

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Friday, November 16, 1962

The Senate convened at 11:00 o'clock A.M., pursuant to adjournment on Thursday, November 15, 1962.

The President in the Chair.

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

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

—36.

A quorum present.

Senator Stratton was excused from attendance upon the Session or Sessions this day.

Senator Tucker also was excused from attendance upon the early portion of the Sessions this day while attending the Swearing In ceremonies being conducted in the Supreme Court Chambers where his son, Donald L. Tucker, among other applicants, will be admitted to the practice of law in the Courts of the State of Florida.

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

We pray that our Legislators find an agreeable way to achieve their objective. May our sick be restored to health.

We say thank you, Lord, for your blessings, and would that each day's work add to the great scheme of life. May we remember that in all areas of life it pays to be a Christian.

Accept our earnest petition that our nation and our state be safe from evil within and from the godless forces without. Give us that power to successfully resist them.

In our homes, business and professions be with us always. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, November 15, 1962, was corrected and as corrected was approved.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senators Mathews, Pope, McCarty, Johnson (19th), Price and Whitaker—

Senate Joint Resolution No. 22-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 re-

jection 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-two (42) 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 more than twelve (12%) per cent of the total state population, 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. Nineteen (19) districts shall be created from the remaining forty-four counties of the state with the view of effecting equitable representation.

No county shall be divided in creating a district. Every district shall consist of contiguous counties.

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 Mathews, Pope, McCarty, Johnson (19th), Price and Whitaker—

S. B. No. 23-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 11:07 o'clock A.M.

The Senate emerged from Executive Session at 11:29 o'clock A.M., and resumed its Session.

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

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

—37.

A quorum present.

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

Which was agreed to.

Thereupon the Senate stood in recess at 11:30 o'clock A. M.

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

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

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

—37.

A quorum present.

Senator Friday requested unanimous consent of the Senate to be included as a co-introducer of Senate Memorial No. 19-XX(62).

Unanimous consent was granted.

Senator Hodges moved that when the Senate adjourns at this Session, it recess to reconvene at 2:00 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 12:04 o'clock P.M., until 2:00 o'clock P.M., this day.

AFTERNOON SESSION

The Senate reconvened at 2:00 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 (6th) | Roberts |
| Askew | Fraser | Kelly | Ryan |
| Barron | Friday | McCarty | Tucker |
| Blank | Galloway | Mapoles | Whitaker |
| Boyd | Gautier | Mathews | Williams (27th) |
| Bronson | Gibson | Melton | Williams (4th) |
| Clarke | Herrell | Parrish | Young |
| Connor | Hodges | Pearce | |
| Covington | Johns | Pope | |
| Cross | Johnson (19th) | Price | |

—37.

A quorum present.

Senator Hodges moved that the Senate recess until 3:00 o'clock P. M., this day.

Which was agreed to.

Thereupon the Senate stood in recess at 2:11 o'clock P. M.

The Senate was called to order by the President at 3:00 o'clock P. M.

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

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

—37.

A quorum present.

Senator Hodges moved that the Senate further recess until 3:30 o'clock P. M., this day.

Which was agreed to.

Thereupon the Senate stood in recess at 3:00 o'clock P. M.

The Senate was called to order by the President at 3:30 o'clock P. M.

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

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

—37.

A quorum present.

Senator Blank moved that the rules be waived and the Senate revert to the Introduction of Resolutions, Memorials, Bills and Joint Resolutions.

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

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

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

S. B. No. 24-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 Askew, Whitaker, Johnson (19th), Cross, Boyd, Mathews, Parrish, Ryan, Blank, McCarty and Barron—

S. B. No. 25-XX(62)— A Bill to be entitled An Act apportioning the Senate of the State of Florida; providing for a special election; amending Section 10.01 and creating Section 10.04, Florida Statutes.

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

Senator Hodges moved that the rules be waived and when the Senate adjourns at this Session, it adjourn to reconvene at 8:00 o'clock P.M., Monday, November 19, 1962.

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

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:41 o'clock P.M., until 8:00 o'clock P.M., Monday, November 19, 1962.

EXECUTIVE SESSION ANNOUNCEMENT

The Senate in Executive Session on Friday, November 16, 1962, adopted the following report of the special committee appointed by the Senate on Thursday, November 15, 1962, to inquire into the suspension from office by the Governor of Eugene Licata as Member, Barbers' Sanitary Commission, State of Florida, and report its findings and recommendations to the Senate:

REPORT OF COMMITTEE

On the 10th day of October, 1962, the Honorable Farris Bryant, Governor of the State of Florida, suspended Eugene Licata from the office of Member, Barbers' Sanitary Commission. This executive suspension was based upon action taken by the Grand Jury for the State of Florida, inquiring in and for Hillsborough County, whereby four separate indictments were returned, charging Eugene Licata with the felonies of accepting a bribe.

Florida Constitutional law provides that the Governor shall, after suspending a public official, submit the cause of such suspension with a recommendation for disposition to the Florida Senate at its next session. The Senate upon receipt of an executive suspension has three alternatives: 1. they may concur with the Governor's recommendation, thus removing the individual involved from office; 2. they may refuse to concur in the Governor's recommendation; 3. they may fail to take action. Either of the latter two results in the reinstatement of the suspended official.

It appears to this committee that the Governor acted properly in suspending Eugene Licata in view of the indictments by the Grand Jury of Hillsborough County. The Governor further acted properly and in accordance with the law in transmitting this executive suspension to the Florida Senate.

This committee, however, takes note of the fact that Eugene Licata has not come to trial to answer the charges contained in the indictments mentioned above and, therefore, his guilt or innocence has not been established. Since there is no provision in the law whereby the Florida Senate could postpone a decision until Licata's trial takes place, and since a concurrence with the Governor's recommendation would permanently remove Licata from office, it is the committee's recommendation that the Florida Senate take no action on this case until Eugene Licata has been tried on the above mentioned charges, but that a recommendation be made to the Governor that immediately upon the sine die adjournment of the Florida Senate he again suspend Eugene Licata abiding the outcome of his trial.

Date: November 16, 1962

E. H. PRICE, JR.
Chairman

JOHN E. MATHEWS, JR.