

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Wednesday, November 28, 1962

The Senate convened at 10:00 o'clock A.M., pursuant to adjournment on Tuesday, November 27, 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	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 or Sessions this day.

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

Our Father, Who art in heaven, hallowed be Thy Name, Thy Kingdom come, Thy will be done in earth as it is in heaven.

As our Senators seek a way out of these difficulties, may they be led by Thee.

In the name of the Son of God. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, November 14, 1962, was further corrected as follows:

Page 13, column 1, line 19, strike the letters "cenvened" and insert in lieu thereof the following: convened

Also—

Page 14, column 2, line 18, counting from the bottom of the column, strike the word "providing" and insert in lieu thereof: provided

And as further corrected was approved.

The Senate daily Journal of Tuesday, November 20, 1962, was further corrected as follows:

Page 40, column 1, line 12, strike the word "is" and insert in lieu thereof the following: its

And as further corrected was approved.

The Senate daily Journal of Wednesday, November 21, 1962, was further corrected as follows:

Page 46, column 2, counting from the bottom of the column, strike lines 8 and 9 and insert in lieu thereof the following: Boyd and Knowles of Manatee, Land of Orange, and Cleveland of Seminole—

Page 49, column 1, counting from the bottom of the column, strike line 12 and insert in lieu thereof the following:

By Messrs. Horne and Mitchell of Leon—

Also—

Page 52, column 2, line 17, strike the word "Okalosa" and insert in lieu thereof the following: Okaloosa

And as further corrected was approved.

The Senate daily Journal of Tuesday, November 27, 1962, was corrected as follows:

Page 60, column 1, line 11, counting from the bottom of the column, strike the figures "10.3" and insert in lieu thereof the figures "10.03"

And as corrected was approved.

Senator Hodges, Chairman of the Committee on Rules and Calendar, moved that a Select Committee of six members be appointed by the President, composed of three Senators from each side of the disagreements on the question of reapportionment of representation in the Legislature, to meet in free conference in an effort to agree upon a plan of reapportionment which might be acceptable to the Senate, and to report its actions to the Body.

Which was agreed to and the President appointed Senators Mathews, Price, McCarty, Hodges, Johnson (6th) and Melton as the Committee.

Senator Hodges then moved that the Senate stand in recess subject to call by the President to enable the Committee to meet.

Which was agreed to and the Senate recessed at 10:10 o'clock A.M.

The Senate was called to order by the President at 12:39 o'clock P. M., and upon call of the roll 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 Mathews, as Chairman of the Select Committee appointed on motion of Senator Hodges, reported that the Committee had been unable to agree on a recommendation to the Senate and requested, on behalf of the Committee, additional time for conference.

Senator Hodges moved that the Senate stand in recess until 2:00 o'clock P. M., this day in order to allow the Select Committee additional time to meet.

Which was agreed to.

Thereupon the Senate stood in recess at 12:40 o'clock P. M.

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 Mathews 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 2:06 o'clock P. M.

The Senate was called to order by the President at 2:57 o'clock P. M., and upon call of the roll 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.

The Select Committee appointed on motion of Senator Hodges to make a recommendation to the Senate regarding a possible solution to the problem of reapportionment appeared at the Bar of the Senate and verbally recommended through its Chairman, Senator Mathews, that the Senate take up and consider Senate Bill No. 28-XX(62) in order that certain amendments could be offered to the Bill which, in the opinion of the Committee, might render Senate Bill No. 28-XX(62) acceptable to the Senate.

Senator Mathews moved the adoption of the foregoing report of the Select Committee.

The motion was agreed to and the report was adopted.

Pursuant to the report of the Select Committee—

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; providing for an election; providing for filling vacancies; providing effective date.

Was taken up.

Senator Mathews moved that the rules be waived and Senate Bill No. 28-XX(62) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 28-XX(62) was read the second time by title only.

