

EXTRAORDINARY SESSION
JOURNAL OF THE SENATE

Monday, July 16, 1945

The Senate convened at 4:00 o'clock P. M., pursuant to adjournment on Thursday, July 12, 1945.

The President in the chair.

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

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

—32.

A quorum present.

Senators Black, Boyle, Bryant, Mathews and McKenzie were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Our Father in heaven, we thank Thee for Thyself—for Thy love, for Thy compassions, for Thy mercies, and for Thy faithfulness. We are ashamed of ourselves,—of our impatience, of our worries, of our unfaithfulness, and of our sins. Forgive us, we pray, and help us to walk as children of our gracious Father, gratefully conscious of His daily mercies and confidently secure in His love. In Jesus' name we ask it. Amen."

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, July 16, 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 Messrs. Simpson of Jefferson and Leedy of Orange—

House Concurrent Resolution No. 8-X:

WHEREAS, Col. Dan McCarty has recently returned from duty overseas, and

WHEREAS, Dan McCarty distinguished himself as a member of the House of Representatives for three sessions, serving as Speaker of the House in 1941,

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That Col. Dan McCarty be invited to address a joint session of the Senate and the House of Representatives at some time to be agreed upon by Col. McCarty, and a Committee be designated by the President of the Senate and the Speaker of the House.

And respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Concurrent Resolution No. 8-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. 8-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. 8-X was read the second time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and House Concurrent Resolution No.

8-X was adopted and the action of the Senate was ordered certified to the House of Representatives.

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 BILLS ON THIRD READING

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:

Section 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 developed 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.

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

Upon the passage of Senate Joint Resolution No. 13-X the roll was called and the vote was:

Yeas—4.

Beacham	Carroll	Gray	King 7th
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Nays—28.

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

So Senate Joint Resolution No. 13-X failed to pass.

Senate Bill No. 8-X and Senate Joint Resolutions Nos. 20-X and 21-X were taken up in their order and the consideration thereof was informally passed.

SENATE BILLS ON SECOND READING

Senate Joint Resolutions Nos. 14-X and 15-X, Senate Bill No. 16-X, Senate Joint Resolution No. 19-X, Senate Bill No. 22-X, Senate Joint Resolutions Nos. 23-X and 24-X and Senate Bill No. 25-X were taken in their order and the consideration thereof was informally passed.

Senator Brackin moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 4:22 o'clock P. M., until 11:00 o'clock A. M., Tuesday, July 17, 1945.