

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, August 5, 1955

61

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, August 4, 1955.

The President in the Chair.

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

Mr. President	Clarke	Hodges	Neblett
Baker	Connor	Houghton	Pearce
Barber	Douglas	Johns	Pope
Beall	Edwards	Johnson	Rawls
Black	Floyd	Kickliter	Rodgers
Bronson	Fraser	King	Shands
Cabot	Gautier (28th)	Melvin	Stenstrom
Carlton	Gautier (13th)	Morgan	Stratton
Carraway	Getzen	Morrow	Tapper

—36.

A quorum present.

Senators Phillips and Rood were excused from attendance upon the Session.

The following Prayer was offered by the Senate Chaplain, Reverend E. E. Snow:

Almighty God, Father, Son, and Holy Ghost. We invoke Thy blessing to rest upon the deliberations of our Governor and Legislature this day. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, August 4, 1955, was corrected and as corrected was approved.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator King—

Senate Resolution No. 23-X(55):

A RESOLUTION RELATING TO RELINQUISHMENT OF OFFICE SPACE BY THE SENATE.

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

That the Senate do relinquish all office space in the Capitol building as is customarily used by the various departments of the state government between sessions of the Legislature; that the Sergeant-at-Arms be instructed to remove all Senate furniture and office equipment therefrom and that said office space be immediately turned over to the Secretary of State for occupancy by said state departments. Provided, the quarters reserved for the President of the Senate and Room 31 of the Senate shall be reserved for the use of the President and the Senate during any period of recess taken by this 1955 Extraordinary Session of the Legislature.

Which was read the first time in full.

Senator King moved that the further consideration of Senate Resolution No. 23-X(55) be postponed.

Which was agreed to and it was so ordered.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
August 5, 1955.

*The Honorable W. T. Davis,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senators Shands and Melvin—

S. B. No. 18-X(55)—A bill to be entitled An Act setting forth certain findings of the Legislature; apportioning the representation of the State of Florida in the Senate; amending Section 10.01, Florida Statutes; and providing an effective date November 6, 1956.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 18-X(55), contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

Senator Tapper moved that the Senate stand in recess until 11:45 o'clock A. M., this day.

Which was agreed to.

Thereupon the Senate stood in recess at 11:26 o'clock A. M.

The Senate was called to order by the President at 11:45 o'clock A. M.

The roll was called to determine the presence of a quorum and the following Senators answered to their names:

Mr. President	Clarke	Hodges	Neblett
Baker	Connor	Houghton	Pearce
Barber	Douglas	Johns	Pope
Beall	Edwards	Johnson	Rawls
Black	Floyd	Kickliter	Rodgers
Bronson	Fraser	King	Shands
Cabot	Gautier (28th)	Melvin	Stenstrom
Carlton	Gautier (13th)	Morgan	Stratton
Carraway	Getzen	Morrow	Tapper

—36.

A quorum present.

By permission the following Report of Committee was received:

ENROLLING REPORT

Your Enrolling Clerk, to whom was referred—

S. B. No. 18-X(55)

—begs leave to report same has been properly enrolled, signed by the President and Secretary of the Senate and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on August 5, 1955, for his approval.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Senator Melvin moved that the rules be waived and the Senate revert to the consideration of Messages from the Governor.

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

MESSAGE FROM THE GOVERNOR

STATE OF FLORIDA

EXECUTIVE DEPARTMENT

TALLAHASSEE

August 5, 1955

Honorable W. Turner Davis
President of the Senate
Capitol Building
Tallahassee, Florida

Sir:

Pursuant to the authority vested in me as Governor of Florida, under the provisions of Section 28, Article III of the Constitution of this State, I hereby transmit to you, with my objections, Senate Bill No. 18-X, enacted by the Legislature in the extraordinary reapportionment session of 1955, and entitled:

"AN ACT SETTING FORTH CERTAIN FINDINGS OF THE LEGISLATURE; APPORTIONING THE REPRESENTATION OF THE STATE OF FLORIDA IN THE SENATE; AMENDING SECTION 10.01, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE NOVEMBER 6, 1956."

