

EXTRAORDINARY SESSION
JOURNAL OF THE SENATE

Tuesday, June 19, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, June 18, 1945.

The President in the Chair.

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

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

—36.

A quorum present.

Senator McKenzie was excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"O Lord, our Lord, how excellent is Thy name in all the earth! Help us to appreciate Thy excellence, Thy mercy, and Thy grace. Give us grace and strength for all the duties Thou dost expect of us through today. We thank Thee for the revelation Thou hast given us of Thyself and for the promise of a fuller blessing. May Thy Spirit dwell in our hearts richly and may we give Thee the chief place in our thoughts. Give us strength to live as we ought this day. We ask it in Jesus' blessed name. Amen."

The reading of the Journal was dispensed with.

The Journal of Monday, June 18, 1945, was corrected and as corrected was approved.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Lewis, Ausley, Davis and Shands—

S. J. R. No. 12-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.

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 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. 1955, 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; 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 Representatives to each of the remaining Counties of the State at the time of such apportionment. 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 Legisla-

ture, 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 Shands moved that the rules be waived and Senate Joint Resolution No. 12-X be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 12-X was read the second time in full.

Senator Shands moved that the rules be further waived and Senate Joint Resolution No. 12-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. 12-X was read the third time in full.

Upon the passage of Senate Joint Resolution No. 12-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. 12-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.

By Senator Beacham—

S. J. R. No. 13-X—A Resolution proposing to Amend Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 29 of Article III and to Amend Sections 2, 3 and 4 of Article VII of the Constitution of the State of Florida.

WHEREAS, It is now determined by the Legislature of the State of Florida that an emergency exists requiring the early decision by the electors of the State that an amendment to the Constitution of the State of Florida as hereinbefore indicated dealing with Articles III and VII of the said Constitution is necessary or expedient and it is necessary that the Legislature of the State of Florida do now provide for a Special Election to be held not less than Ninety (90) nor more than One Hundred Eighty (180) days after adjournment, and for publication of a notice that at a special election the following proposed Amendment shall be submitted to the electors of the State for approval or rejection, which Special Election is hereby called to be held on November 6th, 1945 under the provisions of Section 3, Article XVII of the Constitution of Florida as amended by Senate Joint Resolution No. 88 approved at the General Election in 1942, at which Special Election the following Amendment shall be submitted to the electors of the

State of Florida for their approval or rejection. Due notice of such election shall be published by the order of the Secretary of State throughout the State of Florida as other notices of the submission to the electors of a proposed Amendment to the Constitution are required to be published:

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

That the following Amendment to Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 29 of Article III of the Constitution of the State of Florida and Sections 2, 3 and 4 of Article VII of the Constitution of the State of Florida, shall be submitted to the electors of the State for approval or rejection at and in a Special Election to be held on the 6th day of November, A. D. 1945, at all precincts in the State of Florida.

The expense of such Election shall be paid out of the General Revenue Fund of the State of Florida by the Comptroller on vouchers approved by the Secretary of State for such expense and publication of due notice of such Election shall be made under the order of the Secretary of State throughout the State as other notices of the submission of a proposed Amendment to the Constitution of Florida are required to be published.

Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 29 of Article III of the Constitution of Florida shall be amended to read as follows:

Sec. 1. The Legislative authority of the State of Florida shall be vested in a unicameral House of Representatives which shall be designated the Legislature of the State of Florida and the sessions thereof shall be held at the seat of Government of the State.

Sec. 3. The members of the Legislature of the State of Florida shall be chosen biannually beginning with the General Election on the first Tuesday after the first Monday in November, 1946, and thereafter on the corresponding date of every second year, except as hereinafter provided.

Sec. 4. Members of the Legislature shall be duly qualified electors in the respective Counties and Districts from which they are chosen. The pay of members of the Legislature shall be \$15.00 per day for each day of a Session and mileage to and from their homes to the seat of Government not exceeding ten cents a mile each way by the nearest and most practicable route.