By leave of the Senate, Senator Johnson (6th), as Chairman of the Committee on Apportionment, withdrew the amendments reported by the Committee on Apportionment to Senate Bill No. 28-XX(62).

Senator Mathews offered the following amendment to Senate Bill No. 28-XX(62):

Strike all 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-two (42) members, each representing a district. 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

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.

Senator Mathews moved the adoption of the amendment.

Pending consideration of the foregoing amendment offered by Senator Mathews to Senate Bill No. 28-XX-(62), Senator Herrell offered the following amendment to the amendment offered by Senator Mathews:

In Section 1, line 7, page 1, after the words: "representing a district." insert the following: , and in addition thereto each district whose population according to the latest federal decennial census exceeds five hundred thousand (500,000) shall have two (2) senators, and each district whose population exceeds one million (1,000,000) shall have three (3) senators.

Senator Herrell moved the adoption of the amendment to the amendment.

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

Yeas—26.

Mr. President	Fraser	Kelly	Ryan
Askew	Galloway	McCarty	Tucker
Blank	Gibson	Mapoles	Williams (27th)
Bronson	Herrell	Mathews	Williams (4th)
Clarke	Hodges	Melton	Young
Connor	Johns	Pearce	
Covington	Johnson (19th)	Roberts	

Nays—11.

Barron	Edwards	Johnson (6th)	Price
Boyd	Friday	Parrish	Whitaker
Cross	Gautier	Pope	

So the amendment to the amendment was adopted.

The question recurred on the adoption of the amendment offered by Senator Mathews to Senate Bill No. 28-XX(62), as amended.

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

Yeas—26.

Mr. President	Fraser	Johnson (6th)	Roberts
Askew	Friday	McCarty	Ryan
Barron	Galloway	Mapoles	Tucker
Bronson	Gibson	Mathews	Williams (27th)
Clarke	Herrell	Melton	Williams (4th)
Connor	Hodges	Pearce	
Covington	Johns	Pope	

Nays—11.

Blank	Edwards	Kelly	Whitaker
Boyd	Gautier	Parrish	Young
Cross	Johnson (19th)	Price	

So the amendment, as amended, was adopted.

Senator Mathews also offered the following amendment to Senate Bill No. 28-XX(62):

In Title, line 5, strike the words and figure "forty-five (45)" and insert in lieu thereof the following: forty-two (42)

Senator Mathews moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Mathews also offered the following amendment to Senate Bill No. 28-XX(62):

In Title, lines 6 and 7, page 1, strike the words and numerals:

"Sections 10.01 and 10.03, and" and insert in lieu thereof the following: Section 10.01,

Senator Mathews moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Mathews moved that the rules be further waived and Senate Bill No. 28-XX(62), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 28-XX(62), as amended, was read the third time in full.

Upon the passage of Senate Bill No. 28-XX(62), as amended, the roll was called and the vote was:

Yeas—25.

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

Nays—12.

Blank	Edwards	Kelly	Ryan
Boyd	Gautier	Parrish	Whitaker
Cross	Johnson (19th)	Price	Young

So Senate Bill No. 28-XX(62) passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received:

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

November 28, 1962

*The Honorable Wilson Carraway
President of the Senate
The Capitol
Tallahassee, Florida*

Dear Mr. President:

I have the honor to inform you that I have today transmitted to the Secretary of State Senate Concurrent Resolution No. 37-XX which requests me to return to the Senate S. B. No. 17-XX.

Sincerely,
FARRIS BRYANT
Governor

ORDER OF THE DAY

Senate Concurrent Resolution No. 29-XX(62), Senate Bill No. 7-XX(62), Senate Joint Resolution No. 3-XX-

(62) and Senate Joint Resolution No. 27-XX(62) were taken up in their order and the consideration thereof was temporarily deferred.

Senator Cross moved that Senate Bill No. 7-XX(62) be placed back on second reading for the purpose of further amendment.

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

Yeas—33.

