

## EXTRAORDINARY SESSION

# JOURNAL OF THE SENATE

Monday, November 12, 1962

The Senate convened at 1:30 o'clock P.M., pursuant to adjournment on Friday, November 9, 1962.

The President in the Chair.

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

Mr. President	Cross	Johnson (19th)	Pope
Askew	Edwards	Johnson (6th)	Price
Barron	Friday	Kelly	Roberts
Blank	Galloway	McCarty	Ryan
Boyd	Gautier	Mapoles	Tucker
Bronson	Gibson	Mathews	Whitaker
Clarke	Herrell	Melton	Williams (27th)
Connor	Hodges	Parrish	Williams (4th)
Covington	Johns	Pearce	Young

—36.

A quorum present.

Senators Stratton and Fraser were excused from attendance upon the Session this day.

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

○ God, we pray that this joint session, called by our Governor, may provide a measure of inspiration and suggestions helpful toward the proposed legislation.

May every interest of our people cause all of us to be concerned for fairness and equality.

Being servants of the people we recognize Thee as our Lord and Master, Jesus Christ. Amen.

Following the Prayer by the Chaplain, the President requested Senator Tom Whitaker, Jr., of the 34th Senatorial District who was unavoidably prevented from attending the opening Session of the Senate on Friday, November 9, 1962, to approach the Bar of the Senate where the Honorable B. K. Roberts, Chief Justice of the Supreme Court of Florida, administered to him the oath of the office of a member of the Florida Senate.

The reading of the Journal was dispensed with.

The Senate daily Journal of Friday, November 9, 1962, was corrected as follows:

Page 2, column 1, line 22, counting from the bottom of the column, in the first column of the roll call, strike the words "Mr. President"

Page 2, column 1, between lines 16 and 17, counting from the bottom of the column, in the first column of the roll call, insert the name "Carraway"

And as corrected was approved.

### ENROLLING REPORT

Your Enrolling Clerk to whom was referred—

H. C. R. No. 3-XX

—reports same has been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on November 12, 1962.

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

### INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Herrell—

Senate Joint Resolution No. 1-XX(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 a special called election as provided by Article XVII, Section 3 of the Florida Constitution:

#### 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. At the same time the legislature shall also apportion the representation in the house of representatives, as follows: Each county shall be entitled to one (1) representative. Each county shall have one (1) additional representative for each representative ratio or major fraction thereof. Any county having more than four (4) representative ratios shall have one (1) representative in addition to all others herein provided. The representative ratio shall be the quotient obtained by dividing the population of the state according to the latest federal census by the number of counties; provided that until the general election in 1964 no county shall have fewer representatives than it would have been entitled to under the Constitution of 1885, as amended in 1924. 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 repre-

sentation in the legislature as required 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 Apportionment.

By Senator Herrell—

**Senate Joint Resolution No. 2-XX(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 a special called election as provided by Article XVII, Section 3 of the Florida Constitution:

**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 required 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 Apportionment.

By Senator Herrell—

**Senate Joint Resolution No. 3-XX(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 a special called election as provided by Article XVII, Section 3 of the Florida Constitution:

**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 five hundred thousand (500,000) 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. At the same time the legislature shall also apportion the representation in the house of representatives as follows: Each county shall be entitled to one (1) representative. Each county shall have one (1) additional representative for each representative ratio or major fraction thereof. Any county having more than four (4) representative ratios shall have one (1) representative in addition to all others herein provided. The representative ratio shall be the quotient obtained by dividing the population of the state according to the latest federal census by the number of counties; provided that until the general election in 1964 no county shall have fewer representatives than it would have been entitled to under the Constitution of 1885, as amended in 1924. 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 required 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 Apportionment.

A Committee from the House of Representatives, composed of Messrs. Hollahan of Dade, Westberry of Duval and Long of Broward, appeared at the Bar of the Senate and stated that the House of Representatives was duly assembled and ready to receive the Senate in Joint Session.

The Committee withdrew.

The hour of 2:00 o'clock P. M. having arrived and pursuant to House Concurrent Resolution No. 3-XX the Senate formed in processional order and marched in a body to the Chamber of the House of Representatives in the order of their services as Senators, preceded by the President of the Senate, who was preceded by the Secretary of the Senate, the way being opened to the Hall of the House of Representatives for the Senators by the Sergeant At Arms of the Senate.

