

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Wednesday, August 8, 1962

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Tuesday, August 7, 1962.

The President in the Chair.

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

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

—33.

A quorum present.

Senator Kelly was excused from attendance upon the Session this day.

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

We cannot comprehend Thy greatness, O God. Neither are we worthy to approach Thy throne. We appreciate Thy goodness which Thou hast in reserve for Thy creatures; may we develop faith and courage to ask for and accept our daily portion of that goodness, believing that there is no task too great and no work too hard for God and a dedicated servant.

In honor Thou hast made us workers with Thee. Help us to be true in Jesus' Name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, August 7, 1962, was corrected and as corrected was approved.

ENGROSSING REPORT

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

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.

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

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

And Senate Concurrent Resolution No. 5-X(62) contained in the above report was ordered certified to the House of Representatives immediately, pursuant to the motion made by Senator Pope on August 7, 1962.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Herrell—

Senate Joint Resolution No. 9-X(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE.

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

That the following amendment of Section 3, Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection at the general election to be held in November, 1962:

ARTICLE VII

SECTION 3. Apportionment of representation in senate and house of representatives.—The Legislature that shall meet in regular session A. D. 1925, and those that shall meet every ten (10) 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 (1) senator; except that those districts whose population at the last federal census exceeds four hundred thousand (400,000) shall have two (2) senators and those districts having a population in excess of one million (1,000,000) shall have three (3) senators. In any senatorial district composed of a single county and divided by a congressional district line having more than one (1) senator the candidates will qualify for election in groups. The candidates for the odd numbered groups must reside north or west of the district line and the even numbered groups must reside south or east of the district line. All candidates, however, will be subject to election in the district at large; and, at the same time, the legislature shall also apportion the representation in the house of representatives, and shall allow nine (9) representatives to the most populous county, six (6) representatives to the second (2nd) most populous county, five (5) representatives to the next four (4) most populous counties, four (4) representatives to the next three (3) most populous counties, three (3) representatives to the next two (2) most populous counties, two (2) representatives to the next nineteen (19) most populous counties, and one (1) representative to each of the remaining counties of the state. In any county divided by a congressional district line, the even numbered candidates must reside north or west of that line and the odd numbered candidates must reside south or east of the district line. They will, however, be subject to election from the county at large. 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 census shall control in making any such apportionment. In the event the legislature shall fail to reapportion the representation in the legislature as re-

quired by this amendment, the governor shall within thirty (30) 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 (20) 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 and referred to the Committee on Reapportionment.

By Senators Tucker, Barron, Beall, Boyd, Bronson, Carraway, Clarke, Connor, Cross, David, Davis, Edwards, Fraser, Galloway, Gautier, Getzen, Gibbons, Gresham, Herrell, Hodges, Johns, Johnson, Kelly, Klcliter, Mapoles, Melton, Parrish, Pearce, Pope, Price, Ripley, Roberts, Stratton and Young—

Senate Resolution No. 10-X(62)—

HONORABLE J. C. PIGOTT, DECEASED, IN MEMORIAM

WHEREAS, J. C. Pigott, affectionately known as "Jake" to members of the senate, passed away a few weeks ago, and

WHEREAS, Mr. Pigott worked for the senate from 1949 through 1961, and

WHEREAS, he was born in Wakulla county and served as superintendent of public instruction of that county and as a member of the county welfare committee for many years, NOW, THEREFORE,

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

That we do express to the members of the family of J. C. Pigott our sympathy and condolence upon the passing of our friend. That a copy of this memorial be mailed to the surviving members of his immediate family.

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. 10-X(62) was adopted.

By Senator Johns—

Senate Joint Resolution No. 11-X(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE; PROVIDING FOR A STATE CENSUS.