Sec. 5. No member of the Legislature shall during the time for which he was elected be appointed or elected to any civil office under the Constitution of this State that has been created or the emoluments of which shall have been increased during such time.

Sec. 6. The Legislature shall judge of the qualifications and elections and returns of its own members, choose its own officers and determine the rules of its proceedings. The Legislature shall at the convening of each regular session thereof choose from among its own members a permanent President of the Legislature, who shall be its Presiding Officer, and the President of the Legislature shall be vested with all the powers, and perform all the duties, which have heretofore been vested in, or devolved upon, the President of the Senate. The Legislature shall also choose from among its own members a permanent Vice-President, who shall be the presiding officer in the absence or disqualification of the President, or whenever the President of the Legislature may so designate him to preside. In the event that the office of President of the Legislature shall become vacant, or in the event that said President may become Acting Governor of the State of Florida and that office become vacant, the Vice-President of the Legislature shall become vested with all the powers and duties theretofore belonging to the President of the Legislature. The Legislature may punish its own members for disorderly conduct and may, with the concurrence of 2/3 of all of its members present, expel a member.

Sec. 7. No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the Legislature of this State. All powers and duties heretofore exercised by the State Senate shall be hereafter exercised by the Legislature.

Sec. 8. The seat of a member of the Legislature shall be vacated on his permanent change of residence from the county from which he was elected.

Sec. 9. The Legislature during a Session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its

presence or of a refusal to obey its lawful summons, but such imprisonment shall not extend beyond the final adjournment of the session.

Sec. 10. The Legislature shall have power to compel the attendance of witnesses upon investigations held by itself or by any of its committees. The manner of the exercise of such power shall be provided by law.

Sec. 11. A majority of the members of the Legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the presence of absent members and under such penalties as may be prescribed.

Sec. 12. The Legislature shall keep a journal of its proceeding which shall be published and "yeas" and "nays" of the members on any question shall at the desire of any five members present be entered on the journal.

Sec. 13. The doors of the Legislature shall be kept open during its sessions, except that it may hold an executive session during which the doors may be closed. A session of the Legislature may not adjourn for more than five (5) days except upon a 2/3 vote of its members present and shall hold all its sessions at the seat of Government.

Sec. 14. Every bill shall be introduced in the session of the Legislature and its title shall be entered on the journals.

Sec. 29. The Legislature shall have the sole power of impeachment but a vote of 2/3 of all members elected shall be required to impeach an officer and all impeachments shall be tried by the Legislature sitting as a body. When sitting for that purpose each member of the Legislature shall take an oath or affirmation to well and truly try the accused and no person shall be convicted without the concurrence of 2/3 of the members elected. The Legislature may adjourn to a fixed day for trial of any impeachment but the time fixed for such trial shall not be more than six (6) months from the time articles of impeachment shall have been preferred by the Legislature. The Chief Justice of the Supreme Court of the State of Florida shall preside at all trials for impeachment except in the trial of the Chief Justice, when the Governor of the State shall preside. The Governor, Administrative Officers of the Executive Department, Justices of the Supreme Court and Judges of the Circuit Courts shall be liable to impeachment for any misdemeanor in office but the judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but, the party convicted or acquitted shall, nevertheless, be liable to indictment, trial and punishment according to law.

Section 2, 3 and 4 of Article VII of the Constitution shall be amended to read as follows:

Sec. 2. The Legislature shall consist of one member from each county having not more than 25,000 population according to the last State Census, and two members from each County having a population between 25,000 and 75,000 according to the last State Census and three members from each County having between 75,000 and 150,000 population according to the last State Census, and four members from each county having a population of more than 150,000 according to the last State Census. The several counties of the State shall be numbered consecutively according to alphabetical sequence of the respective names; that is to say, Alachua County shall be assigned No. 1 and each county in its alphabetical order shall take a consecutive number through 67, which shall be Washington County. Those representatives elected from the even numbered Counties at the first election held under this amendment to the Constitution shall each hold his office for a term of two years and those elected from the odd numbered Counties shall each hold his office for a period of four years and all successors shall be elected for a period of four years. The first election to be held under this Amendment shall be on the first Tuesday after the first Monday in November, 1946, and all Senators and Representatives now holding office shall continue in office until that date.

