

## SPECIAL SESSION

# JOURNAL OF THE SENATE

Wednesday, January 18, 1967

The Senate was called to order by the President at 11:00 A. M. The following Senators were recorded present:

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

48. A quorum present.

Prayer by Senator D. D. Covington, Jr. of the Sixteenth Senatorial District:

Almighty God, we give thee most humble and hearty thanks for thy goodness and mercy to us. We thank thee for all the blessings of this life and for the new wisdom and fresh understanding bestowed upon us which dispelled the dark cloud of dissention and doubt under which we have been laboring. We pray that thou wouldst defend us from all future error and show to us who are in error the light of thy truth that we may ever serve thee and thy people in a manner acceptable unto thee. Amen.

The reading of the Journal was dispensed with.

The Journal of January 17 was corrected and approved as follows:

Page 31, column 1, line 19, counting from the bottom of the column, strike "House of Representatives" and insert Legislature

Page 32, column 2, line 28, counting from the bottom of the column, strike "7" and insert 6

Page 32, column 2, line 1, counting from the bottom of the column, strike "437" and insert 463

### REPORT OF COMMITTEE

The Committee on Apportionment, Resolutions and Memorials recommends the following pass:

SJR 9-X(67)

The Joint Resolution was placed on the Calendar.

### ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SCR 10-X(67) with 2 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

EDWIN G. FRASER  
Secretary of the Senate

The bill was certified to the House immediately.

On motion of Senator Mathews, the rules were waived by two-thirds vote and the Senate proceeded to the consideration of Senate bills on second reading.

### SENATE BILLS ON SECOND READING

SJR 9-X(67)—A joint resolution proposing an amendment to article VII of the constitution of Florida by amending the same to provide for the legislature of the state of Florida to consist of a senate and a house of representatives; requiring

submission of any apportionment or reapportionment plan to the supreme court of the state of Florida; providing for legislative apportionment; providing for census.

Was taken up and read the second time in full.

Senator Mathews offered the following amendment which was adopted:

In Section 3 (a), line 2, page 2, strike: "second"

Senator Elrod offered the following amendment which failed:

In Section 3, line 14, page 2, strike: "less than forty nor"

Senator Spottswood offered the following amendment:

In Section 3, lines 4-10, page 4, strike all of subsection (f), lines 4 through 10

Senator Shevin presiding.

Senator Barrow presiding.

The President presiding.

Senator Spencer offered the following substitute amendment which was adopted:

In Section 3, line 61, page 4, strike: the words "made is" and insert the following: made by a record extraordinary apportionment session

The vote was:

Yeas—24

|             |            |                |             |
|-------------|------------|----------------|-------------|
| Bafalis     | Elrod      | Horne          | Spottswood  |
| Barrow      | Fincher    | Johnson (37th) | Stolzenburg |
| Boyd (28th) | Gong       | Knopke         | Thomas      |
| Chiles      | Griffin    | Ryan           | Weissenborn |
| Davis (5th) | Haverfield | Slade          | Wilson      |
| Deeb        | Hollahan   | Spencer        | Young       |

Nays—21

|               |             |                |          |
|---------------|-------------|----------------|----------|
| Mr. President | de la Parte | Gunter         | Shevin   |
| Askew         | Edwards     | Johnson (19th) | Teague   |
| Barron        | Fisher      | McCarty        | Whitaker |
| Boyd (15th)   | Friday      | Mathews        |          |
| Broxson       | Greene      | Ott            |          |
| Davis (27th)  | Gregory     | Saylor         |          |

Senator Spottswood offered the following amendment which failed:

In Section 3, line 27, page 2, strike: all of subsection (b) line 1 through 9—

Senator Spencer offered the following amendment which was adopted:

In Section 3, lines 41 and 42, page 3, strike the words "by the legislature" and insert the following: by a regular, special, or first extraordinary session of the legislature

On motion of Senator Mathews, the rules were waived by two-thirds vote and SJR 9-X(67), as amended, was read the third time in full, as follows:

SJR 9-X(67)—A joint resolution proposing an amendment to article VII of the constitution of Florida by amending the same to provide for the legislature of the state of Florida to consist of a senate and a house of representatives; requiring submission of any apportionment or reapportionment plan to the supreme court of the state of Florida; providing for legislative apportionment; providing for census.

*Be It Resolved by the Legislature of the State of Florida:*

That article VII of the constitution of Florida be amended

as set forth below and that said amendment be submitted to the electors of Florida for ratification or rejection at a special election to be held under authority of section 3 of article XVII of the constitution of Florida on November 7, 1967; that three-fourths ( $\frac{3}{4}$ 's) of the members of the legislature does determine that an emergency exists requiring an early decision by the electors of this state:

**Section 1. Composition.**—The legislative power of the state shall be vested in a legislature of the state of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

**Section 2. Terms and qualifications of legislators.**—

(a) **Senators.** Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four.

