

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Wednesday, September 28, 1955

75

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Tuesday, September 27, 1955.

The President in the Chair.

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

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

—33.

A quorum present.

Senators Beall, Carlton, Fraser, Melvin and Phillips were excused from attendance upon the Session.

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

Our Heavenly Father, in all the circumstances of life help us to face the future with confidence and faith. We thank Thee for the faith that Thou art our Father and Ruler of the universe. We know Thou canst keep our hearts in peace when our minds are stayed in Thee.

We thank Thee for all the friendships we have all made in the Florida State Senate. Help us O God to keep these friendships in constant repair. May all our friendships grow and grow, and may new friendships come into being for all of us every day of our life.

Above everything, yes above everything, we thank Thee for our greatest friend, Jesus Christ our Lord and our Saviour. We offer this prayer in His Name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, September 27, 1955, was corrected and as corrected was approved.

REPORTS OF COMMITTEES

Senator Tapper, Chairman of the Committee on Reapportionment, reported that the Committee had carefully considered the following Concurrent Resolution:

Senate Concurrent Resolution No. 27-X(55)—

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

—and recommends that the same be adopted.

And the Concurrent Resolution contained in the preceding report was placed on the Calendar of Bills on Second Reading.

ENROLLING REPORT

Your Enrolling Clerk, to whom was referred—

Senate Concurrent Resolution No. 25-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 September 28, 1955.

Very respectfully,

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

Senator Shands moved that Senate Concurrent Resolution No. 27-X(55) be withdrawn from the Calendar of Bills on Second Reading and referred to an appropriate Committee for study.

Which was agreed to and Senate Concurrent Resolution No. 27-X(55) was recommitted to the Committee on Reapportionment.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Morrow, Cabot and Barber—

Senate Concurrent Resolution No. 28-X(55):

A CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE THE LEGISLATURE IN SPECIAL SESSION UPON THE ADJOURNMENT OF THE PRESENT EXTRAORDINARY SESSION ON REAPPORTIONMENT AND TO INCLUDE IN HIS PROCLAMATION THE JOINT RESOLUTION PROPOSING AN AMENDMENT OF ARTICLE VII, SECTION 3 OF THE FLORIDA CONSTITUTION RELATIVE TO CENSUS AND APPORTIONMENT REFERRED TO HEREIN.

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

That the Governor is respectfully requested to convene a special session of the legislature forthwith upon the adjournment of the present extraordinary session on reapportionment and to include in his proclamation the joint resolution proposing an amendment of article VII, section 3 of the Florida constitution relative to census and apportionment, a copy of which joint resolution is attached hereto.

Senate Joint Resolution No.:

A JOINT RESOLUTION PROPOSING AN AMENDMENT OF ARTICLE VII, SECTION 3, OF THE CONSTITUTION OF THE STATE OF FLORIDA, RELATIVE TO CENSUS AND APPORTIONMENT; PROVIDING FOR THE APPORTIONMENT OF REPRESENTATION IN THE SENATE AND HOUSE OF REPRESENTATIVES; PROVIDING FOR FORTY-ONE (41) SENATORIAL DISTRICTS BY ADDING THREE (3) NEW DISTRICTS; AMENDING THE PLAN FOR APPORTIONING MEMBERS OF THE HOUSE OF REPRESENTATIVES; PROVIDING A METHOD OF APPORTIONMENT IN THE EVENT THE LEGISLATURE FAILS TO APPORTION AS PROVIDED HEREIN.

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

That the following amendment of Article VII, Section 3 of the Constitution of the State of Florida relating 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 approval or rejection at the next General Election to be held in November, 1956, as follows:

Section 3. Apportionment of representation in the Senate and House of Representatives.—

(1) The Legislature that shall meet first following the

adoption of this amendment shall apportion the representation in the Senate and House of Representatives as provided herein. The Legislature that shall meet in regular biennial session in 1963 and those Legislatures that shall meet in regular biennial session each 10 years thereafter, shall apportion such representation as herein provided. The preceding regular Federal Census that shall have been taken nearest any such apportionment of representation shall control in making such apportionment.

(2) The Senate shall consist of forty-one (41) members. Each Senatorial District shall have one Senator. In apportioning representation in the Senate, the Legislature 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. Where any Senatorial District is composed of two (2) or more counties, the counties of which such District consists shall not be entirely separated by any county belonging to another District.

(3) Representation in the House of Representatives shall be apportioned in the following manner. First, there shall be determined a unit to be used as the basis for such apportionment. The whole number of inhabitants of the State of Florida shall be divided by the number, one hundred thirty (130), and the result of such division shall be the population unit that shall be so used. Each county of the State having one unit or less, shall elect one representative; each county having more than one unit and less than three and one-half ($3\frac{1}{2}$) units shall elect two representatives; each county having more than three and one-half ($3\frac{1}{2}$) units and less than five and one-half ($5\frac{1}{2}$) units shall elect three representatives; each county having more than five and one-half ($5\frac{1}{2}$) units and less than seven and one-half ($7\frac{1}{2}$) units shall elect four representatives, and so on above the first seven and one-half ($7\frac{1}{2}$) units giving one additional representative for every seven and one-half ($7\frac{1}{2}$) additional units or fraction thereof.