Sec. 3. If and when any new counties are created they shall be entitled to representation in the Legislature as is provided in Section 2 hereof and shall take numbers consecutively after No. 67 in the order in which they are created.

Sec. 4. In the event of vacancy by death, resignation or inability to serve, of any member of the Legislature a Special Election shall be held to elect a successor.

This Amendment shall be known and designated as the 1945 Amendment to Articles III and VII of the Constitution of Florida and is to effectuate the one purpose of creating a unicameral Legislature and abolishing the bicameral Legislature of the State of Florida and shall become effective from and after the first Tuesday after the first Monday in November, 1946, but the Representatives in the Legislature of 1947 shall be nominated in the primaries, or otherwise as may be by law provided, and elected in the General Election of 1946 for the terms as hereinbefore specified.

Which was read the first time in full and placed on the Calendar of Bills on Second Reading.

UNFINISHED BUSINESS

Pursuant to the motion made by Senator Ausley on June 18, 1945, and the hour having arrived, the Senate took up the consideration of House Memorial No. 1-X:

House Memorial No. 1-X:

A Memorial to the Senate of the State of Florida requesting that it perform its Constitutional duty by re-apportioning the representation of the Senate of the State of Florida as required by Section 3, of Article 7, of the Constitution of the State of Florida.

Which was pending adoption at the hour of adjournment on Monday, June 18, 1945, was taken up.

Senator Wilson moved that House Memorial No. 1-X be filed.

Upon which a roll call was demanded.

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

Yeas—32.

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

Nays—3.

Gray	Johns	Lewis
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Which was agreed to and it was so ordered.

Senator Wilson moved that the rules be waived and the hour of adjournment be extended until such time as the Senate completes consideration of the Message from the House of Representatives, which was informally passed on Thursday, June 14, 1945.

Which was agreed to by a two-thirds vote.

The following Message from the House of Representatives was taken up:

Tallahassee, Florida, June 12, 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 respectfully requests the President of the Senate to appoint a committee on

the part of the Senate to confer with a like committee on the part of the House of Representatives to discuss the problem of reapportionment.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

Senator Barringer moved that the request of the House of Representatives, as contained in the above Message, be granted.

Upon which a roll call was demanded.

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

Yeas—14.

Barringer	Carroll	King 7th	Sheldon
Baynard	Coleman 13th	King 27th	Sturgis
Beacham	Griner	Mathews	
Bryant	Johnson	Moon	

Nays—21.

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

Which was not agreed to so the motion failed of adoption and the action of the Senate was ordered certified to the House of Representatives.

Senator Sanchez moved that the Senate do now adjourn.

Which was not agreed to.

Senator Johns moved that each Senator be allowed to employ one Secretary and submit the name of such employee to the Chairman of the Committee on Attaches and Efficiency.

Pending adoption of the motion made by Senator Johns, Senator Gray moved as a substitute motion that each Senator be allowed to employ one Secretary and that the Senator employing such Secretary be the judge as to whether the employee was capable of doing the work of the employing Senator.

Upon which a roll call was demanded.

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

Yeas—8.

Brackin	Fraser 29th	Johns	Sheldon
Branch	Gray	Riddle	Sturgis

Nays—28.

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

So the substitute motion made by Senator Gray failed of adoption.

The question recurred upon the adoption of the motion made by Senator Johns.

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

Senator Thomas moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 1:35 o'clock P. M., until 11:00 o'clock A. M., Wednesday, June 20, 1945.