

EXTRA SESSION

JOURNAL OF THE SENATE

At an extra session of the Florida Legislature convened by proclamation of His Excellency, Haydon Burns, Governor of the State of Florida, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Saturday, June 5, 1965

In pursuance of the Proclamation of Honorable Haydon Burns, Governor of the State of Florida, the Senate met in Extra Session at 11:00 A. M., and was called to order by Senator James E. Connor, President of the Senate; the Secretary of the Senate, Edwin G. Fraser, the Sergeant At Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the Governor convening the Legislature in Extra Session was read as follows:

PROCLAMATION
STATE OF FLORIDA
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, it appears that the Florida Legislature convened in Regular Session on April 6, 1965, will be unable to make a proper apportionment of the Florida Legislature as required by Section 3, Article VII, of the Florida Constitution, and the Fourteenth Amendment of the United States Constitution, prior to its adjournment, and

WHEREAS, the responsibility for apportionment of the Florida Legislature is delegated to that body by the Florida Constitution and it is my desire to preserve to the elected representatives of the people of Florida this decision-making power, and

WHEREAS, it clearly appears that the Legislature must now either exercise its responsibility to fairly apportion prior to July 1, 1965, or relinquish to the Federal Courts that portion of our state sovereignty;

NOW, THEREFORE, I, Haydon Burns, as Governor of Florida, by virtue of the power and authority vested in me by Article IV, Section 8, and Article III, Section 2, of the Constitution of the State of Florida, do hereby convene the Legislature of the State of Florida in extra session at the Capital at 11:00 a.m. on June 5, 1965, for the sole and exclusive purpose of reapportioning the Florida Legislature.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capital, this 27th day of May, A. D. 1965.

HAYDON BURNS
Governor

ATTEST:

TOM ADAMS
Secretary of State

By direction of the President the roll was called and the following Senators were recorded present:

Senator Clayton W. Mapoles, Sr.—1st District
Senator Reubin O'D. Askew—2nd District
Senator John Angus McDonald—3rd District

Senator Robert Williams—4th District
Senator George G. Tapper—5th District
Senator Dewey M. Johnson—6th District
Senator Ben Hill Griffin, Jr.—7th District
Senator Wilson Carraway—8th District
Senator James E. Connor—9th District
Senator L. P. Gibson—10th District
Senator C. W. Young—11th District
Senator John M. McCarty—12th District
Senator Robert M. Haverfield—13th District
Senator Charley E. Johns—15th District
Senator Houston W. Roberts—17th District
Senator John E. Mathews, Jr.—18th District
Senator Beth Johnson—19th District
Senator Etter Usher—21st District
Senator Warren S. Henderson—22nd District
Senator S. D. Clarke—22ndX District
Senator Welborn Daniel—23rd District
Senator Dempsey J. Barron—25th District
Senator B. C. Pearce—26th District
Senator Doyle E. Carlton, Jr.—27th District
Senator Merrill P. Barber—29th District
Senator A. J. Ryan, Jr.—30th District
Senator Verle A. Pope—31st District
Senator J. Emory Cross—32nd District
Senator Irlo O. Bronson—33rd District
Senator Tom Whitaker, Jr.—34th District
Senator Jerry Thomas—35th District
Senator Ed H. Price, Jr.—36th District
Senator James R. Dressler—37th District
Senator D. D. Covington, Jr.—38th District
Senator Maurice McLaughlin—39th District
Senator Hayward H. Davis—40th District
Senator John M. Spottswood—41st District
Senator Mack N. Cleveland, Jr.—42nd District
Senator George L. Hollahan, Jr.—43rd District

39. A quorum present.

Prayer by Senator John M. McCarty of the 12th Senatorial District:

Direct us, O Lord, in all our doings with thy most gracious favor, and further us with thy continual help, that in all our works begun, continued and ended in thee, we may glorify thy holy name. And grant that, weary as we are as we approach the problems confronting us in this special session, we shall look unto thee for guidance and wisdom to attain our goal. Let friend disagree with friend in debate as an advocate of his own conviction without bitterness but restrain our emotions or tempers. Defend us from all error and let us live honestly in thy sight. Forgive us our sins and grant us thy mercy, we ask in thy name. Amen.

Excused: Senators Edwards, Friday, Gautier, Melton and Stratton.

On motion of Senator Williams that a Committee be appointed to wait upon the Governor and inform His Excellency that the Senate was ready to proceed with the business of the Extra Session, the President appointed Senators Williams, Johns and Johnson (6th). The Committee withdrew.

On motion of Senator Spottswood that a Committee be appointed to notify the House of Representatives that the Senate was ready to proceed with the business of the Extra Session, the President appointed Senators Spottswood, Thomas and Daniel. The Committee withdrew.

A Committee from the House of Representatives, composed of Representatives Crews of Baker, Turlington of Alachua, and Roberts of Palm Beach, appeared at the Bar of the Senate and notified the Body that the House of Representatives was duly organized in Extra Session and ready to proceed with the business of the Extra Session. The President expressed the appreciation of the Senate for the report and the Committee withdrew.

The Committee appointed to wait upon the Governor appeared at the Bar of the Senate and reported to the President that its duty had been performed. The Committee was thanked for its service and discharged.

The Committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed. The Committee was thanked for its service and discharged.

Senator Davis moved that the Rules of the Regular Session of 1965 be considered individually and adopted to govern the Senate during the present Extra Session.

On substitute motion of Senator Mathews, Rules 1 through 45 were adopted.