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

Nays—4.

Johns	Roberts	Tucker	Williams (27th)
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So Senate Bill No. 7-XX(62) was ordered placed back on second reading.

Senator Mathews requested unanimous consent of the Senate to take up and consider Senate Joint Resolution No. 27-XX(62), out of its order.

Unanimous consent was granted, and—

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 AP-PORTIONMENT 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.

Was taken up and read the second time in full.

By leave of the Senate, Senator Johnson (6th), as Chairman of the Committee on Apportionment, withdrew the amendment reported by the Committee on Apportionment to Senate Joint Resolution No. 27-XX(62).

Senator Mathews offered the following amendment to Senate Joint Resolution No. 27-XX(62):

Strike all after the resolving clause and insert in lieu thereof the following:

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 re-

maining 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. Twenty-one (21) districts shall consist of the twenty-one (21) most populous counties according to the latest federal decennial census. Twenty-one (21) districts shall be created from the remaining forty-six (46) 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.

Senator Mathews moved the adoption of the amendment.

Pending consideration of the foregoing amendment offered by Senator Mathews to Senate Joint Resolution No. 27-XX(62), Senator Herrell offered the following amendment to the amendment offered by Senator Mathews:

In Section 3, line 4, page 2, after the figure and word: "(1) member" strike the period and insert the following:

and in addition thereto each district whose population according to the latest federal decennial census exceeds five hundred thousand (500,000) shall have two (2) senators, and each district whose population exceeds one million (1,000,000) shall have three (3) senators.

Senator Herrell moved the adoption of the amendment to the amendment.

Which was agreed to and the amendment to the amendment was adopted.

Senator Mathews offered the following further amendment to the original amendment to Senate Joint Resolution No. 27-XX(62):

In Section 3, lines 4 and 5, page 2, strike the words and figure: "twenty-one (21)" and insert in lieu thereof the following: nineteen (19)

Senator Mathews moved the adoption of the amendment to the amendment.

Which was agreed to and the amendment to the amendment was adopted.

Senator Mathews also offered the following further amendment to the original amendment to Senate Joint Resolution No. 27-XX(62):

In Section 3, line 6, page 2, strike the word and figure: "Twenty-one (21)" and insert in lieu thereof the following: Twenty-three (23)

Senator Mathews moved the adoption of the amendment to the amendment.

Which was agreed to and the amendment to the amendment was adopted.

Senator Mathews also offered the following further amendment to the original amendment to Senate Joint Resolution No. 27-XX(62):

In Section 3, line 7, page 2, strike the word and figure: "forty-six (46)" and insert in lieu thereof the following: forty-eight (48)

Senator Mathews moved the adoption of the amendment to the amendment.

Which was agreed to and the amendment to the amendment was adopted.

The question recurred on the adoption of the original amendment, as amended, offered by Senator Mathews to Senate Joint Resolution No. 27-XX(62).

Which was agreed to and the amendment, as amended, was adopted.

Senator Mathews moved that the rules be waived and Senate Joint Resolution No. 27-XX(62), as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Joint Resolution No. 27-XX(62), as amended, was read the third time in full as follows:

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 APPORTIONMENT 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 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 whose population according to the latest federal decennial census exceeds five hundred thousand (500,000) shall have two (2) senators, and each district whose population exceeds one million (1,000,000) shall have three (3) senators. Nineteen (19) districts shall consist of the nineteen (19) most populous counties according to the latest federal decennial census. Twenty-three (23) districts shall be created from the remaining forty-eight (48) 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.

Upon the passage of Senate Joint Resolution No. 27-XX(62), as amended, the roll was called and the vote was:

Yeas—23.

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

Nays—14.

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

So Senate Joint Resolution No. 27-XX(62), as amended, failed to receive the required Constitutional three-fourths vote of all members elected to the Senate for the 1962 Extraordinary Session of the Florida Legislature and, therefore, failed to pass.