This bill is identical in its reapportionment provisions to House Bill No. 10-X, which was enacted earlier in the session and which I vetoed on July 13, 1955. My authority to veto such a bill was specifically confirmed by the Supreme Court of Florida on that day.

I again call attention to Section 3 of Article VII of the Constitution, which provides as follows:

"The Legislature shall meet in regular session A. D. 1925, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate and shall provide for thirty-eight (38) 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 * * *"

It is still my firm conviction that while some reapportionment would be achieved under the plan embodied in Senate Bill No. 18-X, the same clearly fails to meet the Constitutional mandate that the 38 Senatorial Districts of the State be apportioned among the counties "as nearly equal in population as practicable." I repeat that this plan does not achieve for the people of Florida the representative government which the Constitution unequivocally assures to them for the same reasons outlined in my message to the Honorable Thomas E. (Ted) David, Speaker of the House of Representatives, under date of July 13, 1955, withholding my approval from House Bill No. 10-X.

I, therefore, withhold my approval from Senate Bill No. 18-X, of the current extraordinary Legislative Session of 1955, and do hereby veto the same.

There is so much to be done in Florida, and for Florida today. At a time when our State is growing with unprecedented speed; when our opportunities seem boundless; when sound vision and planning are so essential; we desperately need leadership that is united and sincere and devoted to public duty.

The recent trip I made with the Development Commission and others of our State's business leaders to the great eastern financial centers, brought into sharp focus the unlimited horizons for Florida's development, and the necessity for a government here in which people everywhere can have full confidence.

Many of my greatest ambitions for this State are wrapped up in the achievements of the regular session. We have just begun, or still must begin, the work of the Constitution Advisory Commission, the Development Commission, the Tax Council, the Mental Health Council, the Water Resources Study Commission, and the Sheriffs' Bureau. Our opportuni-

ties to meet our growing highway needs are vastly improved under the new Highway Code and the enlarged Turnpike Act. These opportunities are not being neglected under the leadership of the Road Board and Turnpike Authority, but I am so anxious to give them closer personal attention. We have the legislative authority to bring thousands of State employees under the merit system. We have new or expanded programs just getting underway in such other fields as education, welfare, atomic research, and highway safety which also are vitally important.

In weighing my responsibilities for the whole course of our State Government, it can be contended with some reason that I should put aside my deep convictions and permit Senate Bill 18-X to become a law without my signature. This course would have advantages. But this I cannot do and remain true to the principles in which I believe and loyal to those who have been helping in this fight. The defeat or victory, whichever may be achieved, is not for me, but for the people. I have a mandate to fight for them. This I agreed to do not as an idle campaign platitude, but as a solemn dedication to their service.

I abhor the waste of the taxpayers funds which this extraordinary session has entailed. The insidious dangers to our future in an atmosphere of counties being arrayed against counties, of sectionalism, of selfish political greed, of fear generated by false propaganda, are fully apparent to me. I appeal to you again to consider the right, the true, the unselfish, the simple obligation of the Constitution, and this whole issue can be settled in the course of minutes.

It is not for me to say how you should conduct your sessions. I suggest, however, that with joint concurrence of both Houses, and a waiver of all subsistence and travel allowances, you may find it advisable to take a recess of 30 or 60 days. This will allow time for making many personal adjustments which I am sure your private businesses require. It will provide time for reflection on the issues outside of the atmosphere of contention which has been generated here. It will permit the Executive Department to move forward efficiently with many State programs which you have given us the responsibility to achieve.

Respectfully,

LeROY COLLINS
Governor

Senator Pearce moved that the rules be waived and the time of adjournment be extended until 3:00 o'clock P. M., this day.

