

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Wednesday, November 14, 1962

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Tuesday, November 13, 1962.

The President in the Chair.

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

Mr. President	Edwards	Johnson (19th)	Pope
Askew	Fraser	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 Cross and Stratton were excused from attendance upon the Session or Sessions this day.

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

We thank Thee, O God, for making life so meaningful and for giving so many of us a fraction of time to spend in your world. Forgive many of us for not making more of it than we have.

We pray that you will give our Senators and Representatives the ability to render the manner of service needed for our rapid developing and ever growing state.

We offer this petition in the Name of Christ. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, November 13, 1962, was corrected and as corrected was approved.

REPORT OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bill:

S. B. No. 5-XX(62)— A Bill to be entitled An Act relating to the apportionment of the Florida Senate; providing for thirty-eight (38) senatorial districts; 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.

—and recommends that the same not pass.

And the Bill contained in the preceding report was laid on the table.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Herrell—

S. B. No. 6-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate and the House of Representatives of the Florida Legislature by amending Sections 10.01, and 10.03 and creating Section 10.04, Florida Statutes.

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

By Senator Herrell—

S. B. No. 7-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate and the House of Representatives of the Florida Legislature by amending Sections 10.01, and 10.03 and creating Section 10.04, Florida Statutes.

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

By Senators Kelly and Young—

Senate Joint Resolution No. 8-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE STATE CONSTITUTION RELATING TO APPORTIONMENT AND CENSUS.

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

That Article VII, Section 3, of the Florida Constitution be amended as set forth below and that said resolution be submitted to the electors of Florida for ratification or rejection at a special election to be held in accordance with law.

Section 1. The representation of the people of the state in the senate of the state shall from and after the ratification herein provided be apportioned as hereinafter set forth in this section and Article VII, Section 3, of the Florida Constitution, be amended to read as follows:

Section 2. The legislature that shall meet immediately following each decennial census shall reapportion the representation in the senate and shall provide for thirty-eight (38) senatorial districts in the state, such districts to be as nearly equal in population as practicable, and each shall be represented in the senate of the state by one senator; and, at the same time, the legislature shall also apportion the representation in the house of representatives, and shall allow three (3) representatives to each of the five (5) most populous counties, and two (2) representatives to each of the next eighteen (18) more populous counties, and one representative to each of the remaining counties of the state at the time of such apportionment. 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 or regular state census, which ever shall have been taken nearest any apportionment of representatives in the senate and in the house of representatives 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 affected, 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 Bronson—

Senate Resolution No. 9-XX(62)—

A RESOLUTION PROVIDING FOR PAY OF OFFICERS AND ATTACHES INCLUDING INDEXERS OF THE SENATE; AND MILEAGE FOR MEMBERS.

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

Section 1. That all officers and attaches, including indexers of the senate shall receive twelve dollars (\$12.00) per day except messengers and pages who shall receive eight dollars (\$8.00) per day.

Section 2. That all attaches including indexers of the senate shall be entitled to and receive additional compensation for additional services they perform both before and after the 1962 extraordinary session of the legislature upon their names and amounts therefor being certified to the comptroller by the chairman of the legislative management of the senate.

Section 3. That each member of the senate shall receive payment for mileage between their homes and the seat of government for attending the 1962 extraordinary session of the legislature as provided by section 11.13, Florida Statutes.

Which was read the first time in full.

The question was put on the adoption of the Resolution.

Upon the adoption of Senate Resolution No. 9-XX(62) the roll was called and the vote was:

Yeas—36.

Mr. President	Edwards	Johnson (19th)	Pope
Askew	Fraser	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

Nays—None.

So Senate Resolution No. 9-XX(62) was adopted.

By Senators Johnson (6th), Edwards, Fraser, Hodges, Johns, Tucker, Galloway, Mapoles, Roberts, Williams (4th), Pearce, Covington, Connor and Williams (27th)—

Senate Joint Resolution No. 10-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE STATE CONSTITUTION RELATING TO APPORTIONMENT AND CENSUS.

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

That Article VII, Section 3, of the Florida Constitution be amended as set forth below and that said resolution be submitted to the electors of Florida for ratification or rejection at a special election to be held in accordance with law.

Section 1. The house of representatives of the state

shall be composed of members chosen every 2nd year by the people of the several counties. The total number of members of the house of representatives shall be one hundred and eighty two (182). Each county shall be entitled to one (1) representative for each thirty-five thousand (35,000) population and an additional representative for each additional thirty-five thousand (35,000) population or any fraction thereof, provided however, that each county shall have at least one (1) representative. It shall be the duty of the secretary of state as soon as is practicable after the compilation of each federal decennial census to certify the number of representatives to which each county is entitled under the law.