The House of Representatives received the Senate in due form. Honorable Tom Adams, Secretary of State; Honorable Richard W. Ervin, Attorney General; Honorable Doyle E. Conner, Commissioner of Agriculture; Honorable Thomas D. Bailey, Superintendent of Public Instruction, of the Cabinet of the State of Florida, and Mr. Chief Justice B. K. Roberts, Mr. Justice Glenn Terrell, Mr. Justice Elwyn Thomas, Mr. Justice E. Harris Drew, Mr. Justice Campbell Thornal, Mr. Justice Stephen C. O'Connell, of the Supreme Court of Florida, were seated immediately in front of the dais.

Honorable Mallory Horne, Speaker of the House of Representatives, received the President of the Senate on the rostrum and requested him to preside over the Joint Assembly.

The President in the Chair.

By direction of the President, the Chief Clerk of the House of Representatives called the roll of the House of Representatives and the following members answered to their names:

Mr. Speaker	Faircloth	McAlpin	Slade
Adams	Fee	McDonald	Smith
Allsworth	Griffin, B.H., Jr.	McLaughlin	Smoak
Anderson	Griffin, J.J., Jr.	Miner	Stallings
Arrington	Guilford	Mitchell, C.J.	Stevens
Ayers	Hasson	Mitchell, R.O.	Stone
Baker	Hollahan	Nash	Strickland
Bass	Holley	O'Neill	Sweeny
Beck	Hosford	Owens	Thomas, A.J., Jr.
Bedenbaugh	Inman	Peeples	Thomas, J.
Bennett	Jones	Prescott	Turlington
Boyd	Jordan	Pruitt	Usina
Broxson	Karl	Putnal	Wadsworth
Carter	Karst	Ramos	Walker
Chaires	Knowles	Roberts, C.A.	Wells
Chappell	Lancaster	Roberts, E.S.	Westberry
Chiles	Land	Rowell	Whitfield
Cleveland	Liles	Russ	Williams, B.C.
Crews	Loeffler	Russell, C.E.	Williams, J.J.
Daniel	Long	Russell, J.T.	Wingate
Davis	Markham	Saunders, J.A.	Wise
de la Parte	Marshburn	Saunders, S.D.	Zacchini
Ducker	Matthews	Scott	
Fagan	Mattox	Sims	

—94.

A quorum of the House of Representatives was declared present.

By direction of the President, the Secretary of the Senate called the roll of the Senate and the following Senators answered to their names:

Mr. President	Cross	Johnson (19th)	Pope
Askew	Edwards	Johnson (6th)	Price
Barron	Friday	Kelly	Roberts
Blank	Galloway	McCarty	Ryan
Boyd	Gautier	Mapoles	Tucker
Bronson	Gibson	Mathews	Whitaker
Clarke	Herrell	Melton	Williams (27th)
Connor	Hodges	Parrish	Williams (4th)
Covington	Johns	Pearce	Young

—36.

A quorum of the Senate was declared present.

The President announced a quorum of the Joint Assembly present.

Prayer was offered by Dr. C. A. Roberts, Chaplain of the House of Representatives.

Senator Parrish moved that a Committee be appointed to inform His Excellency, Farris Bryant, Governor of Florida, that the Joint Session of the Legislature was assembled and ready to receive his message.

Which was agreed to.

The President appointed Messrs. Lancaster of Gilchrist, Marshburn of Levy and O'Neill of Marion on the part of the House of Representatives; and Senators Parrish and Herrell on the part of the Senate, as the Committee.

The Committee withdrew.

The Committee appointed to wait upon the Governor reappeared in the Hall of the House of Representatives escorting His Excellency, Farris Bryant, Governor of Florida.

The Governor was received by the Joint Assembly standing, and was escorted to the rostrum.

Governor Bryant was presented to the Body by the President of the Senate and addressed the Joint Assembly.

At the conclusion of Governor Bryant's address, he was escorted to his office by the Committee previously appointed by the President.

Senator Hodges moved that the Joint Assembly dissolve and the Senators resume their Session in the Senate Chamber.

Which was agreed to.

The Senate returned to the Senate Chamber in processional order and resumed its Session at 2:15 o'clock P.M.

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

Mr. President	Cross	Johnson (19th)	Pope
Askew	Edwards	Johnson (6th)	Price
Barron	Friday	Kelly	Roberts
Blank	Galloway	McCarty	Ryan
Boyd	Gautier	Mapoles	Tucker
Bronson	Gibson	Mathews	Whitaker
Clarke	Herrell	Melton	Williams (27th)
Connor	Hodges	Parrish	Williams (4th)
Covington	Johns	Pearce	Young

—36.

A quorum present.

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 2:22 o'clock P.M., until 11:00 o'clock A.M., Tuesday, November 13, 1962.