

SPECIAL SESSION

JOURNAL OF THE SENATE

Tuesday, January 10, 1967

The Senate was called to order by the President Pro Tempore at 9:30 A. M. The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Edwards	Horne	Spencer
Barron	Elrod	Johnson (19th)	Spottswood
Barrow	Fincher	Johnson (37th)	Stolzenburg
Boyd (15th)	Fisher	Knopke	Thomas
Boyd (28th)	Friday	McCarty	Weissenborn
Broxson	Gibson	Mathews	Whitaker
Chiles	Gong	Ott	Wilson
Covington	Greene	Poston	Young
Davis (5th)	Gregory	Ryan	
Davis (27th)	Gunter	Sayler	

46. A quorum present.

Excused: Senators Teague and Griffin.

Prayer by Senator William Dean Barrow of the Third Senatorial District:

Dear God, gathered as we are in the cathedral of your world we turn to you in prayer, thus quieting the clock of time. We find ourselves overwhelmed by your generosity and kindness.

Strolling across the beautiful rolling hills of your world in the misty wisps and crispness of a Florida's winter dawn this morning we were privileged to see your scheme of things begin anew, and there while meditating the events of many yesterdays, we became more aware than ever that your gift of life itself transcends all others and is paramount.

Father, we cannot, we do not ask of thee who has already given so very much, we humbly thank you from the depths of grateful hearts for each of life's many blessings, especially the knowledge and companionship of those we love and with whom we work, together with the blessing of life itself.

As we turn now to the affairs of man we pray only for wisdom and knowledge together with the strength and courage to do always that which is right as you give us the ability to know that which is right in order that we may better serve you and our fellow man. In Christ's name we pray. Amen.

The reading of the Journal was dispensed with.

The Journal of January 9 was corrected and approved as follows:

Page 1, column 1, counting from the bottom of the column, insert between lines 6 and 7 TOM ADAMS

Page 3, column 2, line 27, strike "7" and insert 15

On motion of Senator Whitaker, the Senate recessed at 9:37 A. M. until 10:37 A. M.

The President presiding.

The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Edwards	Horne	Spencer
Barron	Elrod	Johnson (19th)	Spottswood
Barrow	Fincher	Johnson (37th)	Stolzenburg
Boyd (15th)	Fisher	Knopke	Thomas
Boyd (28th)	Friday	McCarty	Weissenborn
Broxson	Gibson	Mathews	Whitaker
Chiles	Gong	Ott	Wilson
Covington	Greene	Poston	Young
Davis (5th)	Gregory	Ryan	
Davis (27th)	Gunter	Sayler	

46. A quorum present.

On motion of Senator Whitaker, the rules were waived by two-thirds vote and the Senate proceeded to the consideration of a Message from the House of Representatives.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message was read:

*The Honorable Verle A. Pope* January 9, 1967  
*President of the Senate*

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Turlington—

HCR 3-X(67)—A concurrent resolution providing that the House of Representatives and the Senate convene in joint session in the chamber of the House of Representatives at 3:00 P. M. January 9, 1967, to receive the Governor's Message on Constitutional Revision.

WHEREAS, His Excellency Claude R. Kirk, Jr., Governor of Florida, has expressed a desire to address the Legislature of Florida in joint session on this day, Monday, January 9, 1967; NOW THEREFORE,

*Be It Resolved by the House of Representatives, the Senate Concurring:*

That the House of Representatives and the Senate convene in joint session in the chamber of the House of Representatives at 3:00 P. M., this day, Monday, January 9, 1967, for the purpose of receiving the Governor's Message on Constitutional Revision.

—and requests the concurrence of the Senate therein.

Respectfully,  
ALLEN MORRIS  
Clerk, House of Representatives

HCR 3-X(67) contained in the above message, was read the first time in full.

Senator Whitaker offered the following amendment which was adopted:

Line 10, page 1, strike: "Monday, January 9, 1967;" and insert the following: Tuesday, January 10, 1967;

Senator Whitaker also offered the following amendment which was adopted:

Lines 16 and 17, page 1, strike: "3:00 p.m., this day, Monday, January 9, 1967," and insert the following: 11:00 A.M. Tuesday, January 10, 1967,

Senator Whitaker also offered the following amendment which was adopted:

In title, line 4, page 1, strike: "3:00 P.M., January 9, 1967," and insert the following: 11:00 A. M., January 10, 1967.