Section 2. The senate of the state of Florida shall be composed of one (1) senator for each county, chosen by election thereof, for four (4) years and each senator shall have one (1) vote.

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

By Senators Johnson (6th), Edwards, Fraser, Hodges, Johns, Tucker, Galloway, Mapoles, Roberts, Williams (4th), Pearce, Covington, Connor and Williams (27th)—

S. B. No. 11-XX(62)— A Bill to be entitled An Act relating to the apportionment of the Florida legislature; providing for sixty-seven (67) senators; providing for one hundred and eighty two (182) 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 Apportionment.

By Senator Young—

Senate Joint Resolution No. 12-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:

Section 1. Sections 1, 2, 3 and 4 of Article VII are hereby repealed and in lieu thereof the following sections are hereby adopted:

ARTICLE VII

Representation - Apportionment

Section 1. Composition of the Legislature—The legislature of the State of Florida shall consist of a Senate and a 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 term 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.

Section 2. Senate—The State of Florida shall be apportioned into thirty-eight (38) legislative districts;

(1) Said districts shall be consecutively numbered and shall contain the counties as follows:

DISTRICT	COUNTIES
1	Santa Rosa, Okaloosa
2	Escambia
3	Walton, Holmes, Washington
4	Jackson, Calhoun
5	Franklin, Gulf, Wakulla
6	Gadsden, Liberty
7	Polk
8	Leon
9	Citrus, Hernando, Sumter
10	Sarasota
11	Pinellas
12	St. Lucie, Martin, Indian River
13	Dade
14	Columbia, Gilchrist, Levy
15	Union, Bradford, Nassau, Baker
16	Lee
17	Hamilton, Suwannee, Lafayette, Dixie
18	Duval
19	Orange
20	Marion
21	Charlotte, Glades, Hendry, Collier
22	Jefferson, Madison, Taylor
23	Lake
24	Monroe
25	Bay
26	Putnam, Clay
27	Hardee, DeSoto, Highlands
28	Volusia
29	Seminole
30	Broward
31	St. Johns, Flagler
32	Alachua
33	Osceola, Okeechobee
34	Hillsborough
35	Palm Beach
36	Manatee
37	Brevard
38	Pasco

(2) There shall be one (1) Senator for each district. Except any district having over six percent (6%) of the total population of the State shall receive one (1) additional Senator.

(3) All Senators serving in odd-numbered districts created hereby at the time this Article becomes effective shall be deemed elected, under this Article, to serve until the general election to be held in 1964.

There shall be held in each district created hereby, for which there is no elected Senator at the time this Article

becomes effective, a special election as called by the Governor for the purpose of electing a Senator for such district, such election to be held as provided by law. Each Senator so elected from an odd-numbered district shall serve until the general election to be held in 1964. Each Senator so elected from an even-numbered district shall serve until the general election to be held in 1966.

All Senators elected in the general election of November 6, 1962 shall be deemed elected under this Article to serve as Senator from the district in which said Senator shall reside; provided, however, that in each district created by this Article in which there shall be more than one (1) elected Senator at the time this Article becomes effective there shall be a special election as called by the Governor for the purpose of electing a Senator for such district; such election to be held as provided by law.

Section 3. House of Representatives—The House of Representatives shall be apportioned as follows:

(1) Each district having less than one percent (1%) of the total population of the State of Florida shall have one (1) Representative.

(2) Each district having one percent (1%) or more of the total population of the State of Florida shall have one (1) Representative for each one percent (1%), or major fraction thereof, of the total population of the State of Florida.

(3) The population herein referred to is and shall be the population of the State according to the last preceding decennial Federal census. Upon the certification of such census to the State each ten (10) years, the Secretary of State shall make the apportionment herein specified, which apportionment shall be applicable for the next succeeding election of members of the House of Representatives and thereafter until the next Federal census. The first such apportionment shall be made by the Secretary of State upon the ratification of this amendment by the electors.

(4) The 1963 House of Representatives shall be composed of the Representatives elected pursuant to this Article, if this Article is ratified in a special election called by the Governor for that purpose.

(a) There shall be held in each district, which will under this Article lose members in the House of Representatives, a special election to be called by the Governor for the purpose of electing Representatives for said district, such election to be held as provided by law.

