

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Monday, November 19, 1962

The Senate convened at 8:00 o'clock P. M., pursuant to adjournment on Friday, November 16, 1962.

The President in the Chair.

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

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

—37.

A quorum present.

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

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

Our Father in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in Heaven.

We ask again for the wisdom that is from above, and may our difference and likeness be resolved into one harmonious effort to formulate an apportionment acceptable to both Houses.

In the name of Jesus Christ, Amen.

Senator Hodges moved that a committee be appointed to escort Senator Harry O. Stratton, of the 16th Senatorial District, who, because of illness, was prevented from attending the opening Session of the Senate on November 9, 1962, to the Bar of the Senate to take the oaths of office.

Which was agreed to.

And the President appointed Senators Hodges, Williams (4th) and Gibson as the committee.

The committee escorted Senator Stratton to 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 Senate, and the oath of the office of President Pro Tempore of the Senate, to which latter office he was elected in absentia on November 9, 1962.

Senator Stratton was then escorted to the rostrum where he was greeted by the standing applause of the Senate and, after expressing his appreciation of the honor bestowed upon him, was seated beside the President.

The reading of the Journal was dispensed with.

The Senate daily Journal of Thursday, November 15, 1962, was further corrected as follows:

Page 18, column 2, line 30, counting from the bottom of the column, strike the word "or" and insert in lieu thereof the word "of"

Also—

Page 20, column 1, line 17, strike the Roman numeral "II" and insert in lieu thereof the Roman numeral "VII"

Also—

Page 20, column 2, line 12, following the word "elected" strike the following: ", nor shall this amendment prohibit a senator now serving from completing his term to which he was elected"

Also—

Page 22, column 2, line 30, counting from the bottom of the column, strike the figures and letters "6-XX(62)" and insert in lieu thereof the following: "16-XX(62)"

Also—

Page 23, column 2, line 7, counting from the bottom of the column, following the word "order" strike the period (.) and add the following: "and read the second time in full."

Also—

Page 23, column 2, counting from the bottom of the column, strike lines 1 through 6.

Also—

Page 24, column 1, line 14, following the name "Johnson" insert the following: "(6th)"

Also—

Page 26, column 1, counting from the bottom of the column, strike line 18 and insert in lieu thereof the following:

"S. B. No. 17-XX(62)— A Bill to be entitled An Act providing for the appor—"

Also—

Page 26, column 1, counting from the bottom of the column, strike lines 24 through 27.

Also—

Page 26, column 2, between lines 17 and 18, insert the following:

Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 3:35 o'clock P. M., until 11:00 o'clock A. M., Friday, November 16, 1962.

And as further corrected was approved.

The Senate daily Journal of Friday, November 16, 1962, was corrected and as corrected was approved.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Edwards—

S. B. No. 26-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 Senators Herrell, Johnson (6th), Price and Pearce—
Senate Joint Resolution No. 27-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 electors 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.

That three-fourths ($\frac{3}{4}$) of all members elected to each house of the Legislature does determine that an emergency requiring an early decision by the electors of the state does exist with reference to this amendment to Article VII of the 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 county hereafter created shall have one (1) member of the house of representatives until the next apportionment by the legislature, at which time such county shall be allocated such representation as is provided for herein. Any county hereafter created having a population in excess of two hundred thousand (200,000) at the time of its creation shall have one (1) senator which shall be in addition to the total number of senators otherwise provided for herein, and upon such happening the total number of senatorial districts otherwise provided for herein shall be correspondingly increased by one (1).

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; subject to the following limitations and formula to wit: Each county shall have one (1) representative; each county having a population in excess of forty thousand (40,000) shall have two (2) representatives and all other counties shall have one (1) additional representative for each whole one per cent (1%), above the first two per cent (2%), 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 and sixty-six (166).

The 1963 house of representatives shall be composed of the representatives elected pursuant to the Constitution

of 1885, as amended, and of the additional representatives as provided for herein.

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 more than twelve per cent (12%) of the total population of the state 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 as equitable representation as practical, with due regard for geographical area, economic interest and population feasibility; provided, however, that until their terms of office expire at the general election of November, 1964, any senator whose district has 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 in a county having two (2) senators under the preceding paragraph the legislature may divide the county into two (2) groups for qualifying purposes, with election to be county-wide. 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. 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 federal decennial census and at the first regular session of the legislature after each succeeding federal decennial census and such reapportionment shall be based upon the latest preceding 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 federal decennial 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 Senators Herrell, Johnson (6th), Price and Pearce—

S. B. No. 28-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 Sections 10.01 and 10.03, and adding Section 10.04, Florida Statutes; provid-

ing 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 Johnson (6th), Chairman of the Committee on Apportionment, moved that the Committee on Apportionment be allowed an additional three days to report on all bills now before the Committee.

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 8:19 o'clock P. M., until 11:00 o'clock A. M., Tuesday, November 20, 1962.