

# EXTRAORDINARY SESSION

## JOURNAL OF THE SENATE

Tuesday, November 27, 1962

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Monday, November 26, 1962.

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	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	

—38.

A quorum present.

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

Our Father, accept our prayer for this day's work, which by Your help may be profitable.

We would continue in it with our sins forgiven, and with good health, strength, and courage equal to our responsibilities.

In Christ's name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Monday, November 26, 1962, was corrected and as corrected was approved.

### ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

H. C. R. No. 43-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 26, 1962.

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

Your Enrolling Clerk to whom was referred—

H. B. No. 44-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 26, 1962.

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

Your Enrolling Clerk to whom was referred—

H. B. No. 34-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 27, 1962.

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

### MESSAGE FROM THE GOVERNOR

The following message from the Governor was received:

STATE OF FLORIDA  
OFFICE OF THE GOVERNOR  
TALLAHASSEE

November 26, 1962

*The Honorable Wilson Carraway*

*President of the Senate*

*The Capitol*

*Tallahassee, Florida*

*Dear Mr. President:*

In accordance with the provisions of Senate Concurrent Resolution No. 37-XX, I return herewith Senate Bill No. 17-XX.

Respectfully,  
FARRIS BRYANT  
Governor

Senator Mathews moved that Senate Bill No. 17-XX (62), contained in the above message from the Governor, be held in abeyance pending further action.

Which was agreed to and it was so ordered.

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

Which was agreed to.

And the Senate went into Executive Session at 10:21 o'clock A. M.

The Senate emerged from Executive Session at 12:15 o'clock P. 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	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	

—38.

A quorum present.

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 Mathews moved that the Senate proceed to the consideration of unfinished business on the Calendar.

Which was agreed to by a two-thirds vote.

### UNFINISHED BUSINESS

**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.

Was taken up, having been read the second time in full on Wednesday, November 21, 1962, together with the following amendment, which was pending consideration at the hour of adjournment, Senator Mathews having moved the adoption thereof:

Strike everything after the enacting clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

**10.01 Division of state into senatorial districts; apportionment of senate, etc.—**

(1) The representation in the senate of the Florida legislature shall consist of forty-three (43) members, each representing a district, except that any district having more than twelve per cent (12%) of the total population in the state shall be represented by two (2) members. The state shall be divided into forty-two (42) senatorial districts. If by this reapportionment the district of a member of the Senate whose term of office expires with the general election of November 1964 shall be abolished, or the number of his district relocated outside of said present district, then such member shall continue as a senator for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for.

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

(2) Pursuant to this act forty-two (42) senatorial districts shall be constituted as follows:

First district—Santa Rosa county

Second district—Escambia county

Third district—Walton county, Holmes county and Washington county

Fourth district—Jackson county and Calhoun county

Fifth district—Wakulla county, Liberty county, Gulf county and Franklin county

Sixth district—Gadsden county

Seventh district—Polk county

Eighth district—Leon county

Ninth district—Hernando county, Sumter county and Citrus county

Tenth district—Taylor county and Madison county and Jefferson county

Eleventh district—Pinellas county

Twelfth district—St. Lucie county

Thirteenth district—Dade county (2 members)

Fourteenth district—Columbia county

Fifteenth district—Bradford county, Clay county and Union county

Sixteenth district—Nassau county and Baker county

Seventeenth district—Hamilton county, Suwannee county and Lafayette county

Eighteenth district—Duval county

Nineteenth district—Orange county

Twentieth district—Marion county

Twenty-first district—Dixie county, Levy county and Gilchrist county

Twenty-second district—Sarasota county

Twenty-third district—Lake county

Twenty-fourth district—Lee county and Collier county

Twenty-fifth district—Bay county

Twenty-sixth district—Putnam county

Twenty-seventh district—Hardee county, Desoto county and Charlotte county

Twenty-eighth district—Volusia county

Twenty-ninth district—Indian River county

Thirtieth district—Broward county

Thirty-first district—St. Johns county and Flagler county

Thirty-second district—Alachua county

Thirty-third district—Osceola county, Okeechobee county and Martin county

Thirty-fourth district—Hillsborough county

Thirty-fifth district—Palm Beach county

Thirty-sixth district—Manatee county

Thirty-seventh district—Brevard county

Thirty-eighth district—Pasco county

Thirty-ninth district—Glades county, Hendry county and Highlands county

Fortieth district—Okaloosa county

Forty-first district—Monroe county

Forty-second district—Seminole county

Section 2. Section 10.04, Florida Statutes, is added to read:

### 10.04 Legislative apportionment.—

(1) 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. Any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, shall serve in said office for the term for which he was elected, and any senator now serving shall complete his term to which he was elected. 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 shall 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 apportionment herein provided is based on the U. S. decennial census of 1960.