(b) There shall be held in each district, which will under this Article gain additional members in the House of Representatives, a special election called by the Governor for the purpose of electing such additional Representatives for said district, such election to be held as provided by law.

(c) Members of the House of Representatives elected in the general election of November 6, 1962 shall be deemed elected under this Article in those districts whose total number of Representatives, under this Article, shall equal or exceed the total number of Representatives elected from counties within said districts in said general election of November 6, 1962.

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

By Senator Mathews—

Senate Joint Resolution No. 13-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR APPOINTMENT 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 a special called election as provided by Article XVII, section 3 of the state constitution:

Section 1. Composition of the legislature.—The legislature of the state of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit 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. House of representatives.—Representation in the house of representatives of the Florida legislature shall be apportioned among the several counties of the state according to population based upon a percentage which the total ratio population of the respective county bears to the total population of the state according to the latest federal decennial census.

Each county shall have one (1) representative for each fraction of one per cent (1%) and an additional representative for each whole per cent based upon its total population ratio to the total state population. The house membership shall not be less than one hundred (100) and not more than one hundred sixty-six (166).

Section 3. Senate.—The legislature shall divide the state into forty-five (45) senatorial districts, each of which shall be represented in the senate by one (1) member, and in addition thereto, each district having a population of five hundred thousand (500,000) or more, according to the latest preceding federal decennial census, shall have one (1) additional member. Twenty-three (23) districts shall consist of the twenty-three (23) most populous counties according to the latest federal decennial census. Twenty-two (22) districts shall be created from the remaining forty-four (44) counties of the state with the view of effecting equitable representation.

No county shall be divided in creating a district. No county shall be separated from the remainder of the district of which it is a part by more than a county which was formerly a part of the same district in 1961.

Section 4. 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 a special election called pursuant to Article XVII, section 3 of the state constitution, the legislature shall be apportioned according to apportionment bills passed at the extraordinary session of the legislature convened on November 9, 1962, provided nothing in this amendment shall prohibit any representative or senator elected in the 1962 general election pursuant to the constitution of 1885, as amended, from serving in said office for the term for which he was elected, nor shall this amendment prohibit a senator now serving from completing his term to which he was elected, and the additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two

(2) years; thereafter all senators shall be elected for four (4) year terms.

The legislature shall reapportion its representation in accordance with this article at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 5. 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 1960 shall also be the state census and shall control in all population acts and constitutional apportionments unless otherwise ordered by the legislature.

Section 6. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

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

By Senator Mathews—

Senate Joint Resolution No. 14-XX(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 a special called election as provided by Article XVII, section 3 of the state constitution:

Section 1. Composition of the legislature.—The legislature of the state of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit 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. House of representatives.—Representation in the house of representatives of the Florida legislature shall be apportioned among the several counties of the state as follows: Three (3) representatives to each of the five (5) most populous counties; two (2) representatives to each of the next eighteen (18) most populous counties and one (1) representative to each of the remaining counties of the state at the time of such apportionment.

Section 3. Senate.—The legislature shall divide the state into forty-five (45) senatorial districts, each of which shall be represented in the senate by one (1)

member, and in addition thereto, each district having a population of five hundred thousand (500,000) or more, according to the latest preceding federal decennial census, shall have one (1) additional member. Twenty-three (23) districts shall consist of the twenty-three (23) most populous counties according to the latest federal decennial census. Twenty-two (22) districts shall be created from the remaining forty-four (44) counties of the state with the view of effecting equitable representation.

No county shall be divided in creating a district. No county shall be separated from the remainder of the district of which it is a part by more than a county which was formerly a part of the same district in 1961.

Section 4. 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, the legislature shall be apportioned according to legislation passed at the extraordinary session convened November 9, 1962, called for that purpose. Nothing in this amendment shall prohibit any senator elected in the 1962 general election pursuant to the constitution of 1885, as amended, from serving in such office for which he was elected, and the additional legislative offices created herein shall be filled by and at a special election to be held in the affected counties or districts as provided by law. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years. Thereafter all senators shall be elected for four (4) year terms.

The legislature shall reapportion its representation in accordance with this article at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 5. **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 decennial census of 1960 shall also be the state census and shall control in all population acts and constitutional apportionments, unless otherwise ordered by the legislature.

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

By Senators Blank, Ryan, Johnson (19th) and Whitaker—

Senate Joint Resolution No. 15-XX (62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE STATE CONSTITUTION RELATING TO APPORTIONMENT AND CENSUS.