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

That the following amendment of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection at the general election to be held in November, 1962:

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. **Composition of the legislature.**—The legislature of Florida shall consist of a Senate and House of Representatives. Members of the Senate shall be elected for a term of four (4) years and members of the House

of Representatives shall be elected for a term of two (2) years. The terms of members of the legislature shall expire on the first Tuesday after the first Monday in November of each regular election year. Members of the Senate and of the House of Representatives shall be elected as provided by law. Any new county that may be created shall be entitled to the member or number of members in the House of Representatives as prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a Senatorial District as determined by the legislature.

Section 2. **Senate.**—Each county having population of more than four thousand (4,000) inhabitants shall have at least one (1) Senator; each county having population in excess of two million (2,000,000) inhabitants shall have two (2) Senators; no county shall have more than two (2) Senators. Each county having population of not more than four thousand (4,000) inhabitants shall be joined with the county adjacent to it which has the smallest population of the counties adjacent to such county, thus causing said two (2) counties to comprise a single Senatorial District; no Senatorial District shall include more than two (2) counties. No county shall be divided in creating a district.

The following counties, by reason of the foregoing provision, their respective populations as indicated by the 1960 federal census, and their geographical locations adjacent to each other, shall be formed together into Senatorial Districts, i.e.: Gilchrist and Lafayette counties shall comprise one (1) district; Glades and Okeechobee counties shall comprise one (1) district; Liberty and Wakulla counties shall comprise one (1) district. All counties of the state other than the counties designated as two-county Senatorial Districts shall have Senators as otherwise provided herein. Hereafter, as counties increase or decrease in population as indicated by each succeeding federal census, state Senatorial Districts shall be adjusted in accordance with the formula set forth above, and elections to fill Senate seats thus created shall be held in the next ensuing election year following each succeeding federal census.

In the event that a county shall decrease in population to a level of four thousand (4,000) or less inhabitants as indicated by any future federal census, the term of the Senator representing such county or district shall continue until the expiration of such term of office, regardless of the fact that a federal census may occur during such term of office.

Each Senatorial District shall be numbered in the following manner:

DISTRICT	COUNTIES
First	Santa Rosa
Second	Escambia
Third	Walton
Fourth	Jackson
Fifth	Wakulla and Liberty
Sixth	Gadsden
Seventh	Polk
Eighth	Leon
Ninth	Hernando
Tenth	Madison
Eleventh	Pinellas
Twelfth	St. Lucie

Thirteenth	Dade	Fifty-ninth	DeSoto
Fourteenth	Columbia	Sixtieth	Union
Fifteenth	Bradford	Sixty-first	Charlotte
Sixteenth	Nassau	Sixty-second	Sarasota
Seventeenth	Suwannee	Sixty-third	Hamilton
Eighteenth	Duval	Sixty-fourth	Indian River

Section 3. If and when new senatorial districts are created in accordance with the formula set forth herein, numbers for such new senatorial districts shall be designated by the Legislature, with adjustment of the foregoing numbering system being subject to legislative revision without the necessity of constitutional amendment to accomplish such numbering revision.

Section 4. **House of Representatives.**—Each county shall have at least one (1) member of the House of Representatives; subject to the said provision of not less than one (1) member per county, the House shall be apportioned in accordance with the populations of the several respective counties in the following manner:

		COUNTY POPULATION	NUMBER OF MEMBERS IN THE HOUSE OF REPRESENTATIVES
		30,000 or less	1
		30,001 to 100,000, inclusive	2
		100,001 to 150,000, inclusive	3
		150,001 to 200,000, inclusive	4
		200,001 to 250,000, inclusive	5
		250,001 to 300,000, inclusive	6
		300,001 to 350,000, inclusive	7
		350,001 to 400,000, inclusive	8
		400,001 to 450,000, inclusive	9
		450,001 to 500,000, inclusive	10
		500,001 to 550,000, inclusive	11
		550,001 to 600,000, inclusive	12
		600,001 to 650,000, inclusive	13
		650,001 to 700,000, inclusive	14
		700,001 to 750,000, inclusive	15
		750,001 to 800,000, inclusive	16
		800,001 to 850,000, inclusive	17
		850,001 to 900,000, inclusive	18
		900,001 to 950,000, inclusive	19
		950,001 to 1,000,000, inclusive	20
		1,000,001 to 1,100,000, inclusive	21
		1,100,001 to 1,200,000, inclusive	22
		1,200,001 to 1,300,000, inclusive	23
		1,300,001 to 1,400,000, inclusive	24
		1,400,001 to 1,500,000, inclusive	25
		1,500,001 to 1,600,000, inclusive	26
		1,600,001 to 1,700,000, inclusive	27
		1,700,001 to 1,800,000, inclusive	28
		1,800,001 to 1,900,000, inclusive	29