Senator Mathews 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 3:53 o'clock P. M.

The Senate was called to order by the President at 4:28 o'clock P. M., and upon call of the roll 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 Pope moved that the rules be waived and the hour of adjournment of this Session be extended to 12:00 o'clock, Midnight.

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

Senator Mathews 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 4:29 o'clock P. M.

The Senate was called to order by the President at 4:43 o'clock P. M., and upon call of the roll 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 Mathews moved that the Senate revert to the consideration of messages from the House of Representatives.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages from the House of Representatives were received and read:

Tallahassee, Florida
November 27, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives requests the return of—

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.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

Senator Johnson (6th) moved that the request of the House of Representatives, as contained in the foregoing message, be granted.

Which was agreed to and Senate Bill No. 17-XX(62) was ordered returned to the House of Representatives.

Tallahassee, Florida
November 28, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fourths vote of all Members elected to the House of Representatives, as required by Article XVII, Section 3 of the Constitution of Florida—

By Messrs. Boyd of Manatee and O'Neill and Chappell of Marion—

H. J. R. No. 46-XX—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 and special election.

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 called election as provided by Article XVII, Section 3 of the state Constitution:

That three-fourths 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.

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. Representation in the House of Representatives. The House of Representatives shall consist of 114 members which shall be apportioned by the legislature among the counties as follows: The most populous county shall have 8 representatives. The second most populous county shall have 6 representatives. The next three (3) most populous counties shall have 5 representatives each. The next five (5) most populous counties shall have 3 representatives each. The next 13 most populous counties shall have 2 representatives each. Each of the remaining counties shall have one (1) representative; provided, however, 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 legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. These districts shall be created 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-two (42).

No county shall be divided in creating a district and 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 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 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.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And House Joint Resolution No. 46-XX, contained in the above message, was read the first time in full and referred to the Committee on Apportionment.

Senator Herrell requested leave of the Senate to withdraw Senate Bill No. 7-XX(62) from the further consideration of the Senate.

The question was put on the request.

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

Yeas—35.

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

Nays—2.

Barron Blank

So Senate Bill No. 7-XX(62) was withdrawn from the further consideration of the Senate.

The Senate resumed the consideration of the Order of the Day.

CONSIDERATION OF SENATE RESOLUTIONS

Senate Concurrent Resolution No. 29-XX(62) was taken up in its order and the consideration thereof was temporarily deferred.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

By leave of the Senate, Senator Herrell withdrew Senate Joint Resolution No. 3-XX(62) from the further consideration of the Senate.

House Joint Resolution No. 41-XX was taken up in its order and the consideration thereof was temporarily deferred.

Senator Mathews 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 4:54 o'clock P. M.

The Senate was called to order by the President at 5:47 o'clock P. M., and upon call of the roll 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 Johnson (6th) moved that the rules be waived and House Joint Resolution No. 46-XX be withdrawn from the Committee on Apportionment and placed on the Calendar of Bills and Joint Resolutions on Second Reading.

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

Senator Mathews requested unanimous consent of the Senate to take up and consider House Joint Resolution No. 46-XX, out of its order.

Unanimous consent was granted, and—

H. J. R. No. 46-XX—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 and special election.

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 sub-

mitted 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:

That three-fourths 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.

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. Representation in the House of Representatives. The House of Representatives shall consist of 114 members which shall be apportioned by the legislature among the counties as follows: The most populous county shall have 8 representatives. The second most populous county shall have 6 representatives. The next three (3) most populous counties shall have 5 representatives each. The next five (5) most populous counties shall have 3 representatives each. The next 13 most populous counties shall have 2 representatives each. Each of the remaining counties shall have one (1) representative; provided, however, 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 legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. These districts shall be created 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-two (42).

No county shall be divided in creating a district and 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 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 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.

Was taken up and read the second time in full.