On motion of Senator Davis, Rule 46 as amended was adopted:

Rule 46. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment or motion to strike out and insert, and no motion or proposal on a subject different from that under consideration shall be admitted under color of amendment. Nothing herein shall prevent an amendment which strikes everything after the enacting clause and inserts, so long as it is germane to the subject under consideration.

The vote was:

Yeas—21.

Askew	Davis	Johnson (19th)	Thomas
Barron	Dressler	McCarty	Whitaker
Carlton	Griffin	Mathews	Young
Cleveland	Haverfield	Pope	
Covington	Henderson	Price	
Cross	Hollahan	Ryan	

Nays—18.

Mr. President	Daniel	McLaughlin	Tapper
Barber	Gibson	Mapoles	Usher
Bronson	Johns	Pearce	Williams
Carraway	Johnson (6th)	Roberts	
Clarke	McDonald	Spottswood	

On motion of Senator Williams, Rule 47 as amended was adopted:

Rule 47. When a question has been decided by the Senate,

any Senator voting with the prevailing side may, on the same Legislative day or the next Legislative day move a reconsideration thereof, and such motion may be made pending a motion to adjourn, and the making of such motion shall be in order though the time of adjournment has arrived or passed, and such motion shall be acted upon by the Senate on the day on which it is made and unless acted upon on said day it shall be considered abandoned; and if the Senate shall refuse to reconsider, or upon reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order, unless by unanimous consent.

Senator Mathews offered the following amendment to Rule 48 which was adopted:

On page 14, line 5, strike: "fifteen" and insert eighteen.

Senator Davis offered the following new Rule which was adopted:

Rule 48A. The President shall appoint a Committee on Legislative and Congressional Apportionment, which committee shall consist of eighteen (18) members, to which committee shall be referred all bills and resolutions on apportionment. In the event such committee does not act upon any bill referred to it within two (2) legislative days after reference, such bill shall be placed upon the calendar upon motion of any Senator.

On motion of Senator Mathews, Rules 49 and 50 were adopted.

On motion of Senator Davis, Rule 51 as amended was adopted:

Rule 51. Except as provided in Rule 48A, every bill or resolution referred to a committee, other than the Committee on Appropriations, shall be reported back within ten (10) days from the date of its reference, unless otherwise ordered by the Senate. Reports of committees on bills and joint resolutions shall be filed in triplicate.

On motion of Senator Davis, Rules 52 through 58 were adopted.

On motion of Senator Davis, Rule 59 as amended was adopted:

Rule 59. The Senate may resolve itself into a Committee of the Whole by an affirmative vote of a majority of those members of the Senate present.

The vote was:

Yeas—21.

Askew	Davis	Johnson (19th)	Thomas
Barron	Dressler	McCarty	Whitaker
Carlton	Griffin	Mathews	Young
Cleveland	Haverfield	Pope	
Covington	Henderson	Price	
Cross	Hollahan	Ryan	

Nays—17.

Mr. President	Daniel	McLaughlin	Tapper
Barber	Gibson	Mapoles	Usher
Bronson	Johns	Pearce	
Carraway	Johnson (6th)	Roberts	
Clarke	McDonald	Spottswood	

Senator Daniel offered the following new Rule which was adopted:

Rule 59A. The rule of debate of the Senate in session shall apply to the Senate sitting as a Committee of the Whole.

On motion of Senator Johnson (6th), Rules 60 through 70 were adopted.

On motion of Senator Johnson (6th), Rule 71 as amended was adopted:

Rule 71. Each Senatorial District shall be entitled to one attache but the appointment and selection of said attaches shall be determined by the Committee on Legislative Management and Population on the approval of the Senator of the District involved.

On motion of Senator Johnson (6th), Rules 72 through 95 were adopted.

The motion of Senator Covington that the Senate reconsider the vote by which the foregoing Rules were adopted to govern

the Senate during the present Extra Session failed. The vote was:

Yeas—12.

Barber	Clarke	Johnson (6th)	Spottswood
Bronson	Daniel	McLaughlin	Usher
Carraway	Johns	Mapoles	Williams

Nays—27.

Mr. President	Davis	Johnson (19th)	Roberts
Askew	Dressler	McCarty	Ryan
Barron	Gibson	McDonald	Tapper
Carlton	Griffin	Mathews	Thomas
Cleveland	Haverfield	Pearce	Whitaker
Covington	Henderson	Pope	Young
Cross	Hollahan	Price	

The President announced the appointment of the following Committees:

COMMITTEE ON LEGISLATIVE AND CONGRESSIONAL APPORTIONMENT

Senator Williams, Chairman; Senator Carraway, Vice Chairman; Senators Johnson (6th), Melton, Bronson, Barber, Hollahan, Carlton, Friday, Whitaker, Spottswood, Gautier, McLaughlin, Mathews, Pearce, Roberts, Usher and Johns.

COMMITTEE ON RULES AND CALENDAR

Senator Johnson (6th), Chairman; Senator Cross, Vice Chairman; Senators Friday, Gautier, Melton, Pearce, Pope, Spottswood, Williams, Johns, Roberts, Griffin, Bronson, Hollahan, Carraway, Barber and Tapper.

On motion of Senator Johnson (6th), it was agreed by two-thirds vote that when the Senate adjourns today it adjourn to reconvene at 3:00 P. M., June 8, 1965.

On motion of Senator Johnson (6th), the Senate stood adjourned at 12:23 P. M. until 3:00 P. M., June 8, 1965.