportion the Senate is by Constitutional Amendment, I feel anything less than a 3 to 1 basis would be rejected by our people. I do not believe we should attempt to change our Constitution to the extent of fixing the Senatorial District boundaries when we know that it should be done by Act of the Legislature.

RAYMOND SHELDON,

34th District.

Senator Baynard moved that the rules be waived and the hour of adjournment be extended thirty (30) minutes.

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

By Senators Lewis, Ausley and Davis—

S. J. R. No. 11-X—A Joint Resolution proposing an amendment to Section 3, Article VII, of the Constitution of the State of Florida, relative to apportionment, by amending Section 3 of said Article so as to provide for forty-one Senatorial Districts and for redefining and creating certain districts.

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 Section 3, Article VII, of the Constitution of the State of Florida, relative to apportionment, by providing for forty-one senatorial districts and for redefining and creating certain

districts be, and the same is hereby agreed to and shall be submitted to the electors of the State for approval or rejection at a special election to be held not less than ninety nor more than one hundred eighty days after adjournment and after publication of notice thereof:

"SECTION 3. The Legislature that shall meet in regular session A. D. 1947, and those that shall meet every ten years thereafter, shall apportion the Representation in the Senate, and shall provide for forty-one (41) senatorial districts, such districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each district shall have one Senator; provided that the first district shall consist of Santa Rosa and Okaloosa counties; the second district of Escambia county; the third of Washington, Holmes and Walton counties; the fourth of Jackson county; the fifth of Liberty, Franklin and Wakulla counties; the sixth of Gadsden county; the seventh of Polk county; the eighth of Leon County; the ninth of Hernando and Citrus counties; the tenth of Madison county; the eleventh of Pinellas county; the twelfth of Taylor, Lafayette and Dixie counties; the thirteenth of Dade county; the fourteenth of Columbia county; the fifteenth of Bradford and Union counties; the sixteenth of Nassau county; the seventeenth of Suwannee county; the eighteenth of Duval county; the nineteenth of Orange county; the twentieth of Marion county; the twenty-first of Levy county; the twenty-second of Jefferson county; the twenty-third of Lake county; the twenty-fourth of Monroe, Lee, Collier and Hendry counties; the twenty-fifth of Bay county; the twenty-sixth of Putnam county; the twenty-seventh of DeSoto, Hardee, Highlands and Glades counties; the twenty-eighth of Volusia county; the twenty-ninth of Clay and Baker counties; the thirtieth of Hamilton county; the thirty-first of St. Johns and Flagler counties; the thirty-second of Alachua and Gilchrist counties; the thirty-third of Osceola and Okeechobee counties; the thirty-fourth of Hillsborough county; the thirty-fifth of Palm Beach county; the thirty-sixth of Manatee, Sarasota and Charlotte counties; the thirty-seventh of Seminole and Brevard counties; the thirty-eighth of Pasco and Sumter counties; the thirty-ninth of Calhoun and Gulf counties; the fortieth of St. Lucie, Indian River and Martin counties, and the forty-first of Broward county; and, at the same time, the Legislature shall also apportion the representation in the House of Representatives, and shall allow three (3) Representatives to each of the five most populous counties, and two (2) 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 apportionment. It is provided that the State Senators representing Senatorial Districts numbers 39 and 41 shall be elected for terms of two years at the general election to be held in November, 1946, and for terms of four years at the general election to be held in 1948 and every four years thereafter, as is provided by law, and that the State Senator representing Senatorial District number 40 shall be elected for a term of four years at the general election to be held in November, 1946, and every four years thereafter, as is provided by law. 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 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 Lewis moved that the rules be waived and Senate Joint Resolution No. 11-X be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 11-X was read the second time in full.

Senator Lewis moved that the rules be further waived and Senate Joint Resolution No. 11-X be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 11-X was read the third time in full.

Upon the passage of Senate Joint Resolution No. 11-X the roll was called and the vote was:

Yeas—21.

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

Nays—15.

Mr. President	Boyle	Johnson	Moon
Barringer	Bryant	King 7th	Sheldon
Baynard	Carroll	King 27th	Sturgis
Beacham	Coleman 13th	Mathews	

So Senate Joint Resolution No. 11-X failed to pass by the required Constitutional three-fourths vote of all members elected to the Senate for the 1945 Session of the Florida Legislature.

The following explanation of vote on Senate Joint Resolution No. 11-X was filed with the Secretary:

I am voting "No" because our people have rejected by their vote a like amendment to the Constitution and while I believe an emergency does exist and the only possible method to reapportion the Senate is by Constitutional Amendment, I feel anything less than a 3 to 1 basis would be rejected by our people. I do not believe we should attempt to change our Constitution to the extent of fixing the Senatorial District boundaries when we know that it should be done by Act of the Legislature.

RAYMOND SHELDON,  
34th District.

Senator McArthur moved that the rules be waived and when the Senate adjourns it recess until 3:00 o'clock P. M., this day.

Which was not agreed to.

Senator Gray moved that the Senate do now adjourn.

Which was agreed to.

And the Senate stood adjourned at 1:27 o'clock P. M., until 11:00 o'clock A. M., Wednesday, June 13, 1945.