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

The President put the question, "Shall the bill pass, the Governor's objections to the contrary notwithstanding?"

Upon the passage of Senate Bill No. 18-X(55) the roll was called and the vote was:

Yeas—18.

Mr. President	Clarke	Getzen	Rawls
Baker	Connor	Hodges	Shands
Black	Douglas	Johnson	Tapper
Bronson	Edwards	Melvin	
Carraway	Fraser	Pearce	

Nays—15.

Cabot	Gautier (13th)	Morgan	Rodgers
Carlton	Houghton	Morrow	Stenstrom
Floyd	Kicklitter	Neblett	Stratton
Gautier (28th)	King	Pope	

So Senate Bill No. 18-X(55) failed to pass by the required Constitutional two-thirds vote of the members present over the Governors' objections thereto.

PAIRINGS

The following Pairs were announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Phillips of the (14th) District on the passage of Senate Bill No. 18-X(55) over the Governor's objections thereto.

If he were present he would vote "Yea" and I would vote "Nay."

MERRILL P. BARBER
Senator 12th District.

I am paired with Senator Rood of the (36th) District on the passage of Senate Bill No. 18-X(55) over the Governor's objections thereto.

If he were present he would vote "Nay" and I would vote "Yea."

CHARLEY E. JOHNS
Senator 15th District

CONSIDERATION OF SENATE RESOLUTIONS

By unanimous consent, Senator Shands withdrew Senate Concurrent Resolution No. 19-X(55) from the further consideration of the Senate.

Senate Concurrent Resolution No. 20-X(55):

A CONCURRENT RESOLUTION RELATING TO RECESSING OF THE 1955 EXTRAORDINARY SESSION OF THE LEGISLATURE.

WHEREAS, this extraordinary session of the Legislature has been in session for a period of sixty (60) days, and

WHEREAS, everything possible has been done toward resolving of the problem of reapportionment, including joint meetings of special committees of each house, conferences with the Chief Executive of the state, package plans, and every other device known to legislative procedures, and

WHEREAS, it now appears that we are further from any possible solution than even at the start of our labors sixty (60) days ago, that tempers are frayed and the members are all tired and discouraged, and

WHEREAS, in view of these things the most sensible action to be taken at this time is to recess for a period of time sufficient for us all to go home and test the public sentiment of our constituents in the premises, then return with refreshed energies and make a new start, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That this 1955 extraordinary session of the legislature do stand recessed until October 3, 1955, at 4:00 o'clock p. m. and that all per diem expense compensation of the members be suspended and discontinued during the period of such recess.

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

Senator Melvin offered the following amendment to Senate Concurrent Resolution No. 20-X(55):

In typewritten bill, after the resolving clause, and in the second line, strike out "October 3" and insert in lieu thereof the following: "November 16".

Senator Melvin moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

The question was put on the adoption of Senate Concurrent Resolution No. 20-X(55), as amended, which reads as follows:

Senate Concurrent Resolution No. 20-X(55):

A CONCURRENT RESOLUTION RELATING TO RECESSING OF THE 1955 EXTRAORDINARY SESSION OF THE LEGISLATURE.

WHEREAS, this extraordinary session of the Legislature has been in session for a period of sixty (60) days, and

WHEREAS, everything possible has been done toward resolving of the problem of reapportionment, including joint meetings of special committees of each house, conferences with the Chief Executive of the state, package plans, and every other device known to legislative procedures, and

WHEREAS, it now appears that we are further from any possible solution than even at the start of our labors sixty (60) days ago, that tempers are frayed and the members are all tired and discouraged, and

WHEREAS, in view of these things the most sensible action to be taken at this time is to recess for a period of time sufficient for us all to go home and test the public sentiment of our constituents in the premises, then return with refreshed energies and make a new start, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That this 1955 extraordinary session of the legislature do stand recessed until November 16, 1955, at 4:00 o'clock p. m. and that all per diem expense compensation of the members be suspended and discontinued during the period of such recess.