Senator Mathews offered the following amendment to House Joint Resolution No. 46-XX:

In Section 3, line 4, page 2, following "member." insert the following: Nineteen (19) districts shall consist of the nineteen (19) most populous counties according to the latest federal decennial census. Twenty-three (23) districts shall be created from the remaining forty-eight (48) counties of the state.

Senator Mathews moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Mathews also offered the following amendment to House Joint Resolution No. 46-XX:

Strike out Section 2 and insert in lieu thereof the following:

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).

Senator Mathews moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Mathews moved that the rules be waived and House Joint Resolution No. 46-XX, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Joint Resolution No. 46-XX, as amended, was read the third time in full, as follows:

H. J. R. No. 46-XX—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 and special election.

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 called election as provided by Article XVII, Section 3 of the state Constitution:

That three-fourths 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.

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.

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-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. Nineteen (19) districts shall consist of the nine-

teen (19) most populous counties according to the latest federal decennial census. Twenty-three (23) districts shall be created from the remaining forty-eight (48) counties of the state. These districts shall be created 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-two (42).

No county shall be divided in creating a district and 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 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 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.

Upon the passage of House Joint Resolution No. 46-XX, as amended, the roll was called and the vote was:

Yeas—32.

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

Nays—5.

Blank Herrell	Kelly	Ryan	Young
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So House Joint Resolution No. 46-XX passed, as amended, by the required Constitutional three-fourths vote of all members elected to the Senate for the 1962 Extraordinary Session of the Florida Legislature, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Mathews 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 6:03 o'clock P. M.

The Senate was called to order by the President at 6:21 o'clock P. M., and upon call of the roll 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 Mathews moved that 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 Mathews and Johnson (6th)—

S. B. No. 38-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-two (42) 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.

Senator Mathews moved that the rules be waived and Senate Bill No. 38-XX(62) be placed on the Calendar of Bills on Second Reading, without reference.

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

Senator Mathews requested unanimous consent of the Senate to take up and consider Senate Bill No. 38-XX(62), out of its order.

Unanimous consent was granted, and—

S. B. No. 38-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-two (42) districts; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

Was taken up.

Senator Mathews moved that the rules be waived and

Senate Bill No. 38-XX(62) be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 38-XX(62) was read the second time in full.

Senator Mathews moved that the rules be further waived and Senate Bill No. 38-XX(62) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 38-XX(62) was read the third time in full.

Upon the passage of Senate Bill No. 38-XX(62) the roll was called and the vote was:

Yeas—32.

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

Nays—5.

Blank Herrell	Kelly	Ryan	Young
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So Senate Bill No. 38-XX(62) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Johnson (6th) moved that Senate Bill No. 28-XX(62) be recalled from the Secretary of the Senate as Ex Officio Engrossing Clerk of the Senate.

Which was agreed to and it was so ordered.

Senator Johnson (6th) moved that the Senate do now reconsider the vote by which Senate Bill No. 28-XX(62), as amended, passed the Senate, this day.

The President put the question: "Will the Senate reconsider the vote by which Senate Bill No. 28-XX(62), as amended, passed the Senate, this day?"

Which was agreed to by a two-thirds vote, so the Senate reconsidered the vote by which Senate Bill No. 28-XX(62), as amended, passed the Senate, this day.

The question recurred on the passage of Senate Bill No. 28-XX(62), as amended.

Pending roll call on the passage of Senate Bill No. 28-XX(62), as amended, Senator Johnson (6th) moved that the further consideration thereof be deferred.

Which was agreed to and it was so ordered.

Senator Hodges moved that the Senate stand in recess until 8:00 o'clock P. M.

Which was agreed to.

Thereupon the Senate stood in recess at 6:32 o'clock P. M.