(4) Every Bill apportioning representation in the Legislature that may have passed the Legislature shall be presented to the Governor and, if he approves it, he shall sign it and the same shall become law; however, the Governor shall have no power to veto any such Bill. If the Governor disapproves of any such Bill he shall, within five (5) days after he receives the same from the Legislature, transmit it with his objections to the Supreme Court. Jurisdiction is hereby vested in the Supreme Court to review any such Bill disapproved by the Governor, (or submitted by the State Board of Apportionment as hereinafter provided,) and to determine whether or not any such Bill constitutes compliance with the requirements of this amendment. Any such Bill transmitted to the Supreme Court as herein provided shall take precedence over all other business of the Court and the Court shall render its written opinion on any such Bill and take the other action herein required of such Court within five (5) days after any such Bill is received. If the Supreme Court determines that any such Bill complies with the requirements of apportionment as herein specified, such Bill shall become law upon the date of such determination; and the Court shall forward such Bill and a copy of its opinion and of the Governor's objections, to be filed with the Secretary of State. If the Supreme Court determines that any such Bill does not comply with such requirements said Bill shall be null and void. If the session of the Legislature at which such Bill was passed has not expired on the date of such determination of noncompliance by the Supreme Court, the Court shall forward such Bill and a copy of its opinion and of the objections of the Governor to the House in which the Bill originated. The Legislature may thereupon again consider the question of apportionment and any Bill apportioning representation passed subsequently shall be subject to the same provisions of this amendment as the first such Bill.

(5) If, upon the final adjournment of any session of the Legislature which is required hereunder to apportion legislative representation, reapportionment has not been accomplished in the manner provided herein, then all right and authority to apportion by the Legislature shall cease and terminate for that session; provided, however, that if prior to such adjournment the Legislature has transmitted an apportionment Bill to the Governor, or through the Governor to the Supreme Court, but such has not been acted upon by the Governor or the Supreme Court, approval of the Governor or the Supreme Court may be granted and certified to the Secretary of State after legislative adjournment in the same manner as if legislative adjournment had not occurred.

(6) If legislative apportionment is not accomplished by any session of the Legislature required hereunder to apportion and in the manner above provided, then it shall be the duty of the Governor, the Attorney General, the Secretary of State, the President of the Senate, and the Speaker of the House of Representatives to convene at the call of the Governor, and as soon as practicable after the final adjournment of such defaulting Legislative session, as a State Board of Apportionment. The said Board shall meet in daily continuous sessions until a plan of apportionment is agreed upon by a majority thereof, and by said Board submitted to and approved by the Supreme Court as being in compliance with the requirements of apportionment set forth herein. Upon such approval the same shall be transmitted by the Supreme Court to the Secretary of State for filing.

(7) In the event a majority of the electors voting upon the plan of reapportionment herein provided vote in favor of its adoption, and a majority of the electors voting upon the plan of apportionment proposed at the Regular Session of the 1955 Legislature vote in favor of the adoption of the latter plan, then in that event the plan receiving the smaller number of votes shall be null and void and the plan receiving the greater number of votes shall become and be the method of apportionment.

Which was read the first time in full and referred to the Committee on Reapportionment.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
September 26, 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 returns herewith as requested—

By Senators Johnson, Shands and Melvin—

S. B. No. 22-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.

Senator Shands moved that the rules be waived and the Senate immediately reconsider the vote by which Senate Bill No. 22-X(55) passed the Senate on August 4, 1955.

The President put the question: "Will the Senate reconsider the vote by which Senate Bill No. 22-X(55) passed the Senate on August 4, 1955?"

Which was agreed to by a two-thirds vote.

So the Senate reconsidered the vote by which Senate Bill No. 22-X(55) passed the Senate on August 4, 1955.

The question recurred on the passage of Senate Bill No. 22-X(55).

Pending roll call on the passage of Senate Bill No. 22-X(55), by unanimous consent, Senator Shands withdrew Senate Bill No. 22-X(55) from the further consideration of the Senate.

Senator Shands moved that the Senate recess until 12:00 o'clock, Noon, this day.

Pending consideration of the motion made by Senator Shands, Senator Gautier (13th) moved, as a substitute motion, that the Senate adjourn.

The question was put on the substitute motion.

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

The question recurred on the motion made by Senator Shands.

Which was agreed to and the Senate recessed at 11:20 o'clock, A. M., until 12:00 o'clock, Noon, this day.

The Senate was called to order by the President at 12:00 o'clock, Noon.

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

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

—33.

A quorum present.

Senator Morrow moved that Senate Concurrent Resolution No. 28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Morrow, the vote was:

Yeas—10.

| | | | |
|----------------|----------|---------|------|
| Barber | Houghton | Morrow | Rood |
| Floyd | King | Neblett | |
| Gautier (28th) | Morgan | Pope | |

Nays—16.

| | | | |
|---------------|----------|---------|----------|
| Mr. President | Carraway | Getzen | Pearce |
| Baker | Clarke | Hodges | Rawls |
| Black | Connor | Johns | Shands |
| Bronson | Edwards | Johnson | Stratton |

So the motion failed of adoption.

PAIRINGS

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

I am paired with Senator Beall on the motion made by Senator Morrow that Senate Concurrent Resolution No.

28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

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

TED CABOT,
Senator 30th District.

I am paired with Senator Carlton on the motion made by Senator Morrow that Senate Concurrent Resolution No. 28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

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

H. B. DOUGLAS,
Senator 3rd District.

I am paired with Senator Phillips on the motion made by Senator Morrow that Senate Concurrent Resolution No. 28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

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

PAUL KICKLITER,
Senator 34th District.

I am paired with Senator Fraser on the motion made by Senator Morrow that Senate Concurrent Resolution No. 28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

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

DOUGLAS STENSTROM,
Senator 37th District.

I am paired with Senator Melvin on the motion made by Senator Morrow that Senate Concurrent Resolution No. 28-X(55) be withdrawn from the Committee on Reapportionment and placed on the Calendar of Bills on Second Reading.

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

J. B. RODGERS, JR.,
Senator 19th District.

Senator Shands moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 12:22 o'clock P. M., until 11:00 o'clock A. M., Thursday, September 29, 1955.