Thirteenth	Dade
Fourteenth	Columbia
Fifteenth	Bradford
Sixteenth	Nassau
Seventeenth	Suwannee
Eighteenth	Duval
Nineteenth	Orange
Twentieth	Marion
Twenty-first	Levy
Twenty-second	Jefferson
Twenty-third	Lake
Twenty-fourth	Lee
Twenty-fifth	Bay
Twenty-sixth	Putnam
Twenty-seventh	Hardee
Twenty-eighth	Volusia
Twenty-ninth	Baker
Thirtieth	Broward
Thirty-first	St. Johns
Thirty-second	Alachua
Thirty-third	Osceola
Thirty-fourth	Hillsborough
Thirty-fifth	Palm Beach
Thirty-sixth	Manatee
Thirty-seventh	Brevard
Thirty-eighth	Sumter
Thirty-ninth	Holmes
Fortieth	Okaloosa
Forty-first	Dixie
Forty-second	Flagler
Forty-third	Glades and Okeechobee
Forty-fourth	Martin
Forty-fifth	Calhoun
Forty-sixth	Washington
Forty-seventh	Citrus
Forty-eighth	Seminole
Forty-ninth	Hendry
Fiftieth	Collier
Fifty-first	Gulf
Fifty-second	Taylor
Fifty-third	Lafayette and Gilchrist
Fifty-fourth	Clay
Fifty-fifth	Franklin
Fifty-sixth	Highlands
Fifty-seventh	Pasco
Fifty-eighth	Monroe

1,900,001 to 2,000,000, inclusive 30

No county shall have more than thirty (30) members of the House of Representatives.

Section 5. All members of the House of Representatives shall be elected at large by the electors of the respective counties; in counties entitled to more than one (1) member of the House of Representatives, the election of such members shall be by group, i. e., a county entitled to four (4) members of the House of Representatives shall have four (4) groups of candidates for each such office, and each candidate for the House of Representatives shall designate the group in which he desires his name to be placed upon the ballot at the time he qualifies as a candidate in accordance with the statutes now in effect or to be passed by the Legislature.

Section 6. **Legislative apportionment.**—The 1963 Legislature shall be composed of the Legislators elected pursuant to the Constitution of 1885, as amended, and of the additional Legislators as provided for herein. If this article is ratified at the general election in November, 1962, the Legislature shall be apportioned according to the formulas set forth above for Senate apportionment and House of Representatives apportionment.

The persons previously elected in the 1962 primary elections as nominees for all heretofore existing seats in the Senate and House of Representatives shall be nominees for said positions at the general election in November, 1962, as provided in the existing election laws. All additional legislative offices created by passage of this amendment to the Constitution, if ratified, shall be filled by and at a special election to be held in the affected counties or districts, as provided by law, such election to be held within one hundred twenty (120) days after the effective date hereof. The Senators elected for the new even-numbered districts shall be elected for a term of four (4) years and Senators elected from the new odd-numbered districts shall be elected for a term of two (2) years; thereafter, all Senators shall be elected for four (4) year terms. This provision for the terms of the members of the Senate shall be subject to the following exception: any Senator elected at the general election held in November, 1962, or at the general election held in November, 1960, shall continue in his office until the term for which he was elected shall expire.