The Senate was called to order by the President at 8:00 o'clock P. M., and upon call of the roll the following Senators answered to their names:

Mr. President	Connor	Gautier	Kelly
Askew	Covington	Gibson	McCarty
Barron	Cross	Herrell	Mapoles
Blank	Edwards	Hodges	Mathews
Boyd	Fraser	Johns	Melton
Bronson	Friday	Johnson (19th)	Parrish
Clarke	Galloway	Johnson (6th)	Pearce

Pope Ryan Williams (27th) Young
 Price Tucker Williams (4th)
 Roberts Whitaker

—37.

A quorum present.

Senator Hodges moved that the Senate revert to the consideration of messages from the House of Representatives.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received and read:

Tallahassee, Florida
 November 28, 1962

*The Honorable Wilson Carraway
 President of the Senate*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to concur in Senate Amendments No. 1 and No. 2 to—

By Messrs. Boyd of Manatee and O'Neill and Chappell of Marion—

H. J. R. No. 46-XX—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 and special election.

Which amendments read as follows:

Amendment No. 1—

In Section 3, line 4, page 2, following "member." insert the following: Nineteen (19) districts shall consist of the nineteen (19) most populous counties according to the latest federal decennial census. Twenty-three (23) districts shall be created from the remaining forty-eight (48) counties of the state.

Amendment No. 2—

Strike out Section 2 and insert in lieu thereof the following:

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 (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).

—and respectfully requests the President of the Senate to appoint a Conference Committee of three members of the Senate to confer with a like committee of the House to adjust the differences existing between the two Bodies on Senate Amendments to House Joint Resolution No. 46-XX. The Speaker of the House has appointed as a Conference Committee on the part of the House Messrs. Sweeny of Volusia, Stone of Escambia, and Chaires of Dixie.

Respectfully,
 LAMAR BLEDSOE
 Chief Clerk, House of Representatives

Senator Mathews moved that the request of the House of Representatives for the appointment of a Conference Committee, as contained in the foregoing message, be granted.

Which was agreed to.

The President appointed Senators Hodges, Mathews and Pope as the committee on the part of the Senate to confer with the like committee appointed on the part of the House of Representatives to adjust the differences existing between the Senate and the House of Representatives on the Senate Amendments to House Joint Resolution No. 46-XX.

Senator Johns moved that a Committee be appointed to escort Mr. Broward Williams to the rostrum of the Senate.

Which was agreed to and the President appointed Senators Johns, Johnson (19th) and Fraser as the Committee.

And Mr. Williams was escorted to the rostrum where he was presented with a certified copy of Senate Resolution No. 36-XX(62), unanimously adopted by the Senate on November 26, 1962, commemorating his years of faithful service to the State of Florida in the Office of the State Treasurer and Insurance Commissioner.

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 8:10 o'clock P. M.

The Senate was called to order by the President at 11:28 o'clock P. M., and upon call of the roll 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.

By permission the following report of the Conference Committee appointed to adjust the differences existing between the two Bodies on the Senate Amendments to House Joint Resolution No. 46-XX was received and read:

November 28, 1962

*The Honorable Wilson Carraway
 President of the Senate
 Tallahassee, Florida*

*The Honorable Mallory E. Horne
 Speaker of the House of Representatives
 Tallahassee, Florida*

Sirs:

Your Conference Committee appointed to adjust the differences between the two Houses on Senate Amendments to H. J. R. No. 46-XX respectfully reports that it is unable to agree on any compromise of their differences.

Respectfully submitted,

VERLE A. POPE
 RANDOLPH HODGES
 JOHN E. MATHEWS
 Conferees on the
 part of the Senate

HAL CHAIRES
 GEORGE STONE
 JAMES SWEENEY
 Conferees on the
 part of the House
 of Representatives

Whereupon the Conferees on the part of the Senate were discharged.

The Senate resumed the consideration of messages from the House of Representatives.

