

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, August 3, 1962

The Senate convened at 11:00 o'clock A. M., pursuant to adjournment on Thursday, August 2, 1962.

The President in the Chair.

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

Mr. President	Davis	Johns	Price
Beall	Edwards	Johnson	Ripley
Blank	Fraser	Kelly	Roberts
Boyd	Galloway	Kicliter	Stratton
Bronson	Gautier	Mapoles	Tucker
Carraway	Getzen	Melton	Young
Clarke	Gibbons	Parrish	
Connor	Gresham	Pearce	
Cross	Herrell	Pope	

—33.

A quorum present.

Senator Barron was excused from attendance upon the Session.

The following Prayer was offered by the Senate Chaplain, Reverend James H. Paddock:

We are grateful to Thee, Lord, for Thy presence and for Thy blessings through these first days of this Special Session.

Give traveling grace to all who commute to and from this place, and enable us to worship and do some manner of Christian service on the Lord's Day. We also ask for good health, happiness and prosperity for our families.

May there be Divine acceptance of the worshipful attitude of these Senators, together with all who worship in this chamber in an atmosphere of quiet, of reverence, and of respect for prayer which is offered before the proceedings of each day. May there continue to be in this institution a place for the Holy Bible and time for prayer.

In Christ's Name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, August 2, 1962, was corrected and as corrected was approved.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the rules be waived and when the Senate adjourns at this Session, it adjourn to reconvene at 4:00 o'clock P. M., Monday, August 6, 1962.

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

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Herrell, Davis and Pope—

Senate Concurrent Resolution No. 5-X(62)—

A SENATE CONCURRENT RESOLUTION PROPOSING THAT THE ATTORNEY GENERAL BY APPROPRIATE PROCEEDINGS OBTAIN A CLARIFICATION OF THE DECISION RENDERED BY THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA IN THE CASE OF PETER B. SOBEL VS. TOM ADAMS, NO. 182-62-M-CIVIL-DD, DATED JULY 23, 1962.

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

That the District Court of the United States for the Southern District of Florida in the case of Peter B. Sobel vs. Tom Adams, No. 182-62-M-Civil-DD, by its order and interlocutory judgment declared the existing constitutional and statutory provisions relating to the apportionment and reapportionment for the nomination and election of the Senate and the House of Representatives of the Florida Legislature to be invidiously discriminatory against the rights of the citizens of the State of Florida guaranteed by the constitution of the United States.

That the Legislature convened in special session for the purpose of complying with the order of the Court desires to meet the letter and spirit of the Court order and the rights of Florida citizens guaranteed by the Federal constitution.

That the Legislature thought that by the enactment of Chapter 61-6, Laws of Florida, and causing same to be placed on the November ballot for its approval or rejection by the people, they had met the requirements of law. The above mentioned decisions of the Court indicate this determination to be inaccurate.

The Court, however, failed to lay down any criterion for the Legislature to follow in meeting the requirements of the Federal constitution as construed by the Federal judiciary.

In light of the above and foregoing, it is respectfully suggested that the Attorney General and the Secretary of State of the State of Florida by appropriate proceeding seek from the Court a clarification of its above mentioned order and specifically request that the Court enunciate sufficient criterion for the Legislature to follow in its endeavors to comply with the requirements of the Federal constitution.

Which was read the first time in full.

Senator Herrell moved that the rules be waived and Senate Concurrent Resolution No. 5-X(62) 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. 5-X(62) was read the second time in full.

Pending consideration of Senate Concurrent Resolution No. 5-X(62), Senator Pearce moved that Senate Concurrent Resolution No. 5-X(62) be referred to an appropriate committee.

Which was agreed to and Senate Concurrent Resolution No. 5-X(62) was referred to the Committee on Reapportionment.

By Senators Johns, Carraway, Parrish, Boyd, Cross, Pearce, Beall, Ripley, Fraser, Stratton, Gresham, Roberts, Mapoles, Galloway and Price—

S. B. No. 6-X(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida according to districts.

Which was read the first time by title only and referred to the Committee on Reapportionment.

By Senators Melton, Connor, Hodges, Fraser, Johnson, Davis, Clarke, Pearce, Roberts, Tucker, Getzen, Stratton, Mapoles, Cross and Johns—

S. B. No. 7-X(62)— A Bill to be entitled An Act relating to the apportionment of the Florida legislature; providing for sixty-seven (67) senators; providing for ninety-five (95) members of the house of representatives; providing the terms of office and manner of election thereof; providing an effective date.

Which was read the first time by title only and referred to the Committee on Reapportionment.

Senator Davis moved that the Senate proceed to the consideration of Executive Business.

Which was agreed to.

And the Senate went into Executive Session at 11:34 o'clock A.M.

The Senate emerged from Executive Session at 11:54 o'clock A.M., and resumed its Session.

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

Mr. President	Davis	Johns	Price
Beall	Edwards	Johnson	Ripley
Blank	Fraser	Kelly	Roberts
Boyd	Galloway	Kicliter	Stratton
Bronson	Gautier	Mapoles	Tucker
Carraway	Getzen	Melton	Young
Clarke	Gibbons	Parrish	
Connor	Gresham	Pearce	
Cross	Herrell	Pope	

—33.

A quorum present.

Senator Davis moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:55 o'clock A. M., until 4:00 o'clock P. M., Monday, August 6, 1962, pursuant to the motion made by Senator Davis, Chairman of the Committee on Rules and Calendar, this day.

EXECUTIVE SESSION ANNOUNCEMENTS

The Senate in Executive Session on August 3, 1962, upon the recommendation of the Governor, removed from office:

James F. Haas, Constable in and for District No. Eight, Volusia County.

A. H. Crowell, as Notary Public.

Kathleen L. Hartley, Clerk of the Civil and Criminal Courts of Record, Duval County.

Elbert H. Royal, Justice of the Peace in and for District No. One, Hernando County.

Wm. Bill Eller, Constable in and for District No. Four, Polk County.

G. H. Linton, Constable in and for District No. Five, Walton County.

The Senate in Executive Session on August 3, 1962, designated Senators Cross, Stratton, Young, Bronson and Parrish as a Committee to inquire into the suspension from office by the Governor of Martin Kellenberger, as Sheriff of Palm Beach County, Florida, and report its findings to the Senate in Executive Session.

The Senate in Executive Session on August 3, 1962, also designated Senators Johns, Fraser and Barron as a committee to inquire into the suspension from office by the Governor of W. T. Woodward, as Constable in and for District No. Twelve, Duval County, and report its findings to the Senate in Executive Session.