

EXTRAORDINARY SESSION  
JOURNAL OF THE SENATE

Thursday, July 12, 1945

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

The President in the chair.

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

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

—30.

A quorum present.

Senators Barringer, Black, Carroll, Coleman (13th Dist.), Mathews, McKenzie and Thomas were excused from attendance upon the session.

The following prayer was offered by the Chaplain:

"Our Heavenly Father, we would lift our eyes to Thee and pray that Thou wouldst open them that we may see the things that are unseen and eternal. May we realize from day to day Thy abiding presence and in the strength that comes from this knowledge give unto Thee a larger and more faithful service. Help us to keep our hearts and minds on Thee. Grant that we may be submissive enough to allow Thy Spirit to come in and possess us, and make us channels of blessing through which Thou canst reveal Thyself to the world. Grant that every bit of our service shall be motivated by a yearning to please Thee, and Thee only. We ask it in the name of Jesus Christ, our Lord. Amen."

INTRODUCTION OF SENATE RESOLUTIONS

By Senators Ausley, Sturgis, Baynard and King (27th Dist.)

Senate Resolution No. 3-X:

SENATE RESOLUTION NO. 3-X  
MEMORIALIZING THE DEATH OF HON. JOSEPH  
WHEELER PEPPER

WHEREAS, Joseph Wheeler Pepper, father of United States Senator, Claude Pepper, departed this life in the City of Tallahassee, Florida, on July 7, 1945; and

WHEREAS, deceased, who was born in Clay County, Alabama, and moved to Tallahassee in 1931, and during his later years was a faithful employee of the State of Florida, being Superintendent of the Chemistry Building here for several years past; and

WHEREAS, it is appropriate that the Senate make record of the death of Mr. Pepper and pay fitting tribute to his memory and express the sympathy of this body to the bereaved family,

NOW, THEREFORE, BE IT RESOLVED By the Senate of the State of Florida, that this body does hereby express and make record of the passing of Joseph Wheeler Pepper and express to the members of his bereaved family the sympathy of the members of the Senate,

BE IT FURTHER RESOLVED that a copy of these resolutions be spread upon the Journal of the Senate, that a copy thereof, duly certified, be delivered to the members of his family and that a copy be furnished to the press.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Which was unanimously agreed to and Senate Resolution No. 3-X was adopted.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senators Gray, Branch and Riddle—

Senate Joint Resolution No. 21-X:

A Joint Resolution proposing an Amendment to Section

3, Article VII, of the Constitution of the State of Florida relating to apportionment of representation in the Legislature.

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 relating to reapportionment in the Legislature 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 and eighty days after adjournment and after publication of notice of such special election:

"Section 3. (a) The State shall be divided into sixty-seven senatorial districts and each district shall have one Senator, which districts shall be numbered as follows and consist respectively of the following counties:

- |               |                  |                  |
|---------------|------------------|------------------|
| 1. Okaloosa   | 24. Lee          | 47. Monroe       |
| 2. Escambia   | 25. Bay          | 48. Taylor       |
| 3. Walton     | 26. Putnam       | 49. Hendry       |
| 4. Jackson    | 27. Hardee       | 50. Washington   |
| 5. Liberty    | 28. Volusia      | 51. Calhoun      |
| 6. Gadsden    | 29. Baker        | 52. Gulf         |
| 7. Polk       | 30. Hamilton     | 53. Clay         |
| 8. Leon       | 31. St. Johns    | 54. DeSoto       |
| 9. Citrus     | 32. Alachua      | 55. Flagler      |
| 10. Madison   | 33. Osceola      | 56. Glades       |
| 11. Pinellas  | 34. Hillsborough | 57. Gilchrist    |
| 12. Dixie     | 35. Palm Beach   | 58. Highlands    |
| 13. Dade      | 36. Sarasota     | 59. St. Lucie    |
| 14. Columbia  | 37. Seminole     | 60. Broward      |
| 15. Bradford  | 38. Pasco        | 61. Okeechobee   |
| 16. Nassau    | 39. Franklin     | 62. Indian River |
| 17. Suwannee  | 40. Santa Rosa   | 63. Martin       |
| 18. Duval     | 41. Lafayette    | 64. Manatee      |
| 19. Orange    | 42. Holmes       | 65. Charlotte    |
| 20. Marion    | 43. Union        | 66. Sumter       |
| 21. Levy      | 44. Wakulla      | 67. Brevard      |
| 22. Jefferson | 45. Collier      |                  |
| 23. Lake      | 46. Hernando     |                  |