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

That Article VII, of the Florida Constitution be amended as set forth below and that said resolution be submitted to the electors of Florida for ratification or rejection at a special election called pursuant to Article XVII, Section 3 of the state constitution:

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. **Composition of the legislature.**—The legislature of the state of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit 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. **Representation in the house of representatives.**—Representation in the house of representatives of the Florida legislature shall be apportioned among the several counties of the state as follows: The most populous county shall have eight (8) representatives. The next four (4) most populous counties shall have six (6) representatives. The next two (2) most populous counties shall have four (4) representatives. The next four (4) most populous counties shall have three (3) representatives. The next twelve (12) most populous counties shall have two (2) representatives. The remaining counties of the state shall each have one (1) representative. Each representative shall be entitled to one (1) vote except the representation from the seven (7) most populous counties shall be entitled to the following number of votes: Each representative for the most populous county shall have four (4) votes; each representative for the next most populous county shall be entitled to three (3) votes; each representative for the next five (5) most populous counties shall be entitled to two (2) votes. A representative having more than one (1) vote must cast his votes as a unit and said representative shall be entitled to all units in every question before the house of representatives or a committee thereof.

Section 3. **Senate.**—The representation in the senate of the Florida legislature shall consist of thirty-nine (39) members plus one (1) additional member for each county having a population in excess of five hundred thousand (500,000) according to the latest official federal decennial census; plus two (2) additional members for each county having a population in excess of one million (1,000,000) according to the latest official federal decennial census. The legislature shall provide for thirty-nine (39) 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 having a population according to the latest official decennial census of less than five hundred thousand (500,000) shall have one (1) senator. Each district having a population according to the latest official federal decennial census of five hundred thousand (500,000) or more but less than one million (1,000,000) shall have two (2) senators, and each district having a population according to the latest official federal decennial census of more than one million (1,000,000) shall have three (3) senators.

Section 4. **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 a special election called pursuant to Article XVII, section 3 of the state constitution, the legislature shall be apportioned according to apportionment bills passed at the 1962 extraordinary session of the legislature convened November 9, provided nothing in this amendment shall prohibit any representative or senator elected in the 1962 general election pursuant to the constitution

of 1885, as amended, from serving in said office for the term for which he was elected, nor shall this amendment prohibit a senator now serving from completing his term to which he was elected, and the additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years; thereafter all senators shall be elected for four (4) year terms.

The legislature shall reapportion its representation in accordance with this article at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 5. 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 decennial census of 1960 shall also be the state census and shall control in all population acts and constitutional apportionments unless otherwise ordered by the legislature.

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

By Senators Johnson (6th) and Williams (4th)—

Senate Joint Resolution No. 16-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPOINTMENT OF THE FLORIDA LEGISLATURE; PROVIDING FOR A STATE CENSUS AND SPECIAL ELECTIONS.

WHEREAS, the Legislature of the State of Florida has determined that an emergency requiring an early decision by the electors of the State exists, and

WHEREAS, an amendment to the Constitution dealing with the matter of reapportionment of representation in the Legislature should be submitted to the voters of the State of Florida at the earliest possible time, NOW, THEREFORE,

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 a special emergency election to be held for such purpose.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the State of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled

to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and if the new county has a population in excess of two hundred thousand (200,000) when created it shall have one senator, which shall be in addition to the number of senators hereinafter fixed.

Section 2. Representation in the house of representatives.—Representation in the house of representatives of the Florida legislature shall be apportioned among the several counties of the state as follows: Each county shall be entitled to one representative. Each county shall have one additional representative for each representative ratio or major fraction thereof. Any county having more than four (4) representative ratios shall have one 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 U. S. 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.

Section 3. Senate.—The representation in the senate of the Florida legislature shall consist of forty-six (46) members, each representing a district, except that each district having more than twelve per cent (12%) of the total population in the state shall be represented by two (2) members. The next twenty-three (23) districts shall consist of the next twenty-three (23) most populous counties according to the latest U. S. decennial census. Twenty-one (21) districts shall be created from the remaining forty-three (43) counties of the state with the view of effecting as equitable representation as practical, with due regard for geographical area, economic interest and population feasibility; provided, however, that until their term of office expires at the general election of November 1964, senators whose districts have been abolished shall continue to hold office as senator for the county of his residence even though by so doing the total number of members may exceed forty-six (46).

No county shall be divided in creating a district, except the county having two (2) senators under the preceding paragraph may be divided into two (2) districts by the legislature. No county shall be separated from the remainder of the district of which it is part by more than a county which was formerly a part of the same district in 1961.