On motion of Senator Whitaker, the rules were waived by two-thirds vote, HCR 3-X(67), as amended, was read the second time in full and adopted. The vote was: Yeas—44. Nays—None.

Mr. President	Covington	Friday	Johnson (37th)
Askew	Davis (5th)	Gibson	Knopke
Bafalis	Davis (27th)	Gong	McCarty
Barron	Deeb	Greene	Mathews
Barrow	de la Parte	Gunter	Ott
Boyd (15th)	Edwards	Haverfield	Poston
Boyd (28th)	Elrod	Hollahan	Ryan
Broxson	Fincher	Horne	Sayler
Chiles	Fisher	Johnson (19th)	Shevin

Slade	Spottswood	Thomas	Wilson
Spencer	Stolzenburg	Whitaker	Young

On motion of Senator Whitaker, the rules were waived by two-thirds vote and the Concurrent Resolution was certified to the House immediately.

Pursuant to HCR 3-X(67) the Senate formed in processional order and marched in a body to the chamber of the House of Representatives, with the President of the Senate leading, who was preceded by the Secretary of the Senate, the way being opened to the chamber of the House of Representatives by the Sergeant At Arms of the Senate. The Senate was received in due form.

Honorable Ralph D. Turlington, Speaker of the House of Representatives, invited the President of the Senate to the rostrum, and requested the President to preside over the joint session.

**The President in the Chair.**

The Clerk called the roll of the House of Representatives and the following members were recorded present:

Mr. Speaker	De Young	Kennelly	Reeves
Allgood	Dubbin	Klassen	Register
Alvarez	Ducker	Land	Robinson
Andrews	Eddy	Lewis	Rowell
Arnold	Elmore	Mann	Rude
Ashler	Featherstone	Martinez	Rust
Baker	Fee	Matthews	Ryals
Beck	Firestone	Mattox	Sackett
Bell	Fleece	McDonald, T. S.	Savage
Bird	Fortune	Middlemas	Scarborough
Blalock	Fulford	Miers	Schultz
Brake	Gallen	Mitchell	Shaw
Brantley	Gautier	Murphy	Singleton
Brasher	Gillespie	Myers	Smith, K.
Briggs	Graham	Nichols	Smith, S. C.
Brower	Grange	Ninos	Spicola
Campbell	Griffin, B.	Osborne	Stafford
Clark	Griffin, J. J., Jr.	Papy	Stallings
Cleveland	Grizzle	Pettigrew	Sweeny
Collins	Harris	Poorbaugh	Tucker
Condon	Hartnett	Pratt	Tyre
Conway	Hector	Prominski	Walker
Crabtree	Henderson	Pruitt	Wells
Craig	Hodes	Rainey	Whitson
Cramer	Holloway	Randell	Williams
Crider	Humphrey	Redman	Wolfson
D'Alemberte	Inman	Reed	Yarborough
Danahy	Karst	Reedy	

111. A quorum present.

The Secretary of the Senate called the roll of the Senate and the following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Edwards	Horne	Spencer
Barron	Elrod	Johnson (19th)	Spottswood
Barrow	Fincher	Johnson (37th)	Stolzenburg
Boyd (15th)	Fisher	Knopke	Thomas
Boyd (28th)	Friday	McCarty	Weissenborn
Broxson	Gibson	Mathews	Whitaker
Chiles	Gong	Ott	Wilson
Covington	Greene	Poston	Young
Davis (5th)	Gregory	Ryan	
Davis (27th)	Gunter	Sayler	

46. A quorum present.

The President announced a quorum of the Joint Session present.

Prayer by Dr. Fred T. Laughon, Jr. Pastor of the First Baptist Church of Gainesville.