That State Senators representing Districts numbers 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35 and 37 as those districts were constituted prior to the adoption of this amendment shall continue to represent the districts of such respective numbers as constituted by this amendment until the General Election to be held in 1948, at which time Senators from said districts shall be elected for terms of four years, as is provided by law, and for terms of four years at the General Election to be held every four years thereafter. The State Senators from Districts numbered, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, and 67 shall be elected for terms of two years at the General Election to be held in 1946 and for terms of four years at the General Election to be held in 1948 and every four years thereafter. The State Senators from the even numbered districts shall be elected for terms of four years at the General Election to be held in 1946 and every four years thereafter. A new county can only be created by constitutional amendment and said new county shall constitute an additional Senatorial District and the Senator to represent said District shall be elected pursuant to the provisions set forth in this Resolution.

(b) Representation in the House of Representatives shall be as follows:

1. Each county having a population of 15,000 or less shall have one Representative.
2. Each County having a population of not less than 15,001 nor more than 40,000 shall have two Representatives.
3. Each County having a population of not less than 40,001 nor more than 70,000 shall have three Representatives.
4. Each County having a population of not less than 70,001 nor more than 100,000 shall have four Representatives.

5. Each County having a population of not less than 100,001 nor more than 150,000 shall have five Representatives.

6. Each County having a population of not less than 150,001 nor more than 250,000 shall have six Representatives.

7. Each County having a population of more than 250,000 shall have six Representatives and shall also have one additional Representative for each 100,000 of population above 250,000.

The first apportionment of representation in the House of Representatives provided by this amendment shall be in accordance with State Census of 1945. Thereafter, reapportionment of the House of Representatives shall be in accordance with the regular decennial Federal Census. Immediately after the ratification of this amendment by the electors, the Governor shall by official proclamation apportion the representation in the House of Representatives in accordance with the provisions of this amendment and the State Census of 1945. At its next regular session after each future regular decennial Federal Census becomes official, the Legislature shall reapportion the representation in the House of Representatives in accordance with the provisions of this amendment and such last preceding regular decennial Federal Census; and if the Legislature should fail to make such apportionment at the time required herein, the Governor shall by official proclamation immediately apportion the representation in the House of Representatives in accordance with the provisions of this amendment and the last preceding official regular Federal Census."

Which was read the first time in full.

Senator Gray moved that the rules be waived and Senate Joint Resolution No. 21-X be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 21-X was read the second time in full and placed on the Calendar of Bills on Third Reading.

By Senator Fraser (31st Dist.)—

S. B. No. 22-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 Fraser (31st Dist.) moved that the rules be waived and Senate Bill No. 22-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 Shands, McArthur, Sheldon, Baynard and King (7th Dist.)—

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 seventeen 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)."

Which was read the first time in full.

Senator Shands moved that the rules be waived and Senate Joint Resolution No. 23-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 Shands, McArthur, Sheldon, Baynard and King (7th Dist.)—

Senate Joint Resolution No. 24-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 Governor of the State of Florida called the Legislature into Extraordinary 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 have 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 possible to enact 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 four (4) additional Senatorial Districts should be created and reapportionment made in respect to 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-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 seventeen 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 interest; (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)."

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 Shands moved that the rules be waived and Senate Joint Resolution No. 24-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 Shands, McArthur, Sheldon, Baynard and King (7th Dist.)—

S. B. No. 25-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 Shands moved that the rules be waived and Senate Bill No. 25-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.

Senator Shands moved that the rules be waived and when the Senate adjourns it adjourn to reconvene at 4:00 o'clock P. M., Monday, July 16, 1945.

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 stood adjourned at 4:00 o'clock P. M., until 4:00 o'clock P. M., Monday, July 16, 1945.