Section 4. 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 a special election called for such purpose, the legislature shall be apportioned according to apportionment bills passed at the Extraordinary Session of the Legislature called by proclamation of the Governor to convene on November 9, 1962, provided nothing in this amendment shall prohibit any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, from serving in said office for the term for which he was elected, nor shall this amendment prohibit a senator now serving from completing his term to which he was elected and the additional legislative offices herein created 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 and twenty (120) days after the effective date hereof. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years; thereafter all senators shall be elected for four (4) year terms.

The legislature shall reapportion its representation in

accordance with this article at the first regular session of the legislature after the next U. S. decennial census and at the first regular session of the legislature after each succeeding U. S. decennial census and such reapportionment shall be based upon the latest preceding U. S. decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 5. State census.—The legislature shall no longer be required to provide for an enumeration of the inhabitants of the state. The last preceding decennial U. S. census beginning with the U. S. census of 1960 shall also be the state census and shall control in all population acts and constitutional apportionments unless otherwise ordered by the legislature.

Section 6. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

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

By Senators Johnson (6th) and Williams (4th)—

S. B. No. 17-XX(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 into forty-five (45) districts; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

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

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

Which was agreed to.

And the Senate went into Executive Session at 11:10 o'clock A. M.

The Senate emerged from Executive Session at 12:04 o'clock P. M., and resumed its Session.

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

Mr. President	Edwards	Johnson (19th)	Pope
Askew	Fraser	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 when the Senate adjourns at this Session, it recess to reconvene at 3:00 o'clock P. M., this day.

Which was agreed to and it was so ordered.

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate recessed at 12:06 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	Edwards	Johnson (19th)	Pope
Askew	Fraser	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.

By permission the following Report of Committee was received:

REPORT OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 16-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPOINTMENT OF THE FLORIDA LEGISLATURE; PROVIDING FOR A STATE CENSUS AND SPECIAL ELECTIONS.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Connor, Askew, Barron, Blank, Boyd, Bronson, Carraway, Clark, Covington, Cross, Edwards, Fraser, Friday, Galloway, Gautier, Gibson, Herrell, Hodges, Johns, Johnson (19th), Johnson (6th), Kelly, McCarty, Mapoles, Mathews, Melton, Parrish, Pearce, Pope, Price, Roberts, Ryan, Stratton, Tucker, Whitaker, Williams (27th), Williams (4th) and Young—

Senate Resolution No. 18-XX(62)—

A RESOLUTION IN MEMORY OF THE HONORABLE RAE BURN C. HORNE.

WHEREAS, Raeburn C. Horne passed away on November 6, 1962, and

WHEREAS, Raeburn C. Horne served as a member of the Florida House of Representatives from Madison County in 1931 and 1947, and

WHEREAS, Raeburn C. Horne served as a member of the Florida Senate in 1939 and 1941, and

WHEREAS, the Florida Senate feels that the life of Raeburn C. Horne should be placed in the public records, NOW, THEREFORE,

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

That the Senate of the state of Florida make this public record of the life and achievements of its former member:

IN MEMORIAM
RAEBURN C. HORNE

The Honorable Raeburn C. Horne, a native of Florida, was born in Jasper, Hamilton County, Florida, on October 7, 1896, and attended the public schools in that county. He studied law in law offices in Glades County and was admitted to practice in 1924. He served as County Judge for Glades County for four years prior to moving to Madison in 1926, where he continued the practice of law. He was the owner of the Madison Finance Company and an incorporator of the Merchants and Farmers Bank of Madison.

Mr. Horne represented Madison County in the Florida House of Representatives in 1931 and 1947, and represented the Tenth District in the Florida Senate in 1939 and 1941. While in the Senate he served as Chairman of the Finance and Taxation Committee in 1939, and as Chairman of the Rules Committee in 1941.

His death saddened his many friends, both in and outside the legislature, and as a final measure of respect,

BE IT FURTHER RESOLVED, that we, the members of the Florida Senate, by means of this resolution, express our sorrow at the passing of Raeburn C. Horne and humbly express our appreciation for the contribution he made to both his county and state; and

BE IT FURTHER RESOLVED, that a copy of this resolution be delivered to the widow of Raeburn C. Horne, Mrs. Esther Knight Horne, and be spread upon the Senate Journal and be made a permanent part of the record of the Florida Senate.

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. 18-XX(62) was adopted.

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:08 o'clock P.M., until 11:00 o'clock A.M., Thursday, November 15, 1962.