The following message from the House of Representatives was received and read:

Tallahassee, Florida
November 28, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has amended Senate Amendments No. 1 and No. 2 and has concurred in Senate Amendment No. 1, as amended by the House, and Senate Amendment No. 2, as amended by the House, by the required Constitutional three-fourths vote of all Members elected to the House of Representatives, to—

By Messrs. Boyd of Manatee and O'Neill and Chappell of Marion—

H. J. R. No. 46-XX—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 and special election.

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 called election as provided by Article XVII, Section 3 of the state Constitution:

That three-fourths 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.

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. Representation in the House of Represent-

tatives. The House of Representatives shall consist of 114 members which shall be apportioned by the legislature among the counties as follows: The most populous county shall have 8 representatives. The second most populous county shall have 6 representatives. The next three (3) most populous counties shall have 5 representatives each. The next five (5) most populous counties shall have 3 representatives each. The next 13 most populous counties shall have 2 representatives each. Each of the remaining counties shall have one (1) representative; provided, however, 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 legislature shall divide the state into forty-two (42) senatorial districts, each of which shall be represented in the senate by one (1) member. These districts shall be created 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-two (42).

No county shall be divided in creating a district and 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 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 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.

Which Senate Amendment No. 1 reads as follows:

In Section 3, line 4, page 2, following "member." insert the following: Nineteen (19) districts shall consist of the nineteen (19) most populous counties according to the latest federal decennial census. Twenty-three (23) districts shall be created from the remaining forty-eight (48) counties of the state.

—and which House Amendment to Senate Amendment No. 1 reads as follows:

Strike out the period at the end thereof and add the following: " , provided however, each district whose population according to the latest federal decennial census exceeds five hundred thousand (500,000) shall have two (2) members, and each district whose population exceeds one million (1,000,000) shall have three (3) members."

Which Senate Amendment No. 2 reads as follows:

Strike out Section 2 and insert in lieu thereof the following:

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).

—and which House Amendment to Senate Amendment No. 2 reads as follows:

Strike out Section 2 and insert the following in lieu thereof:

"Section 2. **Representation in the house of representatives.**—The House of Representatives shall consist of one hundred twenty (120) members to be apportioned among the counties as follows: The most populous county shall have nine (9) representatives. The second most populous county shall have six (6) representatives. The next three most populous counties shall have five (5) representatives each. The next four most populous counties shall have

four (4) representatives each. The next two most populous counties shall have three (3) representatives each. The next twelve counties shall have (2) representatives each. Each of the remaining counties shall have (1) representative. Provided, however, the first House of Representatives convening in regular session following the ratification of this amendment, shall consist of those representatives elected pursuant to the Constitution of 1885, as amended, and of such additional representatives as may be provided for herein when duly elected."

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

Senator Mathews moved that the Senate refuse to concur in the House Amendments to Senate Amendments Nos. 1 and 2 to House Joint Resolution No. 46-XX, and that the House of Representatives be respectfully requested to recede from its amendments and concur in the Senate amendments.

The motion was agreed to and the action of the Senate was ordered certified to the House of Representatives immediately.

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 11:36 o'clock P. M.

The Senate was called to order by the President at 11:59 o'clock P. M., and upon call of the roll 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.

The hour of 12:00 o'clock, Midnight, having arrived, the President sounded the gavel and declared the Senate in 1962 Extraordinary Session adjourned sine die.

CERTIFICATE

THIS IS TO CERTIFY that, as Secretary of the Senate of the State of Florida, at the Extraordinary Session of the Legislature of said State, November 9, 1962 to November 28, 1962, both dates inclusive, I have duly performed and completed the duties assigned me.

I FURTHER CERTIFY that, the foregoing pages numbered from 1 to 77, both inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida, in Extraordinary Session, November 9, 1962 to November 28, 1962, both dates inclusive.

In completing my work for the Extraordinary Session, I desire to extend to the Members and all Officers and Attaches of the Senate my sincere thanks for the many courtesies extended, and the splendid cooperation given me.

ROBT. W. DAVIS
Secretary of the Senate

Tallahassee, Florida
November 28, 1962