On motion of Representative Rowell that a Committee be appointed to notify the Governor that the Senate and the House of Representatives were assembled in joint session and ready to receive His Excellency's message, the President appointed Senators Fisher, Sayler and Deeb on the part of the Senate, and the Speaker appointed Representatives Savage, Ashler and Bell on the part of the House of Representatives. The Committee withdrew.

The Committee appointed to wait upon the Governor reappeared in the Hall of the House of Representatives, escorting His Excellency, Claude R. Kirk, Jr., Governor of Florida.

The Governor was received by the Joint Assembly standing, and was escorted to the rostrum.

The President presented Governor Kirk who delivered his message to the Joint Assembly.

Following the Governor's address, the Committee previously appointed escorted the Governor from the rostrum and from the House Chamber.

On motion of Senator Whitaker, the Senate withdrew from the Joint Assembly and resumed its Session at 11:37 A. M. The following Senators were recorded present:

Mr. President	Deeb	Haverfield	Shevin
Askew	de la Parte	Hollahan	Slade
Bafalis	Edwards	Horne	Spencer
Barron	Elrod	Johnson (19th)	Spottswood
Barrow	Fincher	Johnson (37th)	Stolzenburg
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Chiles	Gong	Ott	Wilson
Covington	Greene	Poston	Young
Davis (5th)	Gregory	Ryan	
Davis (27th)	Gunter	Sayler	

46. A quorum present.

On motion of Senator Whitaker, the rules were waived by two-thirds vote and the Senate proceeded to the order of Introduction of Bills.

**INTRODUCTION**

By Senators Hollahan, Haverfield, Spottswood, Weissenborn, Poston, Shevin, Fincher and Gong—

**SCR 3-X(67)—A concurrent resolution relating to reapportionment; proposing that the Legislature now convened in extra session be authorized to consider matters of reapportionment in addition to constitutional revision.**

WHEREAS, The Florida Legislature is now convened in special session pursuant to the call of the Governor under authority of Article IV, Section 8 of the Florida Constitution for the purpose of considering matters relating to constitutional revision, and

WHEREAS, the Supreme Court of the United States on January 9, 1967, reversed the opinion of the three-judge Federal District Court for the Southern District of Florida in the case of Swann v. Adams which upheld the constitutionality of HB 17-X(66) enacted on March 9, 1966, of the legislative reapportionment act under which the present legislature was elected, and

WHEREAS, it appears that the Supreme Court of the United States has returned Swann v. Adams and the proposed reapportionment plan there involved back to the Federal District Court for whatever action that may be consistent with the opinion and decision of the United States Supreme Court, and

WHEREAS, the legislature recognizes that the Supreme Court of the United States has assumed the paramount power in matters of legislative reapportionment but further recognizes the paramount responsibility in matters of reapportionment rests with the Legislature of Florida, and

WHEREAS, it is recognized that it would not be in the public interest for the legislature to proceed with the work of constitutional revision to the exclusion of all else in the light of the recent decision of the United States Supreme Court, and

WHEREAS, the legislature recognizes that while constitutional revision is vital, the need for a state reapportionment plan acceptable to the federal judiciary as well as the people of Florida is urgent, and

WHEREAS, in realization that the cost of a legislative session is great and that the probability of expensive elections is evident, this legislature deems it essential to first consider that

order of business which has been made paramount by the latest opinion of the United States Supreme Court, and that which can be appropriately and effectively accomplished during this session, and

WHEREAS, it is further recognized that a re-examination of the problems of reapportionment, in open debate upon the floor of the House and Senate may provide a forum for clarifying and explaining the variations existing in HB 17-X (66) from a pure population standard, and

WHEREAS, the legislature is willing to take whatever steps are necessary to meet the requirements of the federal constitution in matters of reapportionment, and NOW, THEREFORE,

*Be it resolved by the Senate of the State of Florida, The House of Representatives concurring:*

That by a two-thirds vote of each house, the Legislature does determine that it may consider matters relating to reapportionment of the Legislature during the presently called extra session of the Legislature, in addition to the particular matter for which it has been convened by the Governor of Florida.

Was read the first time in full and referred to the Committee on Rules and Calendar.

On motion of Senator Whitaker, the Senate stood adjourned at 11:40 A. M. until 10:00 A. M., January 11, 1967.