(2) 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 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon the ratification of an amendment to Article VII of the Constitution as presented by the legislature in extraordinary session called by proclamation of the Governor to convene on November 9, 1962.

By leave of the Senate, Senator Mathews withdrew the foregoing amendment from the further consideration of the Senate.

Senator Askew then offered the following amendment to Senate Bill No. 7-XX (62):

Strike out everything after the enacting clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

**10.01 Division of state into senatorial districts; apportionment of senate.—**

(1) There shall be thirty-eight (38) senatorial districts in the state which shall be each represented in the senate of the state by one senator, and be designated by numbers, and the said thirty-eight (38) districts shall be composed each of the counties mentioned and named after the respectively numbered districts as follows to wit:

DISTRICT	COUNTIES
First	Santa Rosa
Second	Escambia
Third	Walton, Holmes, Washington
Fourth	Jackson, Calhoun, Gulf
Fifth	Okaloosa
Sixth	Gadsden, Liberty, Franklin
Seventh	Polk
Eighth	Leon
Ninth	Citrus, Hernando, Sumter
Tenth	Jefferson, Wakulla, Madison, Taylor
Eleventh	Pinellas
Twelfth	St. Lucie, Indian River, Martin
Thirteenth	Dade

Fourteenth	Hamilton, Columbia, Suwannee
Fifteenth	Bradford, Clay, Union
Sixteenth	Nassau, Baker
Seventeenth	Sarasota
Eighteenth	Duval
Nineteenth	Orange
Twentieth	Marion
Twenty-first	Dixie, Lafayette, Levy, Gilchrist
Twenty-second	Seminole
Twenty-third	Lake
Twenty-fourth	Lee, Hendry, Collier, Glades
Twenty-fifth	Bay
Twenty-sixth	Putnam
Twenty-seventh	Hardee, DeSoto, Highlands, Charlotte
Twenty-eighth	Volusia
Twenty-ninth	Monroe
Thirtieth	Broward
Thirty-first	St. Johns, Flagler
Thirty-second	Alachua
Thirty-third	Osceola, Okeechobee
Thirty-fourth	Hillsborough
Thirty-fifth	Palm Beach
Thirty-sixth	Manatee
Thirty-seventh	Brevard
Thirty-eighth	Pasco

If by this reapportionment the district of a member of the senate whose term of office expires with the general election of November, 1964, or 1966, shall be abolished, or the number of his district relocated outside of said present district, then such member shall continue as a senator for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for.

Section 2. Section 10.04, Florida Statutes, is added to read:

**10.04 Legislative apportionment.—**

(1) 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. Any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, shall serve in said office for the term for which he was elected, and any senator now serving shall complete his term to which he was elected. 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 shall 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 apportionment herein provided is based on the U. S. decennial census of 1960.

(2) The legislature shall reapportion its representation in accordance with Article VII of the state constitution 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 said 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 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon becoming a law.

Senator Askew moved the adoption of the amendment.

Pending consideration of the amendment offered by Senator Askew to Senate Bill No. 7-XX(62), Senator Hodges moved that the Senate adjourn.

Which was agreed to.

And the Senate recessed at 12:20 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 Stratton was excused from attendance upon the Session.

### UNFINISHED BUSINESS

**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.

Was taken up, having been read the second time in full on Wednesday, November 21, 1962, together with the following amendment which was pending consideration at the hour of recess at the morning Session this day, Senator Askew having moved the adoption thereof:

Strike out everything after the enacting clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

### 10.01 Division of state into senatorial districts; apportionment of senate.—

(1) There shall be thirty-eight (38) senatorial districts in the state which shall be each represented in the senate of the state by one senator, and be designated by numbers, and the said thirty-eight (38) districts shall be composed each of the counties mentioned and named after the respectively numbered districts as follows to wit:

DISTRICT	COUNTIES
First	Santa Rosa
Second	Escambia
Third	Walton, Holmes, Washington
Fourth	Jackson, Calhoun, Gulf
Fifth	Okaloosa
Sixth	Gadsden, Liberty, Franklin
Seventh	Polk
Eighth	Leon
Ninth	Citrus, Hernando, Sumter
Tenth	Jefferson, Wakulla, Madison, Taylor
Eleventh	Pinellas
Twelfth	St. Lucie, Indian River, Martin
Thirteenth	Dade
Fourteenth	Hamilton, Columbia, Suwannee
Fifteenth	Bradford, Clay, Union
Sixteenth	Nassau, Baker
Seventeenth	Sarasota
Eighteenth	Duval
Nineteenth	Orange
Twentieth	Marion
Twenty-first	Dixie, Lafayette, Levy, Gilchrist
Twenty-second	Seminole
Twenty-third	Lake
Twenty-fourth	Lee, Hendry, Collier, Glades
Twenty-fifth	Bay
Twenty-sixth	Putnam
Twenty-seventh	Hardee, DeSoto, Highlands, Charlotte
Twenty-eighth	Volusia
Twenty-ninth	Monroe
Thirtieth	Broward
Thirty-first	St. Johns, Flagler
Thirty-second	Alachua
Thirty-third	Osceola, Okeechobee
Thirty-fourth	Hillsborough
Thirty-fifth	Palm Beach
Thirty-sixth	Manatee
Thirty-seventh	Brevard
Thirty-eighth	Pasco

If by this reapportionment the district of a member of the senate whose term of office expires with the general

election of November, 1964, or 1966, shall be abolished, or the number of his district relocated outside of said present district, then such member shall continue as a senator for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for.

Section 2. Section 10.04, Florida Statutes, is added to read:

10.04 Legislative apportionment.—

(1) 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. Any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, shall serve in said office for the term for which he was elected, and any senator now serving shall complete his term to which he was elected. 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 shall 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 apportionment herein provided is based on the U. S. decennial census of 1960.

(2) The legislature shall reapportion its representation in accordance with Article VII of the state constitution 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 said 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 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon becoming a law.

Pending consideration of the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62), Senator Hodges moved that the Senate stand in recess subject to the call of the President.

Which was agreed to.

Thereupon the Senate stood in recess at 2:18 o'clock P. M.

The Senate was called to order by the President at 4:12 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Boyd	Covington	Friday
Askew	Bronson	Cross	Galloway
Barron	Clarke	Edwards	Gautier
Blank	Connor	Fraser	Gibson

Herrell	McCarty	Pope	Williams (27th)
Hodges	Mapoles	Price	Williams (4th)
Johns	Mathews	Roberts	Young
Johnson (19th)	Melton	Ryan	
Johnson (6th)	Parrish	Tucker	
Kelly	Pearce	Whitaker	

—37.

A quorum present.

The question was put on the adoption of the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62).

A roll call was demanded and upon call of the roll the vote was:

Yeas—18.

Askew	Edwards	McCarty	Ryan
Barron	Friday	Mathews	Whitaker
Blank	Gautier	Parrish	Young
Boyd	Johnson (19th)	Pope	
Cross	Kelly	Price	

Nays—19.

Mr. President	Fraser	Johns	Roberts
Bronson	Galloway	Johnson (6th)	Tucker
Clarke	Gibson	Mapoles	Williams (27th)
Connor	Herrell	Melton	Williams (4th)
Covington	Hodges	Pearce	

So the amendment failed of adoption.

Senator Hodges moved that the Senate do now reconsider the vote by which the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62) failed of adoption.

The President put the question: "Will the Senate reconsider the vote by which the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62) failed of adoption?"

A roll call was demanded and upon call of the roll the vote was:

Yeas—34.

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

Nays—3.

Blank	Boyd	Clarke
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So the Senate, by an affirmative two-thirds vote, reconsidered the vote by which the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62) failed of adoption.

The question recurred on the adoption of the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62) and upon call of the roll the vote was:

Yeas—18.

Askew	Edwards	McCarty	Ryan
Barron	Friday	Mathews	Whitaker
Blank	Gautier	Parrish	Young
Boyd	Johnson (19th)	Pope	
Cross	Kelly	Price	

Nays—19.

Mr. President	Connor	Galloway	Hodges
Bronson	Covington	Gibson	Johns
Clarke	Fraser	Herrell	Johnson (6th)

Mapoles Pearce Tucker Williams (4th)  
Melton Roberts Williams (27th)

So the foregoing amendment offered by Senator Askew to Senate Bill No. 7-XX(62) failed of adoption and Senate Bill No. 7-XX(62), as amended by the Senate on November 21, 1962, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

By permission the following Report was received:

#### ENGROSSING REPORT

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

**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.

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

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

And Senate Bill No. 7-XX(62), contained in the above report was ordered placed on the Calendar of Bills on Third Reading.

Senator Hodges moved that the Senate adjourn until 10:00 o'clock A. M., Wednesday, November 28, 1962.

Which was agreed to.

And the Senate stood adjourned at 5:12 o'clock P. M., until 10:00 o'clock A. M., Wednesday, November 28, 1962.