Which was agreed to and Senate Concurrent Resolution No. 20-X(55), as amended, was adopted and referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Melvin moved that the rules be waived and Senate Concurrent Resolution No. 20-X(55) be immediately certified to the House of Representatives, after being engrossed.

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

Senator Melvin moved that the Senate recess until 3:00 o'clock P. M., this day.

Which was agreed to.

And the Senate stood in recess at 1:25 o'clock P. M., until 3:00 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:00 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	Connor	Johns	Pope
Baker	Douglas	Johnson	Rawls
Barber	Floyd	Kicklitter	Rodgers
Black	Fraser	King	Shands
Bronson	Gautier (28th)	Melvin	Stenstrom
Cabot	Gautier (13th)	Morgan	Stratton
Carlton	Getzen	Morrow	Tapper
Carraway	Hodges	Neblett	
Clarke	Houghton	Pearce	

—34.

A quorum present.

Senators Beall, Edwards, Phillips and Rood were excused from attendance upon the Session.

By permission the following Report of Committee was received:

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred, with Senate amendment, for engrossing—

Senate Concurrent Resolution No. 20-X(55)—

A CONCURRENT RESOLUTION RELATING TO RECESSING OF THE 1955 EXTRAORDINARY SESSION OF THE LEGISLATURE.

—begs leave to report that the Senate amendment has been incorporated in the Concurrent Resolution and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Concurrent Resolution No. 20-X(55), contained in the above report was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator King moved that the rules be waived and the Senate revert to the introduction of Resolutions, Memorials, Bills and Joint Resolutions.

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

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators King, Kickliter and Stenstrom—

Senate Concurrent Resolution No. 24-X(55):

A CONCURRENT RESOLUTION RELATING TO A RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES TO THE TENTH OF OCTOBER, 1955.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That the senate and house of representatives be in recess until 4 p.m. October tenth, 1955.

Section 2. During the recess period, all per diem shall be waived.

Which was read the first time in full.

Senator Melvin offered the following amendment to Senate Concurrent Resolution No. 24-X(55):

In line 3 of the title, strike out "the tenth of October" and insert in lieu thereof: "November 17"; also, in line 2 of Section 1, strike out "October tenth" and insert in lieu thereof: "November 17".

Senator Melvin moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator King moved that the rules be waived and Senate Concurrent Resolution No. 24-X(55), as amended, be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 24-X(55), as amended, was read the second time in full, as follows:

A CONCURRENT RESOLUTION RELATING TO A RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES TO NOVEMBER 17, 1955.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

Section 1. That the senate and house of representatives be in recess until 4 p.m. November 17, 1955.

Section 2. During the recess period, all per diem shall be waived.

The question was put on the adoption of Senate Concurrent Resolution No. 24-X(55), as amended.

Which was agreed to and Senate Concurrent Resolution No. 24-X(55), as amended, was adopted and referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

Senator Melvin moved that the rules be waived and Senate Concurrent Resolution No. 24-X(55) be immediately certified to the House of Representatives, after being engrossed.

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

By permission the following Report of Committee was received:

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred, with Senate amendment, for engrossing—

Senate Concurrent Resolution No. 24-X(55)—

A CONCURRENT RESOLUTION RELATING TO A RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES TO NOVEMBER 17, 1955.

—begs leave to report that the Senate amendment has been incorporated in the Concurrent Resolution and the same is returned herewith, as engrossed.

Very respectfully,

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Engrossing Clerk
of the Senate.

And Senate Concurrent Resolution No. 24-X(55), contained in the above report was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Melvin moved that the Senate adjourn to reconvene at 8:00 o'clock P. M., Tuesday, August 9, 1955.

Which was agreed to.

And the Senate stood adjourned at 3:27 o'clock P. M., until 8:00 o'clock P. M., Tuesday, August 9, 1955.