(b) **Representatives.** Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) **Qualifications.** Each legislator shall be at least twenty-one years of age and an elector and resident of the district from which elected.

(d) **Assuming office—vacancies.** Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

**Section 3. Legislative apportionment.**—

(a) **Senatorial and representative districts.** The legislature at its regular session in the year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than forty nor more than fifty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **Failure of legislature to apportion—judicial apportionment.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. Not later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) **Judicial review of apportionment.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **Effect of decree in apportionment—extraordinary apportionment session.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by a regular, special, or first extraordinary session of the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **Extraordinary apportionment session—review of apportionment.** Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Con-

sideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) **Judicial reapportionment.** Should an extraordinary apportionment session fail to adopt a resolution of apportionment made by a second extraordinary apportionment session invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

**Section 4.** 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 passed, as amended, by the required Constitutional three-fourths vote of all members elected to the Senate. The vote was:

Yeas—40

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

Nays—7

|         |         |            |        |
|---------|---------|------------|--------|
| Bafalis | Edwards | Griffin    | Thomas |
| Barrow  | Gong    | Spottswood |        |

The Joint Resolution was ordered engrossed.

On motion of Senator Mathews, SJR 9-X(67) was ordered certified to the House immediately after being engrossed.

#### ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SJR 9-X(67) with 3 amendments

—reports that the Senate amendments have been incorporated and the bill is returned herewith.

EDWIN G. FRASER  
Secretary of the Senate

The bill was certified to the House immediately.

On motion of Senator Whitaker, the Senate recessed at 1:53 P. M. until 3:30 P. M.

**The President presiding.**

The following Senators were recorded present:

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

48. A quorum present.

On motion of Senator Whitaker, the Senate went into Executive Session at 3:31 P. M. On emerging therefrom at 4:43 P. M., the roll was called and the following Senators were recorded present:

|               |             |              |         |
|---------------|-------------|--------------|---------|
| Mr. President | Boyd (15th) | Davis (5th)  | Elrod   |
| Askew         | Boyd (28th) | Davis (27th) | Fincher |
| Bafalis       | Broxson     | Deeb         | Fisher  |
| Barron        | Chiles      | de la Parte  | Friday  |
| Barrow        | Covington   | Edwards      | Gibson  |

|            |                |            |             |
|------------|----------------|------------|-------------|
| Gong       | Horne          | Poston     | Stolzenburg |
| Greene     | Johnson (19th) | Ryan       | Teague      |
| Gregory    | Johnson (37th) | Sayler     | Thomas      |
| Griffin    | Knopke         | Shevin     | Weissenborn |
| Gunter     | McCarty        | Slade      | Whitaker    |
| Haverfield | Mathews        | Spencer    | Wilson      |
| Hollahan   | Ott            | Spottswood | Young       |

Donald R. Crane, Jr., St. Petersburg, First Road District, for a term ending on the first Tuesday after the first Monday in January 1971.

Henry R. Gonzalez, Jacksonville, Second Road District, for a term ending on the first Tuesday after the first Monday in January 1971.

James W. Lee, Crestview, Third Road District, for a term ending on the first Tuesday after the first Monday in January 1971.

Michael O. O'Neil, Miami, Fourth Road District, for a term ending on the first Tuesday after the first Monday in January 1971.

Willard Peebles, Wildwood, Fifth Road District, for a term ending on the first Tuesday after the first Monday in January 1971.

The Senate in Executive Session, upon the recommendation of the Governor, removed from office:

James Mullins, Notary Public, State of Florida at Large.

Robert F. Hatfield, Notary Public, State of Florida at Large.

Daniel P. Diaz, Notary Public, State of Florida at Large.

John T. Graham, County Judge of Sarasota County, Florida.

48. A quorum present.

The President Pro Tempore presiding.

On motion of Senator Whitaker, the Senate stood adjourned at 5:04 P. M. until 10:00 A. M., January 19, 1967.

**EXECUTIVE SESSION ANNOUNCEMENTS**

The Senate in Executive Session on Wednesday, January 18, 1967, advised and consented to the following appointments made by the Governor:

Charles W. Rex, Jr., Orlando, Member and Chairman of the Florida State Turnpike Authority, Fifth Congressional District, for term ending January 10, 1970.

**State Road Board**

Jay W. Brown, Tallahassee, State at Large, for a term ending on the first Tuesday after the first Monday in January 1971.