In the event that any apportionment problems shall arise in the future not contemplated herein, the Legislature shall provide for such reapportionment as shall then become necessary at the 1971 regular session of the Legislature and each ten (10) years thereafter, based upon the preceding latest federal decennial census; in the event any such apportionment problem or problems shall arise, and shall not be solved by the regular session of the Legislature, the Governor may call the Legislature together in Extraordinary Session to consider any such question of reapportionment, and such Extraordinary Session shall mandatorily be required to solve such apportionment problem or problems before adjourning, and such Extraordinary Session so called shall not expire until reapportionment is effected, and shall consider no business other than reapportionment.

Section 7. **State census.**—The Legislature shall no longer be required to provide for an enumeration of the inhabitants of the state. The last preceding decennial federal census beginning with the federal census of 1950 shall also be the state census and shall control in all population acts and Constitutional apportionments, unless otherwise ordered by the Legislature.

Section 8. Anything herein to the contrary notwithstanding, this resolution shall not be submitted to the electors of Florida for ratification or rejection at the

general election to be held in November, 1962, unless the federal court which has heretofore ruled the Florida legislative apportionment to be invalid, shall approve this resolution by appropriate court order no later than twenty (20) days after this resolution shall have been enacted by the special session of the 1962 Florida Legislature. In the event said court does approve this resolution, this resolution shall replace Senate Joint Resolution No. 216 passed by the 1961 Florida Legislature on the ballot at the general election in November, 1962. In the event of the failure of said federal court to approve this resolution, Senate Joint Resolution No. 216, passed during the regular session of the 1961 Florida Legislature, shall appear on the ballot at the general election of November, 1962.

Section 9. In the event that the electors of the state shall fail to ratify this article, or Senate Joint Resolution No. 216, whichever shall appear on the ballot at the general election in November, 1962, it shall be deemed that the electors of Florida shall have thereby approved apportionment of the Senate and House of Representatives which existed prior to passage of Senate Joint Resolution No. 216 passed at the regular session of the 1961 Legislature.

Section 10. **Result of invalidation hereby by subsequent court decision.**—If any portion of this amendment should be declared invalid or unconstitutional by any court, then this entire amendment shall thereby be thus invalidated, with the portion, or portions, of the Florida Constitution which this amendment replaces or supersedes being by any such court decision thereby reinstated in place of this amendment.

Section 11. **Effect of validation hereof.**—In the event that this amendment is approved and validated at the general election in November, 1962, all sections of the Florida Constitution, or Florida Statutes, in conflict herewith shall, to the extent of such conflict, be hereby repealed, and the Statutory Revision Department of the office of the Florida Attorney General shall make such revision of the appropriate sections of the Florida Constitution and the Florida Statutes as are hereby indicated. This section of this amendment is subject to section 8 hereof.

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

ORDER OF THE DAY

Committee Substitute for Senate Bill 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.

Was taken up, pending roll call, and read for the information of the Senate, having been read the third time in full on August 7, 1962.

Upon the passage of Committee Substitute for Senate Bill No. 6-X(62) the roll was called and the vote was:

Yeas—26.

Mr. President	Cross	Johns	Price
Barron	Davis	Johnson	Ripley
Beall	Edwards	Mapoles	Roberts
Bronson	Galloway	Melton	Stratton
Carraway	Getzen	Parrish	Tucker
Clarke	Gresham	Pearce	
Connor	Herrell	Pope	

Nays—6.

Boyd	Gautier	Kicliter
David	Gibbons	Young

So Committee Substitute for Senate Bill No. 6-X(62) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

PAIR

The following Pair was announced by the Secretary in accordance with Senate Rule 12:

I am paired with Senator Kelly on the passage of Committee Substitute for S. B. No. 6-X(62).

If he were present he would vote "No" and I would vote "Aye."

EDWIN G. FRASER
Senator, 29th District

Dated August 8, 1962.

Senator Davis moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 11:40 o'clock A.M., until 11:00 o'clock A.M., Thursday, August 9, 1962.