

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Tuesday, July 17, 1945

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Monday, July 16, 1945.

The President in the chair.

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

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

—33.

A quorum present.

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

The following prayer was offered by the Chaplain:

"Lord, we will have our Patmoses, give us also the vision of heaven. We know what it means to wait before closed doors here; while we wait give us the vision of the open door in heaven. Everything seems to be in a state of flux here, nothing seems permanent and abiding; give us a vision of Thyself on Thy throne. Everywhere there is confusion and clouds; give us the vision of the rainbow round about the throne. Lord, there is so much selfishness in us and in the world; give us the vision of the sacrificial Lamb in the midst of the throne. There is so much unbelief and despair; let us hear the shouts of the redeemed before the throne. Amen."

The President announced the appointment of Senators Carroll and Baynard as the Committee on the part of the Senate, pursuant to House Concurrent Resolution No. 8-X, and the action of the Senate was ordered certified to the House of Representatives.

Senator Johnson moved that a committee be appointed to escort Mrs. Charles I. Pratt, of Winter Park, Florida, Acting President of the League of Women Voters, to a seat on the rostrum of the Senate.

Which was agreed to and the President appointed Senators Johnson and Perdue as the Committee.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

Tallahassee, Florida, July 17, 1945.

Hon. Walter W. Rose,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House of Representatives has appointed Messrs. Leedy and Simpson as a committee on the part of the House of Representatives to confer with a like committee on the part of the Senate in accordance with the provisions of House Concurrent Resolution No. 8-X.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

SENATE CONCURRENT RESOLUTIONS ON SECOND READING

Senator Sheldon moved that Senate Concurrent Resolution No. 1-X be informally passed, the Resolution retaining its place on the Calendar of Senate Concurrent Resolutions on Second Reading.

Which was agreed to and Senate Concurrent Resolution No. 1-X was informally passed.

SENATE BILLS ON THIRD READING

Senator Johns moved that Senate Bill No. 8-X be informally

passed, the bill retaining its place on the Calendar of Bills on Third Reading.

Which was agreed to and Senate Bill No. 8-X was informally passed.

Senator Riddle moved that Senate Joint Resolution No. 20-X be informally passed, the Joint Resolution retaining its place on the Calendar of Bills on Third Reading.

Which was agreed to and Senate Joint Resolution No. 20-X was informally passed.

Senator Gray moved that Senate Joint Resolution No. 21-X be informally passed, the Joint Resolution retaining its place on the Calendar of Bills on Third Reading.

Which was agreed to and Senate Joint Resolution No. 21-X was informally passed.

SENATE BILLS ON SECOND READING

Senator Sturgis moved that Senate Joint Resolutions Nos. 14-X and 15-X and Senate Bill No. 16-X be informally passed, the Joint Resolutions and Bill retaining their places on the Calendar of Bills on Second Reading.

Which was agreed to and Senate Joint Resolutions Nos. 14-X and 15-X and Senate Bill No. 16-X were informally passed.

Senator Sheldon moved that Senate Joint Resolution No. 19-X be informally passed, the Joint Resolution retaining its place on the Calendar of Bills on Second Reading.

Which was agreed to and Senate Joint Resolution No. 19-X was informally passed.

Senator Fraser (31st Dist.) moved that Senate Bill No. 22-X be informally passed, the Bill retaining its place on the Calendar of Bills on Second Reading.

Which was agreed to and Senate Bill No. 22-X was informally passed.

Senate Joint Resolution No. 23-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 the following amendment to 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 agreed to and the same as amended 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, to-wit:

"Section 3. APPORTIONMENT OF REPRESENTATION IN THE SENATE AND HOUSE OF REPRESENTATIVES. There shall be forty-two 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 creating seventeen Senatorial Districts of the seven-teen most populous counties, allowing one Senator to each of said counties, and by creating twenty-five Senatorial Districts of the remaining fifty counties, allowing one Senator to each of said twenty-five districts and in so doing the Legislature shall observe the following mandatory requirements: (a) the latter twenty-five districts shall be created according to contiguity and common interests; (b) where possible each of the Senatorial Districts composed of the remaining fifty counties shall be composed of two counties, but in no event shall a District be composed of more than three counties; (c) no county shall be divided in creating any Senatorial District; and (d)

two or more counties forming one Senatorial District shall not be entirely separated by the territory of another District. 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 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 representation 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)."

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

Senator Shands moved that the rules be waived and Senate Joint Resolution No. 23-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. 23-X was read the third time in full.

Upon the passage of Senate Joint Resolution No. 23-X the roll was called and the vote was:

Yeas—17.

Mr. President	Carroll	McArthur	Thomas
Ausley	Clarke	Moon	Wilson
Baynard	Coleman 28th	Shands	
Beacham	King 7th	Sheldon	
Brackin	Lewis	Sturgis	

Nays—16.

Barringer	Fraser 29th	Johns	Mathews
Branch	Fraser 31st	Johnson	Perdue
Coleman 13th	Gray	King 27th	Riddle
Davis	Griner	Lindler	Sanchez

So Senate Joint Resolution No. 23-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 unanimous consent Senator Shands withdrew Senate Joint Resolution No. 24-X and Senate Bill No. 25-X.

Senator Riddle asked unanimous consent of the Senate to take up and consider Senate Joint Resolution No. 20-X, out of its order, at this time.

Which was agreed to.

Senate Joint Resolution No. 20-X:

A Joint Resolution declaring that an emergency exists within the meaning, intent and purview of Section 3 of Article VII of the Constitution of Florida: 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 a Special Election to be held in not less than 90 days, nor more than 120 days after the enactment of this Joint Resolution 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.

Was taken up and read the third time in full.

Upon the passage of Senate Joint Resolution No. 20-X the roll was called and the vote was:

Yeas—14.

Ausley	Davis	Johns	Riddle
Brackin	Fraser 29th	Lewis	Sanchez
Branch	Gray	Lindler	
Coleman 28th	Griner	Perdue	

Nays—19.

Mr. President	Clarke	King 27th	Sheldon
Barringer	Coleman 13th	Mathews	Sturgis
Baynard	Fraser 31st	McArthur	Thomas
Beacham	Johnson	Moon	Wilson
Carroll	King 7th	Shands	

So Senate Joint Resolution No. 20-X failed to pass.

Senator Beacham moved that the Senate do now adjourn.

Which was agreed to and the Senate stood adjourned at 12:18 o'clock P. M., until 11:00 o'clock A. M. Wednesday, July 18, 1945.